

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-20/16



The Committee, having had regard to the matters under Section 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 property 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, c.P13, as amended, consent for severance of Part Lot 4 of Registered Plan 766, Reference Plan 61R-20365, Part of Parts 5, 6 and 7 (proposed "area to be severed" as shown on a sketch prepared by MTE Ontario Land Surveys Ltd., dated May 20, 2016, file no. 00309-201-SV1(S)), municipally known as 67 Kirkby Court, an irregularly shaped parcel with frontage along Kirkby Court of 20.2 metres, a depth of 202.5 metres, and an area of 4,046.9 square metres, as a lot addition to Part Lot 4 of Registered Plan 766, Reference Plan 61R-20365, Part 7, municipally known as 405 Laird Road, along with an irregularly shaped easement with an area 521.9 square metres, for the maintenance of a storm sewer in favour of MacKinnon Transport Inc. (Part of Lot 4, Registered Plan 766, Part 5 of Reference Plan 61R-20365), be **APPROVED**, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting property 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 the servient tenement lands, 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365), grants an easement approximately 6.0-metres (19.69 feet) wide by a depth of approximately 11.00-metres (36.09 feet); and approximately 6.0-metres (19.69 feet) wide by a depth of approximately 41.00-metres (134.51 feet) and a depth of approximately 53.00-metres (173.88 feet) over Part 5, Reference Plan 61R-20365, in perpetuity, registered on title, in favour of the dominant tenement lands, 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365), for the maintenance of a storm sewer, prior to endorsonation of the deeds or within one (1) year of the consent, whichever occurs first.
4. That prior to endorsonation of the deeds, the solicitor for the owner of the servient tenement lands, 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365), certifies that the storm sewer easement, in favour of the dominant tenement lands, 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365), has been granted and registered on title.
5. That upon fulfilling and complying with all of the above-noted conditions, 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.
6. 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 endorsement of the deed.

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7. 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.
8. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

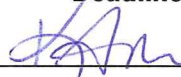
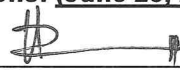

REASONS:

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.

Important: Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfil 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 fulfil conditions: (June 28, 2017).

Members of Committee
Concurring in this Decision

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 meeting held on June 23, 2016.

Dated: June 28, 2016

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is July 18, 2016.**

Committee of Adjustment

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