

FILE NO: B01/2024W

NOTICE OF DECISION

In the matter of the *Planning Act*, R.S.O. 1990, c. P. 13, s. 53, as amended, and;
In the matter of an application for consent on behalf of:

Jacob Gilmore on behalf of Devries Family Farms Inc.
53027 Perry Road
Concession 5, Part Lot 29

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 east side of Perry Road, between Highway 3 and Willford Road.

Application is made for the consent to complete a boundary adjustment by conveying Parcel 2 (1,095m²) to merge with Parcel 1 (1,806m²). The purpose of the proposed boundary adjustment is to increase the size of an undersized lot of record to align with adjacent parcels and to provide amenity space for the benefitting lands.

DECISION: ☒ GRANTED ☐ REFUSED

Prior to making the decision, the Committee of Adjustment considered all written and verbal comments from the public and responding Township Departments and external agencies. The above decision was made for the reasons and is subject to the conditions outlined in Schedule "A", attached hereto.

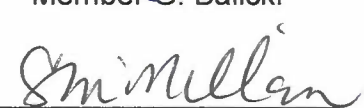
Last date to fulfil conditions of provisional consent: February 21, 2026


Chair M. Feduck


Member D. Chase


Member R. Leone


Member G. Balicki


Member S. McMillan

Date of Decision: February 21, 2024

Date of Notice: February 22, 2024

I, David Scott, Secretary-Treasurer of the Committee of Adjustment for the Township of Wainfleet, hereby certify that the above is 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.


David Scott, Secretary-Treasurer

Last date of filing an appeal to the Ontario Land Tribunal: March 12, 2024

PROCEDURE FOR APPEAL

The *Planning Act*, R.S.O. 1990, c. P. 13 Section 53, Subsection 19 states that "the applicant, the Minister, a specified person or any public body may, not later than 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 charged by the Tribunal". Parties, other than the applicant, the Minister, a specified person or public body, are no longer eligible to file appeals for this application.

Information regarding the Ontario Land Tribunal appeals process, forms and prescribed fees can be found at <https://olt.gov.on.ca/>.

SCHEDULE A – FILE B01/2024W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B01/2024W.

The above decision was made for the following 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.

The above decision is subject to the following conditions of provisional consent:

1. That the applicant provide an undertaking, to the Township's satisfaction, stating that Parcel 2 will merge in title with Parcel 1 (53027 Perry Road) upon registration of the certificate of consent.
2. That the Township's Drainage Superintendent be satisfied that the boundary adjustment is appropriately captured for the Big Forks Drain through a Section 65 Apportionment Agreement. 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.
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.
4. That the Secretary-Treasurer be provided with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan and a current title search, for use in the issuance of the Certificate of Consent.
5. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.