



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

FILE NO: **B06/2022W**

NOTICE OF DECISION

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and;
In the matter of an application for consent on behalf of:

Ritee Haider of IBI Group on behalf of Loeffen Farms Ltd
11754 Highway #3
Concession 2, Part Lot 17, Wainfleet

Type of Transaction for which application for consent is being made:

☒ Conveyance ☐ Mortgage or Charge ☐ Partial Discharge of Mortgage ☐ Other

Subject of the application:

The subject property is located on the northeast side of Highway #3, west of Dixie Road and is known municipally as 11754 Highway #3.

Application is made for the consent to:

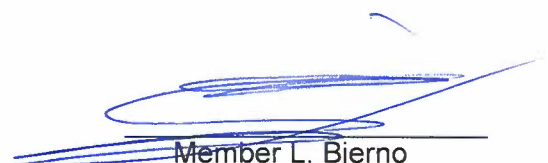
- Sever Part 1 (1.189 ha) as a surplus farm dwelling;
- Merge Part 2 (65.51 ha) with Part 3 (20.37 ha), known as 11630 Highway #3, and retain for continued agricultural use.

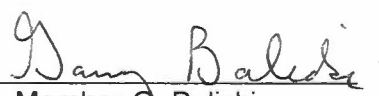
DECISION: ☒ GRANTED ☐ REFUSED


The above decision is subject to the following conditions:

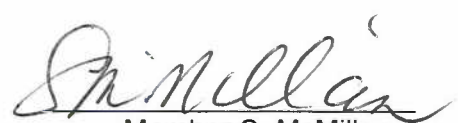
PLEASE SEE SCHEDULE "A" ATTACHED HERETO FOR CONDITIONS AND REASONS


Chair M. Feduck


Member L. Bjerno


Member G. Balicki

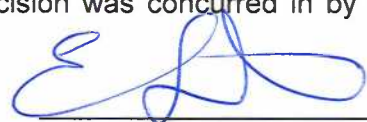

Member R. Cross


Member S. McMillan

Date of Decision: April 20th 2022

Date of Mailing: April 21st 2022

I hereby certify this to be 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.


Erin Shacklette, Secretary-Treasurer

Last date of filing an appeal to the Local Planning Appeal Tribunal under Section 53 of the Planning Act: ^{May 11th} **June 10th 2022**

PROCEDURE FOR APPEAL

The Planning Act, R.S.O. 1990, Section 53, Subsection 19, as amended states: - "Any person or public body may, not later than **twenty (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 prescribed under the Ontario Land Tribunal Act, 2021". The prescribed fee is \$400 and payable to the Minister of Finance.

Pursuant to Rule 7 of the OLT Rules, anyone who wishes to participate in an OLT appeal hearing as a participant shall file a written participant statement that sets out their position on the matter and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing.



COMMITTEE OF ADJUSTMENT
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SCHEDULE A – FILE B06/2022W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B06/2022W.

Application is made for the consent to:

- Sever Part 1 (1.189 ha) as a surplus farm dwelling;
- Merge Part 2 (65.51 ha) with Part 3 (20.37 ha), known as 11630 Highway #3, and retain for continued agricultural use.

DECISION: ☒ GRANTED

☐ REFUSED

The above decision is subject to the following conditions:

1. That the recommendations of the Septic Inspection Report, dated October 13, 2021, prepared by Mike's Trenching & Mini Excavating, be implemented to the Township's satisfaction prior to clearance of this condition.
2. That the applicant provide an undertaking, to the Township's satisfaction, stating that Part 2 will merge in title with Part 3 upon issuance and registration of the certificate of consent.
3. That the applicant submit a Planning Act application to recognize the zoning deficiencies of Part 1. The approval of such application shall be completed prior to the clearance of this condition.
4. That the Township Drainage Superintendent be satisfied that the consent is appropriately captured under the Drainage Act through a Section 65 apportionment agreement or the current Section 76 engineer's report project for the Consolidated South Wainfleet Drain. If a Section 65 apportionment agreement is required, the agreement shall be completed by an engineer selected by the Township and costs for such work shall be the responsibility of the applicant.
5. 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.
6. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
7. 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.

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 Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Township Official Plan.



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

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SCHEDULE A – FILE B06/2022W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B06/2022W.

Date of Decision: April 20th 2022

Date of Mailing: April 21st 2022

I hereby certify this to be 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.

All conditions of Consent must be fulfilled by: April 20th 2024.

Erin Shacklette, Secretary-Treasurer