

FILE NO: B02/2026W

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:

Jason Krtek on behalf of 2789710 Ontario Ltd.
Lakeshore Road
Concession 1 Part Lot 12 Registered Plan 59R11092 Part 4

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 side of Lakeshore Road, at the junction with Golf Course Road.

Application is made for the consent to sever a parcel (4,399 m²) for future residential use.

DECISION: ☒ GRANTED ☐ REFUSED ☐ DEFERRED

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: August 19, 2028


Chair D. Chase


Member M. Feduck


Member R. Leone


Member G. Balicki


Member S. McMillan

Date of Decision: August 19, 2026

Date of Notice: August 20, 2026

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: September 8, 2026

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.

Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of this Consent application may be made by filing a notice of appeal with the Secretary-Treasurer either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service> by selecting Wainfleet as the Approval Authority or by mail [31940 Highway 3, P.O. Box 40, Wainfleet ON L0S 1V0], no later than 4:30 p.m. on **September 8, 2026**. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The Ontario Land Tribunal (OLT) appeal fee can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to dscott@wainfleet.ca.

SCHEDULE A – FILE B02/2026W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B02/2026W.

The following comments were received and dually considered prior to the Committee's decision:

WRITTEN AGENCY COMMENTS: Niagara Region Public Works – Infrastructure Planning and Development Division, Township Drainage Department, Township Operations Department, Township Building Department, Township By-law Department and a Township Planning Staff Recommendation Report.

WRITTEN PUBLIC COMMENTS: David Winterton and Marielle Lees; Sue Szegedi; Sonya, Degen and Brett Forsey and Brad and Christine Steed.

ORAL SUBMISSIONS: David Winterton, Ann Hasznory

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 Planning Statement, the Niagara Region Official Plan and the Township Official Plan.
3. The Committee was satisfied that the conditions established for the decision, particularly from the Transportation Brief and Grading Plan prepared by C.F. Crozier & Associates Inc., will address, in part, the concerns expressed by the commenting neighbours regarding road safety and drainage.

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

1. That the Preliminary Site Grading Plan prepared by C.F. Crozier & Associates Inc. (dated July 2, 2026) be amended to reflect the required driveway locations identified in Figure 03 of the Transportation Brief prepared by C.F. Crozier & Associates Inc. (dated May 20, 2022);
2. That an addendum to the Hydrogeological Investigation prepared by C.F. Crozier & Associates Inc. (dated December 2022) be provided to confirm the required dilution areas and update the calculations based on a total flow of 3050 L/day.
3. That the Applicant remove all obstructive vegetation within the No-Build Zone identified in Figure 05 of the Transportation Brief prepared by C.F. Crozier & Associates Inc. (dated May 20, 2022), to the Township's satisfaction.
4. That the Applicant enter into a Development Agreement with the Township for Parts 1, 2 & 3, to be registered on title, which requires:
 - a. That the lots be serviced with cisterns for potable water supply;
 - b. That the lots be serviced with septic systems that provide at least 75% nitrogen reduction of septic sewage effluent Level IV/tertiary treatment.
 - c. The inclusion of the following archaeological warning clause:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined on the Niagara Region Archaeological Management Plan: Appendix C."
 - d. That the recommendations as detailed in the Transportation Brief prepared by C.F. Crozier & Associates Inc. (dated May 20, 2022) be implemented:
 - i. That the driveways for Parts 1, 2 & 3 be located in accordance with Figure 03 (Recommended Driveway Locations); and

- ii. That no vertical obstructions (including but not limited to, buildings, structures, signs, trees, tall shrubbery, significant grade changes) be located within the sight triangles identified in Figure 05 (Recommended No-Build Zone).
 - e. That the future development and grading of Parts 1, 2 & 3 be in general conformance with the Preliminary Site Grading Plan prepared by C.F. Crozier & Associates Inc. (dated July 2, 2026).
- 5. That the Secretary-Treasurer be provided with a current parcel register for the subject property to assist with the preparation and registration of the required development agreement.
 - 6. 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.
 - 7. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
 - 8. 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.