



FILE NO: B01/2023W

NOTICE OF DECISION

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and;
In the matter of an application for consent on behalf of:

Culture Developments Inc. on behalf of Deborah Ann Marr
41715 Mill Race Road
Concession 4, Part Lots 18 & 19, as in RO413333, Except Parts 1 & 2, Wainfleet

Type of Transaction for which application for consent is being made:

Conveyance Mortgage or Charge Partial Discharge of Mortgage Other

Details of the application:

The subject property is located on the north east corner of Mill Race Road and Church Street and is known municipally as 41715 Mill Race Road.

Application is made for the consent to:

- Sever Part 2 (6.392 ha) for future residential use; and
- Retain Part 1 (1.142 ha) for continued residential use.

DECISION: GRANTED REFUSED

The above decision was made for the following reasons and is subject to the following conditions:

Please see Schedule "A" attached hereto for conditions and reasons.

Chair M. Feduck

Member G. Balicki

Member S. McMillan

Date of Decision: January 18th, 2023

Date of Mailing: January 19th, 2023

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of Wainfleet in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

Sarah Ivins, Assistant Secretary-Treasurer

Last date of filing an appeal to the Ontario Land Tribunal: February 8th, 2023.

PROCEDURE FOR APPEAL

The Planning Act, R.S.O. 1990, Section 53, Subsection 19, as amended states: - "Any person or public body may, not later than **twenty (20) days after the giving of notice** under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Land Tribunal Act, 2021". The prescribed fee is payable to the Minister of Finance.

Pursuant to Rule 7 of the OLT Rules, anyone who wishes to participate in an OLT appeal hearing as a participant shall file a written participant statement that sets out their position on the matter and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing.

SCHEDULE A – FILE B01/2023W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B01/2023W.

Conditions:

1. That the Township Drainage Superintendent be satisfied that the consent is appropriately captured under the Drainage Act through a Section 65 Apportionment Agreement for the Consolidated South Wainfleet Drain. The Section 65 Apportionment Agreement shall be completed by an engineer selected by the Township and costs for such work shall be the responsibility of the applicant.
2. That the Secretary-Treasurer be provided with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
4. That all conditions of consent be fulfilled within a period of two years after notice has been given under Section 53(17) or 53(24), as per Section 53(41) of the Planning Act, R.S.O. 1990, c. P.13.

Reasons:

1. This decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O. 1990, as amended.
2. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Township Official Plan.