

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:

**Kevin Baum (Agent) on behalf of Michael & Deborah Flynn (Owners)**  
11631 Beach Road West

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 a private road (Beach Road West) which commences on the southwest side of Bellevue Beach Road and is known municipally as 11631 Beach Road West.

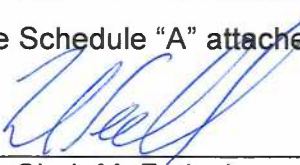
Application is made for the consent to:

- create an easement over Part 1 (195.9 m<sup>2</sup>) in favour of 11605 Beach Road West.


DECISION:  GRANTED                       REFUSED


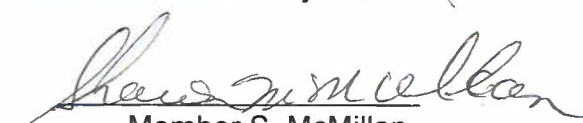
The above decision was made for the following reasons and is subject to the following conditions:

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

  
Chair M. Feduck

  
Member G. Balicki

  
Member R. Cross

  
Member L. Bjerno  
  
Member S. McMillan

Date of Decision: February 15<sup>th</sup>, 2023

Date of Mailing: February 16<sup>th</sup>, 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: March 8<sup>th</sup>, 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 B02/2023W**

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B01/2023W made by Kevin Baum on behalf of Michael & Deborah Flynn for the property known municipally as 11631 Beach Road West.

### **Conditions:**

1. 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.
2. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
3. 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.