

# Committee of Adjustment Application for Consent



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <b>Sept. 26/23</b>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>B-19/23</b>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?      Yes       No

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.*

### PROPERTY INFORMATION:

Address of Property: 225 and 229 Paisley Street, Guelph, Ontario [as further set out in Section 1, Schedule "A"]

Legal description of property (registered plan number and lot number or other legal description):

Please see Section 1 in Schedule "A"

Are there any easements, rights-of-ways or restrictive covenants affecting the subject land?       No       Yes

If yes, describe: Please see Section 2 in Schedule "A"

Are the lands subject to any mortgages, easements, right-of-ways or other charges:       No       Yes

If yes, explain: Please see Section 3 in Schedule "A"

**OWNER(S) OR PURCHASER(S) OF LAND:** (Indicate name(s) exactly as shown on Transfer/Deed. If purchaser(s), a portion of the Purchase and Sale agreement that authorizes the purchaser(s) to make this application must be submitted.)

Name: Please see Section 4 in Schedule "A"

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### AGENT: (If Any)

Name: Carrie Levitt

Company: Torkin Manes LLP

Mailing Address: 1500-151 Yonge Street

City: Toronto

Postal Code: M5C 2W7

Home Phone: 514-222-3108

Work Phone: 416-594-4487

Email: clevitt@torkinmanes.com





**Is the subject land within an area of land designated under any other provincial plan or plans?**  YES  NO

If yes, indicate which plan(s) and provide explanation:

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**HISTORY OF SUBJECT LAND**

**Has the subject land ever been the subject of:**

a) An application for approval of a Plan of Subdivision under section 51 of the *Planning Act*?  YES  NO

If yes, provide the following:

File No.: \_\_\_\_\_ Status: \_\_\_\_\_

b) An application for Consent under section 53 of the *Planning Act*?  YES  NO

If yes, provide the following:

File No.: \_\_\_\_\_ Status: \_\_\_\_\_

Is this application a resubmission of a previous application?  YES  NO

If yes, please provide previous file number and describe how this application has changed from the original application:

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Has any land been severed from the parcel originally acquired by the owner of the subject land?  YES  NO

If yes, provide transferee's name(s), date of transfer, and uses of the severed land:

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**IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?**

	No	Yes	File Number and File Status
Official Plan Amendment	X		_____
Zoning By-law Amendment	X		_____
Plan of Subdivision	X		_____
Site Plan	X		_____
Building Permit	X		_____
Minor Variance	X		_____
Previous Minor Variance Application	X		_____
Minister's Zoning Order	X		_____

**Committee of Adjustment Fee(s):**

Following the submission of this form, Committee of Adjustment staff will contact you to complete the required fee payment and that until such time that the fee is received, the application will not be complete and will not be processed. For the application fee and the fee refund policy, please visit the [Committee of Adjustment fees](#) page.

Should the subject lands be within an area of interest to the [Grand River Conservation Authority](#) (GRCA), a further fee may be required for GRCA comments. Any municipal agreement required as a condition of consent approval will be subject to a fee of \$428.00 plus HST and applicable search and registration costs. For fees related to permits issued by Building Services, please visit the [Building Services page](#). For information on any other additional user fees, please visit the [2023 User Fee Guide](#).

I, the undersigned, have read and understood the statements above and understand that following the submission of this online form, Committee of Adjustment staff will contact me to complete the required fee payment.

**Municipal Freedom of Information:**

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide their consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by the owner/purchaser/authorized agent, consultants and solicitors, will be part of the public record and will also be available to the general public. Therefore, information on this application and any supporting documentation provided by the owner/purchaser/authorized agent, consultants and solicitors, will be **posted online** and available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at [privacy@guelph.ca](mailto:privacy@guelph.ca) or 519-822-1260 ext. 2349.

By signing below, you understand and provide your consent, that personal information, as defined by Section 2 of the MFIPPA is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA.


**Permission to enter the site:**

By signing below, the owner, purchaser or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

**Posting of advisory sign:**

This will confirm the requirement that a sign be posted on the subject land. I, the undersigned, understand that each sign must be posted at least 14 days before the scheduled hearing of my application and be replaced, if necessary, until the day following the hearing.

DocuSigned by:



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**MICHAEL DANIEL BALLA WINTERS**

Signature of Owner, Purchaser or Authorized Agent

DocuSigned by:



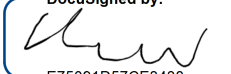
467AC39E63DA4A6

**TIA KRISTINA GRAHAM-WINTERS**

Signature of Owner, Purchaser or Authorized Agent

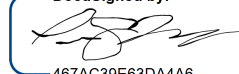
**AFFIDAVIT**

I/We, MICHAEL DANIEL BALLA WINTERS and TIA KRISTINA GRAHAM-WINTERS, of the City/Town of Guelph in County/Regional Municipality of \_\_\_\_\_, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DocuSigned by:  


MICHAEL DANIEL BALLA WINTERS

Signature of Owner, Purchaser or Authorized Agent

DocuSigned by:  


TIA KRISTINA GRAHAM-WINTERS

Signature of Owner, Purchaser or Authorized Agent

**NOTE: The signature of the owner, purchaser or authorized agent must be witnessed by a Commissioner. A Commissioner is available by scheduling a virtual or in-person appointment with Committee of Adjustment staff.**

Declared before me at the

City \_\_\_\_\_ of Toronto \_\_\_\_\_ in the County/Regional Municipality of \_\_\_\_\_  
(city or town)

\_\_\_\_\_ this 15th day of September, 2023.

*Carrie Levitt*

\_\_\_\_\_  
Commissioner of Oaths

(official stamp of Commissioner of Oaths)

**APPOINTMENT AND AUTHORIZATION**

I / We, the undersigned,

MICHAEL DANIEL BALLA WINTERS and TIA KRISTINA GRAHAM-WINTERS

[Organization name / property owner(s) / purchaser name(s)]

being the registered property owner(s) or purchaser(s) of

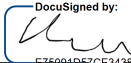
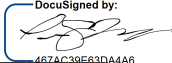
229 Paisley Street, Guelph, Ontario N1H 2P5

(Legal description and/or municipal address)

hereby authorize Carrie Levitt (Torkin Manes LLP)  
(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 15th day of September 2023.

MICHAEL DANIEL BALLA WINTERS  TIA KRISTINA GRAHAM-WINTERS   
(Signature of the property owner or purchaser of land) (Signature of the property owner or purchaser or land)

**NOTES:**

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

## SCHEDULE "A" TO CONSENT APPLICATION

### 1. PROPERTY INFORMATION:

#### Servient Lands

**Owner:** Suzan Marie Bell

**Municipal Address:** 225 Paisley Street, Guelph, Ontario N1H 2P5

**Legal Description:** PT LOTS 5, NORTH OF PAISLEY STREET & 5, SOUTH OF OXFORD ST, PLAN 29, AS IN ROS558365; GUELPH; SUBJECT TO AN EASEMENT OVER PT1,61R22258 IN FAVOUR OF PT LOT 4 NORTH OF PAISLEY ST AS IN WC695001

**Parcel No.:** 71290-0112

#### Dominant Lands

**Owner:** Michael Daniel Balla Winters and Tia Kristina Graham-Winters

**Municipal Address:** 229 Paisley Street, Guelph, Ontario N1H 2P5

**Legal Description:** PT LOTS 4, NORTH OF PAISLEY STREET & 4, SOUTH OF OXFORD ST, PLAN 29 , AS IN ROS593819 ; GUELPH; TOGETHER WITH AN EASEMENT OVER PT LOT 5 NORTH OF PAISLEY ST, PLAN 29 DESIGNATED AS PT 1 ON 61R22258 AS IN WC95001

**Parcel No.:** 71290-0111

### 2. EASEMENTS

The Servient Lands is subject to an easement over those portions of the Servient Lands designated as Part 1 on Plan 61R22258 in favor of the Dominant Lands.

### 3. MORTGAGES

The Servient Lands is subject to an encumbrance in favor of the Royal Bank of Canada, registered on title to the Servient Lands as Instrument No. WC585253. The Dominant Lands is subject to an encumbrance in favor of the Toronto-Dominion Bank, registered on title to the Dominant Lands as Instrument No. WC637212.

The mortgagees holding the above noted mortgages have both granted their consent with respect to the registration of the Easement.

### 4. OWNER INFORMATION

For Servient Land Owner, Suzan Marie Bell:

Mailing Address: 225 Paisley Street, Guelph, Ontario N1H 2P5

Phone: 226-203-4227

Email: [suzan.bell@live.com](mailto:suzan.bell@live.com)

For Dominant Land Owners, Michael Daniel Balla Winters and Tia Kristina Graham-Winter:

Mailing Address: 229 Paisley Street, Guelph, Ontario N1H 2P5

Phone: 519-498-9251

Email: [mkwnters@gmail.com](mailto:mkwnters@gmail.com)

August 21, 2023

**Delivered Via E-Mail to [cofa@guelph.ca](mailto:cofa@guelph.ca)**

Committee of Adjustment  
City Hall  
1 Carden Street  
Guelph, Ontario  
N1H 3A1

**Attention: Secretary Treasurer**

Dear Sirs/Mesdames:

Re: Application for consent to an easement in perpetuity over those lands municipally known as 225 Paisley Street, Guelph, Ontario ("**Servient Lands**") in favor of those lands municipally known as 229 Paisley Street, Guelph, Ontario ("**Dominant Lands**")

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I, Suzan Marie Bell, of the City of Guelph, hereby confirm that I am the owner of the Servient Lands. I am writing this letter of support for the purpose of providing my consent with respect to the granting of the above noted easement in perpetuity. I acknowledge and agree that this easement will run with the Servient Lands in favor of the Dominant Lands and will burden the Servient Lands and bind myself and my successors and assigns in interest in accordance with the terms therein.

Sincerely,

Suzan Marie Bell

DocuSigned by:  


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Witness: E.J. Stross

DocuSigned by:  


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Suzan Marie Bell