

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B5-26
Related Application(s): B8-25, B9-25, B10-25 and B11-25
Owner(s): TC Land 7 Inc.
Authorized Agent: Justin Black, Robson Carpenter LLP
Meeting Date: September 25th, 2026
Prepared by: Anmol Burmy, Development Planner

PROPERTY INFORMATION:

Municipal Address	8949 Smith Road
Legal Description	PART WEST HALF LOT 32 CONCESSION 6, ESSA, PARTS 6,7 AND 8, 51R45201 being all of PIN 58103-0444 (LT) AND PART EAST HALF LOT 32 AND PART WEST HALF LOT 32, CONCESSION 6, ESSA, PARTS 4 AND 5, 51R45201 being all of PIN 58103-0447 (LT)
Roll No.	432101000810700
Official Plan	Rural – Exception and Industrial – Exception
Zoning By-law	Rural - Special Exception 3, General Industrial – Special Exception 2, General Industrial – Special Exception 3 and General Industrial – Special Exception 4

RECOMMENDATION:

Staff recommends **APPROVAL** of Application B5-26 based on Planning Policy and all considerations, with the following conditions:

1. 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 it in the Land Registry Office.
2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That all municipal taxes be paid up to date.
4. That all external cost associated with the application be borne by the applicant.
5. That all legal matters pertaining to the registration of the easement are to be handled by the Township Solicitor.

6. That the existing easement be deleted from title.

[illegible]

REASON FOR THE APPLICATION:

The applicant is seeking to have a permanent easement for vehicular and pedestrian access from the Industrial zoned lands to the Rural zoned lands.

DATE OF SITE INSPECTION:

September 15th, 2026

PLANNING ANALYSIS

1. Planning Act (1990)

Section 53 of the *Planning Act* provides that a Consent (or easement) must be approved through the Committee of Adjustment.

2. Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) 2024 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The PPS does not expressly regulate easements as they are considered legal and technical severances.

Therefore, the proposed Consent is generally consistent with the policies of the Official Plan

3. County of Simcoe Official Plan

The County of Simcoe Official Plan ("County OP") was adopted by the County of Simcoe Council on November 25, 2008 and was fully approved by the Ontario Municipal Board in December 2016. Within the County OP, the subject properties are designated as "Settlement" in accordance with Schedule 5.1.

Section 3.3.5 states Consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, Provincial policies, and legislation.

The proposed easement would not result in a new lot. Therefore, the proposed Consent is generally consistent with the intent and purpose of the County of Simcoe's Official Plan.

4. Township of Essa Official Plan

Section 26.2.2 (l) states that Consents may be granted for technical reasons such as boundary adjustments, easements, rights-of-way, or other similar purposes that do not result in the creation of a new lot provided the objectives of the Plan are upheld.

The applicant is proposing to make an existing temporary easement into a permanent easement. The lots will still maintain current lot fabrics and will avoid the need to construct a new driveway access onto Smith Road for the Rural zoned lands. It will also adequately create a permanent easement for the hydro service that currently services the Rural zoned lands.

The proposed Consent would not result in the creation of a new lot. Therefore, the proposed easement application is generally consistent with the intent and purpose of the Official Plan.

5. Township of Essa Zoning By-law (2003-50)

The Zoning By-law does not regulate the consents, rather it establishes the applicable zoning provisions for the subject lands. The current zoning permits the proposed uses on the lands, and the proposed easement would therefore maintain conformity with the applicable zoning requirements.

Therefore, the proposed Consent is generally consistent with the intent and purpose of Zoning By-law 2003-50.

DEPARTMENT AND AGENCY COMMENTS:

No Department or Agency Comments.

PUBLIC COMMENTS:

No Public Comments were received.

CONCLUSION:

Staff are recommending **APPROVAL** of this application as the proposal is generally in keeping with all relevant planning policies and staff considers the approval of said applications to be good planning.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Anmol Burmy', with a stylized, cursive script.

Anmol Burmy
Development Planner
Township of Essa