



THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

File No. B7-24 Roll No: 010-001-17300
Owner: RJ Mackenzie
Location: 5974 5th Sideroad
Date of Decision: January 31st, 2025
Purpose: The applicant has applied for a Consent to allow for the creation of a new lot as a result of farm consolidation. The applicant is proposing to sever 5974 5th Sideroad to create a lot that is approximately 1.5 hectares in size. The remaining 29 hectares will be transferred to a separate active-farming operation.

Upon application for consent for the lands described in the above noted file, the decision of the Committee of Adjustment for the Township of Essa is that **PROVISIONAL CONSENT BE GRANTED** subject to the following *Conditions of Approval*:

- [X] That a reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing in the Land Titles Office.
- [X] That the applicant provide to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
- [X] That all municipal taxes be paid up-to-date.
- [X] The application satisfy concerns (if any) from the NVCA.
- [X] That any and all external costs associated with this application be borne by the applicant.
- [X] That the applicant provide staff with the subject property's Farm Registration Number.
- [X] The applicant provides an affidavit declaring that the retained land containing the actively farmed portion of land, be sold to a farmer or corporate farming operation within the Township, within five (5) kilometers (measured by travelled road) from the base farm.
- [X] The applicant shall commit to applying for all required buildings permits to register one of the existing dwellings as the primary dwelling, and another one as an Additional Residential Unit (ARU). In the event the applicant does not apply for an ARU, a demolition permit will need to be applied for to remove the existing dwellings.

- That the Committee approve an easement which is to be registered on title for the joint entrance between 5974 & 5980 5th Sideroad.
- The approval be subject to the successful rezoning by the Township of the subject property in its next housekeeping By-law that the property be rezoned to Agricultural with Special Provisions (A-1) to restrict future residential development on the subject property.

For the following reasons:

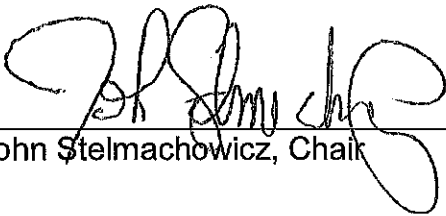
- In keeping with the Official Plan and Provincial Policy Statement
- The Committee has considered all public comments received and believes their decision is based on the best evidence available.

NOTICE OF DECISION

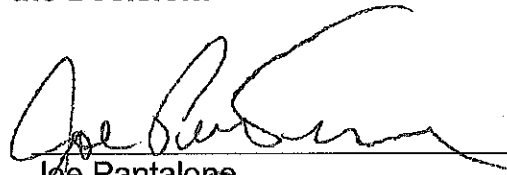
Pursuant to Subsection 41 of Section 53 of the Planning Act, (R.S.O. 1990, Chapter P.13, as amended), all conditions imposed must be fulfilled within two (2) years from the date of the sending of the Notice of Decision or the application is deemed refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of the consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act, (R.S.O. 1990, Chapter P.13, as amended).

Signature of the Members concurring with the Decision:

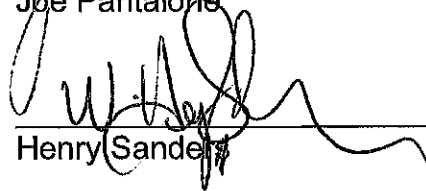


John Stelmachowicz, Chair

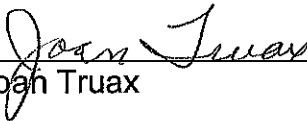


Joe Pantalone

Ron Henderson



Henry Sanders



Joan Truax

PLEASE NOTE:

THIS NOTICE OF DECISION DOES NOT OFFICIALLY SEVER A LOT.

- A CONSENT CERTIFICATE IS REQUIRED BEFORE A LOT CAN BE SEVERED.
- ALL CONDITIONS MUST BE SATISFIED BEFORE THE ISSUANCE OF THE CONSENT CERTIFICATE.
- LOTS SHOULD NOT BE SOLD BEFORE THE ISSUANCE OF A CONSENT CERTIFICATE. THE TOWNSHIP TAKES NO RESPONSIBILITY FOR LOST SALES, FEES INCURRED, NOR ANY OTHER COSTS/MONETARY LOSSES RESULTING FROM THE FAILURE TO FULFILL THE CONDITIONS LISTED ON THIS NOTICE OF DECISION.

IN READING THIS, THE APPLICANT AND/OR AGENT ACKNOWLEDGES THE ABOVE.

NOTICE

The applicant, the Minister, a specified person or any public body, may appeal the decision and/or any conditions imposed to the Ontario Land Tribunal (OLT). In order to appeal, you must file a Notice of Appeal setting out written reasons for the appeal and, if applicable, specifying which conditions are being appealed, within twenty (20) days of the making of the decision.


This Notice should be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by a payment of \$400.00 for the first application being appealed. If more than one application is being appealed, the fee for each additional application is \$400.00. Cheques should be made payable to the Minister of Finance; all Township administrative fees related to the appeal can be found in the Township's [Fee & Charges By-law](#). Please note the Secretary-Treasurer (plan@essatownship.on.ca) must receive this Notice within the 20-day period in order to be considered by the OLT. Please note, appeals and payments can also be made through the OLT E-File Service (<https://olt.gov.on.ca/e-file-service>).

Send to: Township of Essa Committee of Adjustment
Attention: Secretary-Treasurer
5786 County Road #21
Utopia, Ontario L0M 1T0

Note: Under the Planning Act, the applicant, the Minister, and specified person or public body may appeal decisions in respect of applications for consent to the Ontario Land Tribunal.

If the last date for filing an appeal falls on a Saturday, Sunday or Statutory Holiday, appeals will be accepted on the next working day.

Forwarded by mail:	<u>January 31st, 2025</u>
Last date for Appeal to O.L.T.:	<u>February 20th, 2025</u>
This Notice Dated:	<u>January 31st, 2025</u>



Secretary-Treasurer, Committee of Adjustment