

Application B04-26-PC

January 20, 2026

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P. 13, Section 53 (1);

AND IN THE MATTER OF the lands legally known as Concession 2, Part Lot 15 on RP 59R14389, Part 2, formerly in the township of Humberstone, currently in the City of Port Colborne, located in the Hamlet Residential (HR) zone, municipally known as a vacant lot on Killaly Street East;

AND IN THE MATTER OF AN APPLICATION by the agent, Joe Tomaino, on behalf of the owner, Heidi Murphy, for consent to sever for the purpose of creating a new residential lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be retained for a future residential use, and Part 2 is to be created for a future residential use.

Given the information above, the Committee of Adjustment have decided that application **B04-26-PC** be **granted**, subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That the applicant shall complete a topographic survey to delineate the flood hazard and confirm that the proposed lot lines do not cross the floodplain to the satisfaction of the City of Port Colborne and Niagara Peninsula Conservation Authority.
5. That the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).
6. That the applicant's solicitor shall provide written confirmation to the Secretary Treasurer of the Committee of Adjustment that under the *Planning Act*, the severed lands Part 2 will merge with the adjacent lands Part 3.
7. That, immediately following the registration of the Transfer of the lot addition lands, the applicant/owner shall register an Application to Consolidate Parcels in order to include Part 2 with the abutting lands Part 3. The Secretary Treasurer shall accept, to their satisfaction of this condition, and Undertaking from an Ontario solicitor to register the Application to Consolidate Parcels within 60 days following registration of the Transfer of the lot addition lands.
8. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
9. That all conditions of consent be completed by January 14, 2028.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, complies with the provisions of Zoning By-law 6575/30/18, as amended.

NOTE: No public comments were received during the decision-making process.

DATED AT PORT COLBORNE this 14th of January 2026.

DECISIONS SIGNED:

“Dan O’Hara”	“Angie Desmarais”	“Dave Elliott”		“Gary Bruno”
Signature of	Signature of	Signature of	Signature of	Signature of
Committee	Committee	Committee	Committee	Committee
Chair	Member	Member	Member	Member
Dan O’Hara	Angie Desmarais	Dave Elliott	Eric Beauregard	Gary Bruno

THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL MAY BE FILED IS:

[February 9, 2026](#)

The Decision of the Committee of Adjustment, when not appealed, does not become final and binding until **20 days** from the giving of the notice has elapsed as set out in subsection (21) of Section 53 of The Planning Act, R.S.O. 1990, c.P.13, as amended.

Appeal to the Ontario Land Tribunal

The applicant, the Minister or any specified person or public body who has an interest in the matter may within 20 days of the making of the minor variance decision (20 days from date of mailing of consent decision) appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a completed Appellant Form (A1) accompanied by payment of the fee. **A copy of the appeal form is available on the Ontario Land Tribunals website at <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>**

Cost of the Appeal

The cost of the appeal is \$400 for the first consent, or minor variance application. Each additional appeal filed by the same appellant against connected consent or minor variance applications is \$25.00. Appeal fees must be paid by certified cheque or money order to the **Minister of Finance**.

OLT Process

On an appeal to the OLT, the Tribunal shall, except if all appeals are withdrawn or if the Tribunal dismisses the appeal, hold a hearing of which notice shall be given to the applicant, the appellant, the Secretary-Treasurer of the Committee and to such other persons and in such manner as the Tribunal may determine. If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant. Where all appeals to the OLT are withdrawn the decision of the committee is final and binding and the Secretary of the Tribunal shall notify the Secretary-Treasurer of the committee who in turn shall notify the applicant.

OLT Dismissal Without Hearing

The OLT may dismiss the appeal and may make any decision that the Committee could have made on the original application. The OLT may dismiss all or part of any appeal without holding a hearing, on its own motion or on the motion of any party if it is the opinion that,

1. The reasons set out in the notice of appeal do not disclose any apparent land use planning ground which the Tribunal could allow all or part of the appeal;
2. The appeal is not made in good faith, or is frivolous, or vexatious;
3. The appeal is only made for the purpose of delay;
4. The appellant has not provided written reasons for the appeal;
5. The appellant has not paid the fee prescribed under the *Ontario Land Tribunal Act*, or;
6. The appellant has not responded to a request by the OLT for further information within the time specified by the Tribunal.

Appeals should be directed to:

Secretary-Treasurer
Port Colborne Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: (905)-228-8124