

**Application Number
B-8/00**

**CITY OF GUELPH
Committee of Adjustment
59 Carden Street
Guelph, Ontario. N1H 3A1
(519) 837-5615**

The Committee, having had regard to the matters that are to be had regard to under Sections 51(17) 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, passed the following resolution

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, consent for severance of Part of Lot 19, Registered Plan 468 [Part 3], being part of the lands municipally known as 100 Fleming Road, a parcel with a width of 30.496 metres and a depth of 91.354 metres, as a lot addition to a future plan of subdivision, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That prior to the endorsation of the deeds, the applicant shall have an Ontario Land Surveyor show the location of the existing wells, septic tanks and tile beds, relevant to the existing and proposed property lines.
4. That prior to the endorsation of the deeds, the applicant shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the wells, septic tanks and tile beds are located in accordance with all appropriate regulations.
5. That prior to the endorsation of the deeds, the owner and any mortgagees shall enter into an agreement with the City, registered on title of the retained lands, satisfactory to the City Solicitor, concerning the following:-
 - a) that the owner shall pay to the City the actual cost of constructing municipal services including sanitary sewers, watermains, storm sewers, catchbasins, storm water management systems, service laterals, hydrants, sidewalks and road complete with granular base, asphalt pavement and curb and gutter on Fleming Road abutting the retained lands;
 - b) that the owner shall pay to the City the estimated cost of constructing the municipal services outlined above within sixty (60) days of the City stating that it intends to commence the construction of the municipal services;
 - c) that the owner shall connect the existing buildings to the municipal sanitary sewer and watermain within sixty (60) days of the service being available.

DECISION

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6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 21, 2001.
7. That all required fees and charges in respect of the registration of all documents required in respect of this approval be paid, prior to the endorsement of the deed.
8. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
9. That a Reference Plan be prepared which shall indicate the boundaries of the severed parcel, any easements/right-of-way and building locations, and that this Plan shall be deposited in the Land Registry Office and a deposited copy thereof be also filed with the Secretary-Treasurer."

Members of Committee Concurring in this Decision

I, Kimberli Fairfull, 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 meeting held on January 18, 2000.

Signed:

Dated on: January 21, 2000

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is February 10, 2000.