

FILE NO: B05/2026W

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:

Carol Moroziuk on behalf of Clifford Frederick Oudman and Charlene Faith Oudman
22221 Abbey Road
Concession 2 Part Lot 22

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 south side of Abbey Road, between Daley Ditch Road and Side Road 20.

Application is made for the consent to:

- Sever Part 1 (0.8358 ha) as a surplus farm dwelling;
- Retain Part 2 (39.69 ha) for continued agricultural use.

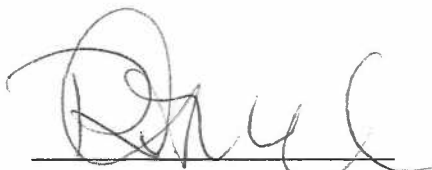
DECISION: ☒ GRANTED ☐ REFUSED ☐ DEFERRED

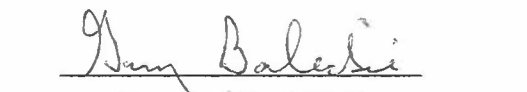
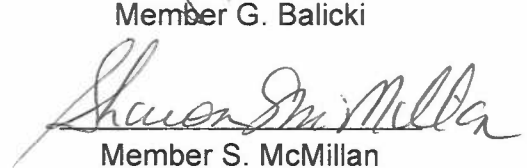
Prior to making the decision, the Committee of Adjustment considered all written and verbal comments from the public and responding Township Departments and external agencies. The above decision was made for the reasons and is subject to the conditions outlined in Schedule "A", attached hereto.

Last date to fulfil conditions of provisional consent: October 21, 2028


Chair D. Chase

Member M. Feduck

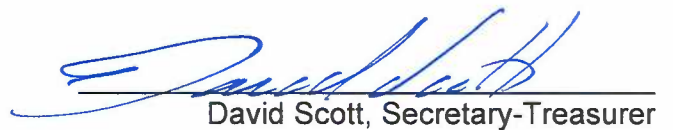

Member R. Leone


Member G. Balicki

Member S. McMillan

Date of Decision: October 21, 2026

Date of Notice: October 22, 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: November 10, 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 **November 10, 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 B05/2026W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B05/2026W.

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, Niagara Peninsula Conservation Authority, Hydro One, Township Drainage Department, Township Operations Department, Township Building Department, Township By-law Department and a Township Planning Staff Recommendation Report.

WRITTEN PUBLIC COMMENTS: No written public comments were received.

ORAL SUBMISSIONS: There were no oral submissions at the meeting.

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, 2024; the Niagara Region Official Plan and the Township Official Plan.
3. It was the opinion of the Committee that the application represents a good use of the land, and that as much land is kept in agricultural production as possible.

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

1. That Zoning By-law Amendment application Z03/2026W be approved, to the satisfaction of the Township Planning Department.
2. That the applicant remove all storage associated with the concrete business from the accessory building to be retained on Part 1, to the satisfaction of the Township Planning Department.
3. That the applicant provide a signed Declaration of Use for the accessory building to be retained on Part 1 confirming that the building will be used for personal storage associated with the residential use of Part 1, to the satisfaction of the Township Planning Department.
4. That the applicant provide an updated septic report to clarify the location and setbacks of the septic system in relation to the proposed property lines and confirm if there is sufficient room for a replacement system, to the satisfaction of the Chief Building Official.
5. That the Township Drainage Superintendent be satisfied that the consent is appropriately captured under the Drainage Act through Section 65 Apportionment Agreements for the Consolidated South Wainfleet (CSW) municipal drain system. The Section 65 Apportionment Agreements shall be completed by an engineer selected by the Township and costs for such work shall be the responsibility of the applicant.
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, 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.