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Our File No: 17691-223

September 15, 2023

Delivered Via E-Mail to 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**”)

We act as counsel for Michael Daniel Balla Winters and Tia Kristina Graham-Winters (collectively “**Grantee**”), being the registered owners of the Dominant Lands. Suzan Marie Bell (“**Grantor**”) is the owner of the Servient Lands, which adjoin the Dominant Lands. The Servient Land and the Dominant Lands are residential dwellings and are both zoned as Low Density Residential 1 (RL.1).

BACKGROUND

The Grantee purchased the Dominant Lands on June 27, 2013. Thereafter, a new plan of survey with respect to the Dominant Lands was prepared and it was discovered that a portion of the driveway used by the Grantee to access the Dominant Lands encroached onto a portion of the Servient Lands. The Grantor and the Grantee entered into an agreement whereby the Grantor would grant an easement in perpetuity over a portion of the Servient Lands in favor of the Grantee and its successors in title for the purpose of accessing the Dominant Lands (“**Easement**”). The Easement has been registered on title to the Dominant Lands and the Servient Lands as Instrument No. WC695001.

REQUEST

The Grantee requests the Committee of Adjustments of the City of Guelph to grant its consent to the Easement in accordance with Section 50(3) of the *Planning Act* (Ontario). Enclosed in this regard are the following:

1. Application for consent together with Schedule “A” attached thereto;

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2. Registered Plan of Survey 61R-22258;
3. Copy of Defined Area Map 24 showing the location of the Dominant Lands and Servient Lands under the City of Guelph By-Law (1995) -14864 as amended by By-Law (2018) – 20294;
4. Parcel register 71290-0111 (Dominant Lands) and 71290-0112 (Servient Lands);
5. Registered Easement No. WC695001;
6. Consent issued by the Grantor with respect to this request for an easement in perpetuity;

Please process this application at your earliest convenience so that we may attend at the next Committee of Adjustment meeting.

Yours truly,

TORKIN MANES LLP

Per:

Carrie Levitt

Carrie A. Levitt
CL/sz

Enclosure