

DECISION

Committee of Adjustment Application Number B-15/22

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land:

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Range 1, Division F, currently known as 40 Spring Street, a parcel with an area of 140 square metres, as a lot addition to Part of Lot 10, Concession 1, Division F, currently known as 32 Spring Street, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. date August 29, 2022, project number 31533-22, be **approved**, subject to the following conditions:

1. That upon the registration of the Certificate of Official and Application to Consolidate, an amending by-law be passed by City Council and registered on title by the City to remove the severed lands from the heritage by-law registered as By-law Number (2004)-17606, at the sole expense of the Owner, at the discretion of the City and to the satisfaction of the City Solicitor.
2. That a Building Permit be applied for and issued for the existing hot tub at 32 Spring Street.
3. That a Building Permit be applied for and issued for the existing additional residential dwelling unit located in the basement and it be registered with the City as per the Additional Residential Dwelling Units Bylaw or it be removed to the satisfaction of the Building Services.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
7. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
8. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable],

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whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.

9. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of two (2) years from the giving of the Notice of Decision to fulfill all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused. Deadline to fulfill conditions: September 14, 2024.

DocuSigned by:
David Kendrick
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D. Kendrick

DocuSigned by:
J. Smith
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J. Smith

DocuSigned by:
Michelle Allison
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M. Allison

Members of the Committee of Adjustment concurring in the decision:

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S. Dijkstra
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S. Dijkstra

ABSENT

K. Hamilton

DocuSigned by:
Katie Meads
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K. Meads

I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on September 8, 2022.

Dated: September 14, 2022

Signed: *Trista Di Lullo*
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The last day on which a Notice of Appeal to the Ontario Land Tribunal may be filed is October 4, 2022.

Committee of Adjustment
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