

**Application B01-23-PC**

**January 20, 2022**

**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 Part Lot 17, 25,26 and 27 Block A on Plan 775 and 839, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 194 Neff Street.

**AND IN THE MATTER OF AN APPLICATION** by the owners Fangzy Wealth Corps Ltd. and Ljubomir Manojlavic for consent for the purpose of creating a new lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be severed for future residential use and Part 2 is to be retained for an existing residential use.

That consent application B01-23-PC be **granted** subject to the conditions outlined in the staff report dated January 13, 2022:

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 the applicant submits a Master Lot Grading Plan, demonstrating that the severed parcel will drain independently and will not adversely affect surrounding properties, to the satisfaction of City Staff.
4. That the existing chain link fence on Part 1 be removed.
5. That the applicant remove all existing concrete and patio stones on Part 1, to the satisfaction of City Staff.
6. That minor variance application A01-23-PC be approved.
7. That the applicant(s) sign 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.
8. That all conditions of consent be completed by January 18th, 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 considered in the decision-making process.**

**DATED AT PORT COLBORNE this 18th day of January 2023.**

**DECISIONS SIGNED:**

<u>"Dan O'Hara"</u>	<u>"Angie Desmarais"</u>	<u>"Dave Elliott"</u>	<u>"Eric Beauregard"</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
<b>Dan O'Hara</b>	<b>Angie Desmarais</b>	<b>Dave Elliott</b>	<b>Eric Beauregard</b>	<b>Gary Bruno</b>

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

**February 9th, 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