

Application B13-23-PC

July 25, 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 Registered Plan 843 Lots 22 and 23, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 181 and 185 Welland Street.

AND IN THE MATTER OF AN APPLICATION by the applicant Tuk Developments Inc, for consent to sever for the purpose of re-creating two separate lots which have merged, with an easement servicing both lots. The subject parcels are shown as Parts 1, 2, and 3 on the proposed sketch, where Part 3 is to be severed for an existing residential use, Part 1 is to be retained for an existing residential use, and Part 2 is to provide access to both lots.

That consent application **B13-23-PC** be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with a draft transfer and a 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 the applicant submits a topographic survey, demonstrating the existing drainage patterns of the parcel. If the parcels do not drain independently, a master lot grading plan may be required.
4. That the applicant submits a revised severance sketch which adjusts the boundary lines to provide both Part 1 and Part 3 with adequate parking, and adequate access to each parcel via Part 2, to the satisfaction of City Staff.
5. That minor variance applications A14-23-PC and A15-23-PC be approved.
6. That a fence of closed construction be erected on the northerly, southerly, and easterly lot boundary lines of Part 1 and Part 3, in accordance with the City of Port Colborne Fence By-law 5510/107/10, with evidence being submitted to City Staff to demonstrate the fence complies with all applicable law, to the satisfaction of City Staff.
7. That the applicant submits the findings of a private utility locate to City Staff which identifies whether the servicing of either or both dwelling(s) crosses the proposed boundary lines, to the satisfaction of City Staff.
8. That, if the private utility locate identifies any services cross proposed boundary lines, the applicant moves the impacted service(s) to ensure that the servicing of each dwelling is wholly contained on their respective parcel, to the satisfaction of City Staff.
9. That all conditions of consent be completed by July 19th, 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: Public comments were received during the decision-making process.

DATED AT PORT COLBORNE this 14th day of June 2023.

DECISIONS SIGNED:

<u>"Dan O'Hara"</u>	<u>"Angie Desmarais"</u>		<u>"Eric Beaugard"</u>	<u>"Gary Bruno"</u>
Signature of Committee Chair	Signature of Committee Member	Signature of Committee Member	Signature of Committee Member	Signature of Committee Member
Dan O'Hara	Angie Desmarais	Dave Elliott	Eric Beaugard	Gary Bruno

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

August 14, 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