

Application B03-23-PC

March 13, 2023

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 Lot 33 Registered Plan Number 835, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 21 Dolphin Street.

AND IN THE MATTER OF AN APPLICATION by the agent John Ikola on behalf of the owner Frank Steven Hoffman for a consent for the purpose of a perpetual easement agreement. The application is proposing to establish a perpetual utility easement over Part 2, in favour of Part 4. The purpose of the easement is to permit the existing utilities to service the dwelling on Part 4.

That consent application B03-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent;
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer;
3. That minor variance applications A07-23-PC and A08-23-PC be granted;
4. That consent application B04-23-PC be granted; and
5. That all conditions of consent be completed by March 8th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply 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 8th day of March 2023.

DECISIONS SIGNED:

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

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

April 2nd, 2023

The Decision of the Committee of Adjustment, when not appealed, does not become final and binding until **20 days** from the mailing 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) 835-2900 ext. 204