

6.

Description of Land intended to be RETAINED:

Metric [X]

Imperial []

Frontage/Width

15 / 119 ±

AREA

9.9 ha ±

Depth

1028 ±

Existing Use(s)

Agricultural

Existing Buildings or structures:

Dwelling and Pool

Proposed Uses (s):

No Change

Type of access (Check appropriate space)

Existing [X]

Proposed []

☐ Provincial Highway

☒ County Road

☐ Municipal road, maintained year round

☐ Municipal road, seasonally maintained

☐ Easement

☐ Right-of-way

☐ Private road

☐ Crown access road

☐ Water access

☐ Other

Type of water supply - Existing [X] Proposed [] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other

Type of sewage disposal - Existing [X] Proposed [] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☒ Septic Tank (specify whether individual or communal): Individual

☐ Pit Privy

☐ Other (Specify):

7.

Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)?

YES [X]

NO []

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8.

Is there a landfill within 500 metres [1640 feet]?

YES []

NO [X]

9. a)

Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']?

YES []

NO [X]

10.

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]?

YES [X]

NO []

11.

Is there any portion of the land to be severed or to be retained located within a floodplain?

YES []

NO [X]

12.

Is there a provincial park or are there Crown Lands within 500 metres [1640']?

YES [X]

NO []

13.

Is any portion of the land to be severed or retained within a rehabilitated mine/pit site?

YES []

NO [X]

14.

Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']?

YES []

NO [X]

15.

Is there a noxious industrial use within 500 meters [1640']?

YES []

NO [X]

16.

Is there an active or abandoned principal or secondary railway within 500 metres [1640']?

YES []

NO [X]

Name of Rail Line Company:

County of Wellington

LAND DIVISION FORM – SEVERANCE

Revised April 2018

17. Is there an airport or aircraft landing strip nearby?

YES [] NO [X]
18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands?

YES [] NO [X]

19. PREVIOUS USE INFORMATION:

- a) Has there been an industrial use(s) on the site?

YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

- b) Has there been a commercial use(s) on the site?

YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)

- c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping?)

YES [] NO [X] UNKNOWN []

- d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding?

YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s)

20. Is this a resubmission of a previous application?

YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office?

YES [] NO [X]

- b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide:
Transferee's Name, Date of the Transfer and Use of Parcel Transferred.

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors?

YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application?

YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

There are no Natural Heritage Features on property.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural and Greenlands in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met.

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* **YES [] NO [X]**

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? **Agricultural & Environmental Protection Overlay**

29. Does the proposal for the subject lands conform to the existing zoning? **YES [] NO [X]**

A Minor Variance Application may be required and will be submitted pending severance approval

If NO, a) has an application been made for re-zoning?
YES [] NO [] File Number _____

b) has an application been made for a minor variance?
YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? **YES [X] NO []**

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

- **Mortgage as in Instrument No. WC365113 with Royal Bank of Canada, located at 10 York Mills Road, 3rd Floor, Toronto, ON, M2P 0A2**

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. **Type of Farm Operation** conducted on these subject lands: **None**

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []

32. **Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands**

<u>Retained</u>	Width	Length	Area	Use	<u>Buildings on Severed to be removed</u>
	Width	Length	Area		Use
<u>Severed</u>	Width	Length	Area		Use
	Width	Length	Area		Use

33. **Manure Storage Facilities** on these lands: **None**

DRY	SEMI-SOLID	LIQUID
Open Pile <input type="checkbox"/>	Open Pile <input type="checkbox"/>	Covered Tank <input type="checkbox"/>
Covered Pile <input type="checkbox"/>	Storage with Buck Walls <input type="checkbox"/>	Aboveground Uncovered Tank <input type="checkbox"/>
		Belowground Uncovered Tank <input type="checkbox"/>
		Open Earth-sided Pit <input type="checkbox"/>

34. Are there any drainage systems on the retained and severed lands? **YES ☐** **NO ☒**

Type	Drain Name & Area	Outlet Location
Municipal Drain <input type="checkbox"/>		Owner's Lands <input type="checkbox"/>
Field Drain <input type="checkbox"/>		Neighbours Lands <input type="checkbox"/>
		River/Stream <input type="checkbox"/>

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? **YES ☒** **NO ☐**

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES ☐ **NO ☒**

If yes, please indicate the person you have met/spoken to:

37. **If you wish to provide some further information** that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

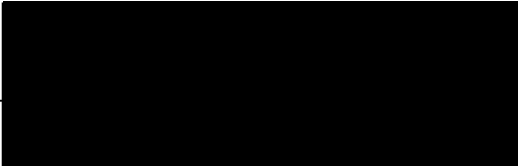
NOTES:

1. **One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
2. The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
3. Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
4. Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.
5. Generally, regular severance application forms are also available at the local municipal office.

Revised April 2018

APPLICANT’S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, Jeff Buisman of Van Harten Surveying Inc., the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature 

Date June 25/2021

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160



LAND SURVEYORS and ENGINEERS

June 30, 2021

29835-21

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Deborah Turchet

Dear Ms. Turchet:

**Re: Severance Application & Sketch
6655 Concession 2
Part of Lot 7, Concession 1
PIN 71207-0158
Township of Puslinch**

RECEIVED

JUN 29 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN Report and Map, the required deed, addresses of neighbouring properties, Source Water Protection Form, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal

The proposal is to create a new rural residential parcel along Concession 2 in Puslinch. The Severed Parcel will have a frontage of 62±m, depth of 177±m, for an area of 1.0±ha where a dwelling is proposed. The parcel was configured so that the rear limit will be in line with the parcels to the west. There are an existing old shed and barn on the parcel that will be removed. The parcel has been evaluated and a safe entrance is possible.

The Retained Parcel (known as #6655 Concession 2) has a frontage of 15±m, depth of 1028±m for an area of 9.9±ha where the existing dwelling and pool will remain. The retained parcel is a "Flag-shaped" lot and will become more so due to the severance. However, the retained parcel functions well with the existing driveway in the 15m wide strip and the loss of frontage for this parcel will not negatively impact this property.

A minor variance will be applied for 15m of frontage versus the existing frontage of 77m or the 120m requirement in the Zoning By-law.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



LAND SURVEYORS and ENGINEERS

The subject property is zoned Agricultural & Environment Protection Overlay and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the Severed Parcel.

There is a barn to the east of the subject property at #6667 Concession 2. We have not been able to contact the property owner yet; however, we completed a preliminary MDS calculation using Type B to get an estimate for the required distance to the severed parcel. We calculated the barn to be approximately 325m² and we used Horses as the animal type – this gave a required MDS of 233m. We are showing an approximate distance of 235m, and therefore we are reasonably confident that MDS can be met. Further attempts will be made to obtain the MDS information from the property owner.

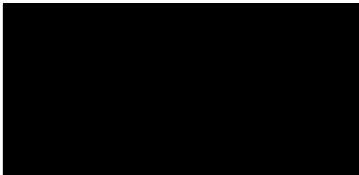
The parcel has a designation of Secondary Agricultural and Greenlands in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section, and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years.
- No severance since March 2005.
- Safe entrance is available – sight lines have been evaluated.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot
- Zoning requirements are met for the Severed Parcel.
- MDS requirements are met.

In summary this severance is very practical and follows the relevant criteria for a severance.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

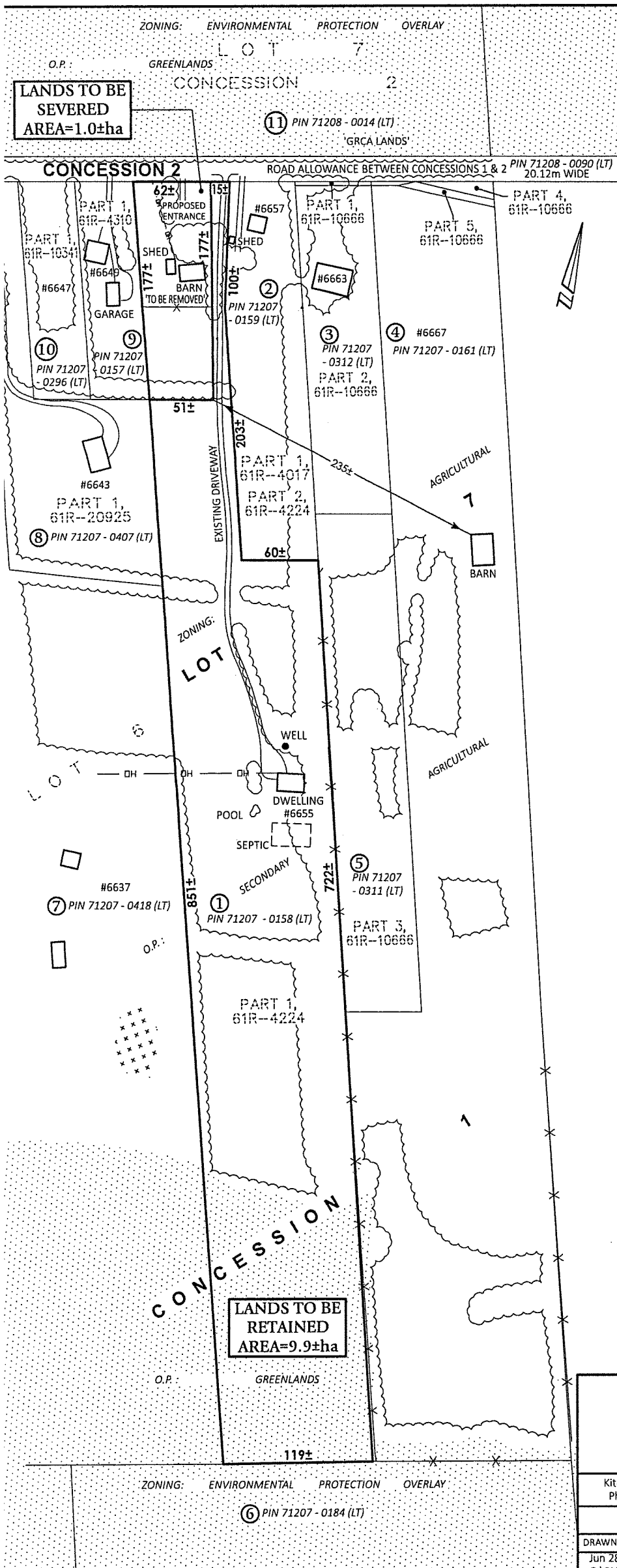


Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

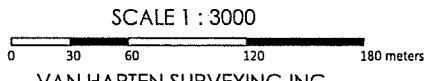
cc George Gray

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.

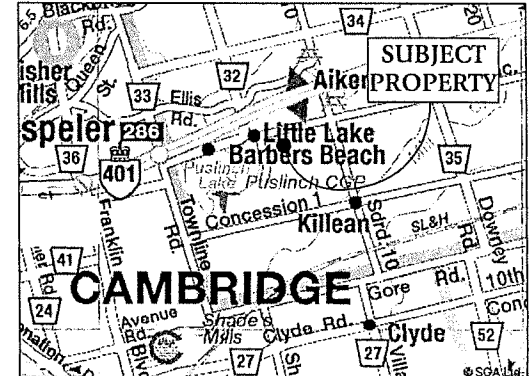


SEVERANCE SKETCH
PART OF LOT 7, CONCESSION 1
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON



VAN HARTEN SURVEYING INC.

KEYMAP



July 9, 2021

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: June 28, 2021

FILE NO. B53-21

APPLICANT

Divinder & Sukhbir Grewal
16 Paulstown Crescent
Guelph N1G 5H7

LOCATION OF SUBJECT LANDS

Township of Puslinch
Part Lot 16
Concession 7

Proposed severance is 60m fr x 122m = 0.73 hectares, existing and proposed rural residential use with a dwelling under construction.

Retained parcel is 8.89 hectares with 94m frontage, existing and proposed bush/reforested trees.

IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE

August 18, 2021

Comments can be provided by mail at address above or by email janap@wellington.ca

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this Application for Consent.

Please also be advised that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Land Tribunal may dismiss the appeal.

If you wish to be NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION of this application - please make your request in writing and provide your email address to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be NOTIFIED OF THE DECISION of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Land Tribunal. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the Public.

INFORMATION REGARDING THE APPLICATION is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph, ON N1H 3T9.
Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

MAILED TO:

- Local Municipality – Puslinch
- County Planning
- Conservation Authority - GRCA
- Neighbouring Municipality – City of Guelph
- Bell Canada (email)
- County Clerk
- Roads/Solid Waste
- Civic Addressing
- Neighbour - as per list verified by local municipality and filed by applicant with this application

1. Approval Authority:

County of Wellington Planning and Land Division Committee
County of Wellington Administration Centre
74 Woolwich Street, GUELPH, Ontario N1H 3T9

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

Required Fee: \$ 4630
Fee Received: June 28/21
File No. B53-21
Accepted as Complete on: June 28/21

A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION2. (a) Name of Registered Owner(s) Divinder Singh GREWAL & Sukhbir Kaur GREWAL

Address 16 Paulstown Crescent, Guelph, ON, N1G 5H7

Phone No. [REDACTED]

Email: [REDACTED]

(b) Name and Address of Applicant (as authorized by Owner) _____

Phone No. _____

Email: _____

(c) Name and Address of Owner's Authorized Agent: _____

Jeff Buisman of Van Harten Surveying Inc.

423 Woolwich Street, Guelph, ON, N1H 3X3

Phone No. [REDACTED]

Email: [REDACTED]

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[X] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

To create a new lot for rural residential purposes

OR

EASEMENT []

RIGHT OF WAY []

CORRECTION OF TITLE []

LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

Future owner is not known

4. (a) Location of Land in the County of Wellington:

Local Municipality: Township of Puslinch

Concession 7

Lot No. Part of Lot 16

Registered Plan No. _____

Lot No. _____

Reference Plan No. 61R-9125

Part No. Part 3

Civic Address 130 Maltby Road West

(b) When was property acquired: June 2012

Registered Instrument No. WC347140

5. Description of Land intended to be SEVERED:

Metric []

Imperial []

Frontage/Width 60 ±

AREA

0.73 ha ±

Depth 122 ±

Existing Use(s)

Rural Residential

Existing Buildings or structures: Dwelling – under construction

Proposed Uses (s): Rural Residential (no change)

Type of access (Check appropriate space)

Existing [X]

Proposed []

- ☐ Provincial Highway
- ☐ County Road
- ☒ Municipal road, maintained year round
- ☐ Municipal road, seasonally maintained
- ☐ Easement

- ☐ Right-of-way
- ☐ Private road
- ☐ Crown access road
- ☐ Water access
- ☐ Other

Type of water supply - Existing [X] Proposed [] (check appropriate space)

- ☐ Municipally owned and operated piped water system
- ☒ Well ☒ individual ☐ communal
- ☐ Lake
- ☐ Other

Type of sewage disposal - Existing [X] Proposed [] (check appropriate space)

- ☐ Municipally owned and operated sanitary sewers
- ☒ Septic Tank (specify whether individual or communal): Individual
- ☐ Pit Privy
- ☐ Other (Specify):

6.

Description of Land intended to be RETAINED:

Metric [X]

Imperial []

Frontage/Width

94 / 289 ±

AREA

8.89 ha ±

Depth

739 ±

Existing Use(s)

Bush/Reforested Trees

Existing Buildings or structures:

None

Proposed Uses (s):

No Change

Type of access (Check appropriate space)	Existing []	Proposed [X]
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Right-of-way	
<input type="checkbox"/> County Road	<input type="checkbox"/> Private road	
<input checked="" type="checkbox"/> Municipal road, maintained year round	<input type="checkbox"/> Crown access road	
<input type="checkbox"/> Municipal road, seasonally maintained	<input type="checkbox"/> Water access	
<input type="checkbox"/> Easement	<input type="checkbox"/> Other	

Type of water supply - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other

Type of sewage disposal - Existing [] Proposed [X] (check appropriate space)

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☐ Pit Privy

☐ Other (Specify):

7.

Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)?

YES [] NO [X]

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8.

Is there a landfill within 500 metres [1640 feet]?

YES [] NO [X]

9.

a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']?

YES [] NO [X]

10.

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]?

YES [X] NO []

11.

Is there any portion of the land to be severed or to be retained located within a floodplain?

YES [] NO [X]

12.

Is there a provincial park or are there Crown Lands within 500 metres [1640']?

YES [] NO [X]

13.

Is any portion of the land to be severed or retained within a rehabilitated mine/pit site?

YES [] NO [X]

14.

Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']?

YES [] NO [X]

15.

Is there a noxious industrial use within 500 meteres [1640']?

YES [] NO [X]

16.

Is there an active or abandoned principal or secondary railway within 500 metres [1640']?

YES [] NO [X]

Name of Rail Line Company:

17. Is there an airport or aircraft landing strip nearby? YES [] NO [X]

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO [X]

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)?

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping?) YES [] NO [X] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s) _____

20. Is this a **resubmission** of a previous application? YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number _____

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO [X]

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide: **Transferee's Name, Date of the Transfer and Use of Parcel Transferred.**

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors? YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

There is a Natural Heritage System feature located at the rear of the retained parcel however it is well outside of the proposed severance boundaries and is not a conflict.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural and Core Greenlands in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met. (The severed parcel is within Secondary Ag).

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* YES [] NO [X]

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? **Agricultural and Natural Environment**

29. Does the proposal for the subject lands conform to the existing zoning? YES [] NO [X]
A minor variance will be applied for pending severance approval for the reduced frontage of the retained.

If NO, a) has an application been made for re-zoning?
 YES [] NO [] File Number _____
 b) has an application been made for a minor variance?
 YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? YES [X] NO []

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

- **Mortgage as in Instrument No. WC626035 with the Toronto-Dominion Bank located at 4720 Tahoe Blvd, 5th Floor, Mississauga, ON, L4W 5P2**

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. **Type of Farm Operation** conducted on these subject lands: **None**

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []

32. **Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands** **None**

<u>Retained</u>	Width	Length	Area	Use
	Width	Length	Area	Use
<u>Severed</u>	Width	Length	Area	Use
	Width	Length	Area	Use

33. **Manure Storage Facilities** on these lands: **None**

DRY	SEMI-SOLID	LIQUID
Open Pile <input type="checkbox"/>	Open Pile <input type="checkbox"/>	Covered Tank <input type="checkbox"/>
Covered Pile <input type="checkbox"/>	Storage with Buck Walls <input type="checkbox"/>	Aboveground Uncovered Tank <input type="checkbox"/>
		Belowground Uncovered Tank <input type="checkbox"/>
		Open Earth-sided Pit <input type="checkbox"/>

34. Are there any drainage systems on the retained and severed lands? YES ☐ NO ☒

Type	Drain Name & Area	Outlet Location
Municipal Drain <input type="checkbox"/>		Owner's Lands <input type="checkbox"/>
Field Drain <input type="checkbox"/>		Neighbours Lands <input type="checkbox"/>
		River/Stream <input type="checkbox"/>

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? YES ☐ NO ☒

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES ☐ NO ☒

If yes, please indicate the person you have met/spoken to:

37. **If you wish to provide some further information** that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

NOTES:

- One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
- The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
- Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
- Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.
- Generally, regular severance application forms are also available at the local municipal office.

OWNER'S AUTHORIZATION:

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

, (we), **Divinder Singh GREWAL & Sukhbir Kaur GREWAL** the Registered Owners of

Part of Lot 16, Concession 7, Part 3, 61R-9125 Of the Township of Puslinch in the

County/Region of Wellington severally and jointly, solemnly declare that

Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc.

Is authorized to submit an application for consent on my (our) behalf.

Sig

APPLICANT'S DECLARATION

This must be completed by the Applicant for the proposed consent

_____, (we) Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc. of the _____

City of Guelph

In the County/~~Region~~ of

Wellington

Solemnly declare that all

the statements contained in this application for consent for (property description)

Part of Lot 16, Concession 7, Part 3, 61R-9125 Of the **Township of Puslinch**

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the

City

Of

Guelph

in the

County/-Region of **Wellington**

This 28 day of June 20 21

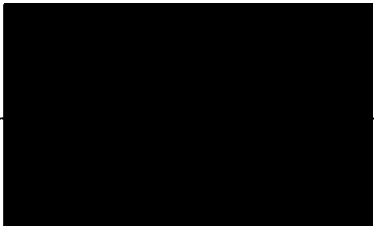
(Owner or Applicant)

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Hornen Surveying Inc.

Printed Commissioner's, etc. Name

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, Jeff Buisman of Van Harten Surveying Inc., the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature of Owner(s) _____


Date June 28, 2021

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160



LAND SURVEYORS and ENGINEERS

June 30, 2021

25349-17

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Deborah Turchet

Dear Ms. Turchet:

**Re: Severance Application & Sketch
130 Maltby Road West
Part of Lot 16, Concession 7
Part 3, Deposited Plan 61R-9125
PIN 71197-0275
Township of Puslinch**

RECEIVED

JUN 29 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN Report and Map, the required deed, addresses of neighbouring properties, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal

The proposal is to create a new rural residential parcel along Maltby Road West with a frontage of 60±m, depth of 122±m for an area of 0.73±ha where a dwelling – that is currently under construction – will remain (known as #130 Maltby Road West). The Severed Parcel was configured around the dwelling, septic and natural features and is the same depth as the adjacent parcels to the northeast. The entrance exists and the safe access will continue to be maintained.

The Retained Parcel is vacant and has a frontage of 94±m, depth of 396±m, for an area of 8.9±ha. The retained parcel has a frontage of 94±m which is under the minimum frontage Zoning requirement of 120m, and a Minor Variance will be applied for to address this slight deficiency. A safe entrance for the retained parcel is proposed near the west end of the property.

The subject property is zoned Agricultural and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the Severed Parcel. The Zoning requirements are met for the Retained Parcel other than the frontage and a minor variance will be submitted to address this deficiency.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



LAND SURVEYORS and ENGINEERS

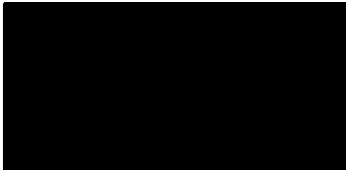
The parcel has a designation of Secondary Agricultural in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section, and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years.
- No severance since March 2005.
- Safe entrance is available – sight lines have been evaluated.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot
- MDS requirements are met.
- Zoning is met for the Severed Parcel.

In summary this severance is very practical and follows the relevant criteria for a severance.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Divinder Grewal

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph ON N1H 3T9

July 9, 2021

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: June 29, 2021

FILE NO. B54-21

APPLICANT	LOCATION OF SUBJECT LANDS
Krista & Paul Godinho	Township of Puslinch
6911 Wellington Rd 34	Part Lot 15
Cambridge N3C 2V4	Concession 3

Proposed severance is 50m fr x 110 = 0.56 hectares, vacant land for proposed rural residential use.

Retained parcel is 3.4 hectares with 72m frontage, existing and proposed rural residential use with existing dwelling, garage, shed & barn. Barn to be removed.

IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE

August 18, 2021

Comments can be provided by mail at address above or by email janap@wellington.ca

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this Application for Consent.

Please also be advised that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Land Tribunal may dismiss the appeal.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing and provide your email address** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Land Tribunal. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the Public.

INFORMATION REGARDING THE APPLICATION is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph, ON N1H 3T9.
Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

MAILED TO:

Local Municipality – Puslinch	County Planning	Conservation Authority - GRCA
County Engineering	Source Water Protection	
Bell Canada (email)	County Clerk	Roads/Solid Waste
		Civic Addressing
Neighbour - as per list verified by local municipality and filed by applicant with this application		

1. Approval Authority:

County of Wellington Planning and Land Division Committee
 County of Wellington Administration Centre
 74 Woolwich Street, GUELPH, Ontario N1H 3T9

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

Required Fee: \$ 4630
 Fee Received: June 28/21
 File No. BS4-21
 Accepted as Complete on: June 28/21

A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION2. (a) Name of Registered Owner(s) Krista Lily-Ann GODINHO & Paul Alexandre Viera GODINHO

Address 6911 Wellington Road No. 34, Cambridge, ON, N3C 2V4

Phone No. [REDACTED]

Email: [REDACTED]

(b) Name and Address of Applicant (as authorized by Owner) _____

Phone No. _____

Email: _____

(c) Name and Address of Owner's Authorized Agent: _____

Jeff Buisman of Van Harten Surveying Inc.

423 Woolwich Street, Guelph, ON, N1H 3X3

Phone No. [REDACTED]

Email: [REDACTED]

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[X] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

To create a new lot for rural residential purposes

OR

EASEMENT []

RIGHT OF WAY []

CORRECTION OF TITLE []

LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

Future owner is not known

4. (a) Location of Land in the County of Wellington:

Local Municipality: Township of Puslinch

Concession 3Lot No. Part of Lot 15

Registered Plan No. _____Lot No. _____

Reference Plan No. _____Part No. _____

Civic Address 6862 Wellington County Road 34

(b) When was property acquired: December 2015

Registered Instrument No. WC456169

5. Description of Land intended to be SEVERED:Metric []Imperial []

Frontage/Width 50 ±AREA 0.56 ha ±

Depth 110 / 113 ±Existing Use(s) Rural Residential

Existing Buildings or structures: None

Proposed Uses (s): Proposed Dwelling

Type of access (Check appropriate space)Existing []Proposed [X]

☐ Provincial Highway

☒ County Road

☐ Municipal road, maintained year round

☐ Municipal road, seasonally maintained

☐ Easement

☐ Right-of-way

☐ Private road

☐ Crown access road

☐ Water access

☐ Other

Type of water supply - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other

Type of sewage disposal - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☒ Septic Tank (specify whether individual or communal): Individual

☐ Pit Privy

☐ Other (Specify):

6.

Description of Land intended to be RETAINED:

Metric [X]

Imperial []

Frontage/Width

72 / 121 ±

AREA

3.4 ha ±

Depth

326 ±

Existing Use(s)

Rural Residential

Existing Buildings or structures:

Dwelling, Garage, Shed & Barn (barn to be removed)

Proposed Uses (s):

No Change

Type of access (Check appropriate space)

Existing [X]

Proposed []

[] Provincial Highway

[X] County Road

[] Municipal road, maintained year round

[] Municipal road, seasonally maintained

[] Easement

[] Right-of-way

[] Private road

[] Crown access road

[] Water access

[] Other

Type of water supply - Existing [X] Proposed [] (check appropriate space)

[] Municipally owned and operated piped water system

[X] Well [X] individual [] communal

[] Lake

[] Other

Type of sewage disposal - Existing [X] Proposed [] (check appropriate space)

[] Municipally owned and operated sanitary sewers

[X] Septic Tank (specify whether individual or communal): Individual

[] Pit Privy

[] Other (Specify):

7.

Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)?

YES [X]

NO []

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8.

Is there a landfill within 500 metres [1640 feet]?

YES []

NO [X]

9.

a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']?

YES []

NO [X]

10.

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]?

YES [X]

NO []

11.

Is there any portion of the land to be severed or to be retained located within a floodplain?

YES []

NO [X]

12.

Is there a provincial park or are there Crown Lands within 500 metres [1640']?

YES []

NO [X]

13.

Is any portion of the land to be severed or retained within a rehabilitated mine/pit site?

YES []

NO [X]

14.

Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']?

YES []

NO [X]

15.

Is there a noxious industrial use within 500 meters [1640']?

YES []

NO [X]

16.

Is there an active or abandoned principal or secondary railway within 500 metres [1640']?

YES []

NO [X]

Name of Rail Line Company: _____

County of Wellington

LAND DIVISION FORM – SEVERANCE

Revised April 2018

17. Is there an airport or aircraft landing strip nearby? YES [] NO [X]

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO [X]

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping?) YES [] NO [X] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s)

20. Is this a **resubmission** of a previous application? YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO [X]

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide: **Transferee's Name, Date of the Transfer and Use of Parcel Transferred.**

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors? YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

There are Natural Heritage Features on property, however they are on the Retained Parcel and far removed from the severance.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural and Core Greenlands in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met.

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* YES [] NO [X]

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? **Agricultural and Natural Environment**

29. Does the proposal for the subject lands conform to the existing zoning? YES [X] NO []

If NO, a) has an application been made for re-zoning?
 YES [] NO [] File Number _____
 b) has an application been made for a minor variance?
 YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? YES [X] NO []

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

- **Mortgage as in Instrument No. WC500550 with the Home Trust Company, located at 145 King Street West, Suite 2300, Toronto, ON, M5H 1J8**

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. **Type of Farm Operation** conducted on these subject lands: **None**

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []
 _____ _____

32. **Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands**

<u>Retained</u>	Width	Length	Area	<u>115±m²</u>	Use	<u>Barn (to be removed)</u>
	Width <u>11±m</u>	Length <u>8±m</u>	Area	<u>88±m²</u>	Use	<u>Garage</u>
	Width <u>3±m</u>	Length <u>8±m</u>	Area	<u>24±m²</u>	Use	<u>Shed</u>
<u>Severed</u>	Width	Length	Area		Use	

33. **Manure Storage Facilities** on these lands: **None**

DRY		SEMI-SOLID		LIQUID	
Open Pile	<input type="checkbox"/>	Open Pile	<input type="checkbox"/>	Covered Tank	<input type="checkbox"/>
Covered Pile	<input type="checkbox"/>	Storage with Buck Walls	<input type="checkbox"/>	Aboveground Uncovered Tank	<input type="checkbox"/>
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				Open Earth-sided Pit	<input type="checkbox"/>

34. Are there any drainage systems on the retained and severed lands? **YES ☐** **NO ☒**

Type	Drain Name & Area	Outlet Location
Municipal Drain <input type="checkbox"/>		Owner's Lands <input type="checkbox"/>
Field Drain <input type="checkbox"/>		Neighbours Lands <input type="checkbox"/>
		River/Stream <input type="checkbox"/>

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? **YES ☒** **NO ☐**

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES ☐ **NO ☒**

If yes, please indicate the person you have met/spoken to:

37. **If you wish to provide some further information** that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

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5. Generally, regular severance application forms are also available at the local municipal office.

OWNER'S AUTHORIZATION:

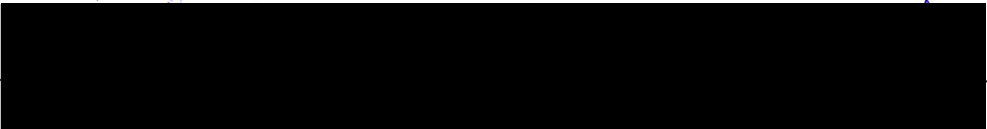
The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), Krista Lily-Ann GODINHO & Paul Alexandre Viera GODINHO the Registered Owners of
Part of Lot 15, Concession 3, as in INST MS75851 Of the Township of Puslinch in the
County/-Region of Wellington severally and jointly, solemnly declare that
Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc.

Is authorized to submit an application for consent on my (our) behalf.

X 

APPLICANT'S DECLARATION
This must be completed by the Applicant for the proposed consent

I, (we) Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc. of the
City of Guelph In the County/-Region of
Wellington Solemnly declare that all

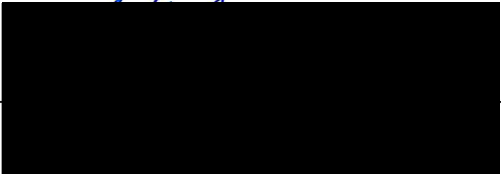
the statements contained in this application for consent for (property description) _____

Part of Lot 15, Concession 3, as in INST MS75851 Of the Township of Puslinch

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the _____
_____ City _____ Of _____ (Owner or Applicant)
_____ Guelph _____ In the _____
County/-Region of Wellington
This 25 day of June 20 21





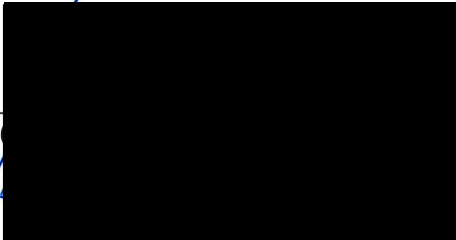
James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expire May 11, 2024

Printed Commissioner Name

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, **Jeff Buisman of Van Harten Surveying Inc.**, the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature of Owner



Date

June 25/2021

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160



LAND SURVEYORS and ENGINEERS

June 30, 2021

29299-21

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Deborah Turchet

Dear Ms. Turchet:

**Re: Severance Application & Sketch
6862 Wellington Road No 34
Part of Lot 15, Concession 3
PIN 71209-0071
Township of Puslinch**

RECEIVED

JUN 29 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN Report and Map, the required deeds, addresses of neighbouring properties, Source Water Protection Form, MDS Farm Data Sheet, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal

The proposal is to create a new rural residential parcel along Wellington County Road 34 with a frontage of 50±m, depth of 113±m for an area of 0.56±ha where a dwelling is proposed. The parcel consists of vacant field with some trees/bush around the boundary -- which creates a suitable parcel for residence. The parcel has been evaluated and safe entrance is possible near the west end of the frontage.

The Retained Parcel (known as #6862 Wellington Road 34) has a frontage of 72±m, depth of 326±m for an area of 3.4±ha where the existing dwelling, garage, barn and sheds will remain. The entrance exists and the safe access will continue to be maintained.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



LAND SURVEYORS and ENGINEERS

MDS Evaluation:

There is currently a barn on the Retained Parcel that is being used for a small hobby farm with four horses and a few ducks, geese, miniature pigs and chickens. Ideally the owners would like to retain the barn; however, after completing the MDS calculations – under a Type B scenario – the required distance to the severed parcel is 166m and the actual distance is approximately 35±m. Therefore, MDS cannot be met. The plan is to construct a new hobby barn further back on the retained parcel. We completed preliminary MDS 2 calculations and found that the barn on the retained needs to be 173m to the rear of the severance. We would appreciate the County and/or the Township's confirmation that the new location of the proposed barn will meet MDS 2.

Policy Review:

The subject property is zoned Agricultural and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the Severed and Retained Parcels.

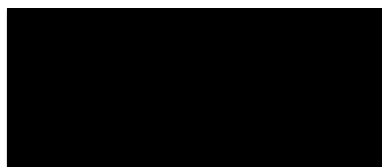
The parcel has a designation of Secondary Agricultural in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section, and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years.
- No severance since March 2005.
- Safe entrance is available – sight lines have been evaluated.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot
- Zoning requirements are met.
- MDS requirements will be met once the barn is removed.

In summary this severance is very practical and follows the relevant criteria for a severance.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

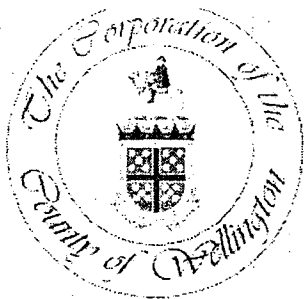


Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Krista Godinho

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



FARM DATA SHEET
Minimum Distance Separation I (MDSI)
County of Wellington

NOTE TO FARM OWNER(S)
By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility Krista Godinho

Contact Information
Email [redacted] Telephone [redacted]
Civic Address Wellington Road 34 Municipality Puslinch
Lot 15 Concession 3 Division _____
Lot Size (where livestock facility is located) 0.4 / 1 hectares _____ acres
Signature of Livestock Facility Owner [redacted] Date Jan 6/18

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. _____ ft²/m² approx. 1284 ft²/m²

- Manure Storage Types** Solid manure: 18% dry matter, or more Liquid manure: <18% dry matter
- | | | | |
|----|---|----|--|
| V1 | Solid, inside, bedded pack | L1 | Solid, outside, no cover, 18%- <30% dry matter, with uncovered liquid runoff storage |
| V2 | Solid, outside, covered | L2 | Liquid, outside, with a permanent floating cover |
| V3 | Solid, outside, no cover, ≥30% dry matter | M1 | Liquid, outside, no cover, straight-walled storage |
| V4 | Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage | M2 | Liquid, outside, roof, but with open sides |
| V5 | Liquid, inside, underneath slatted floor | H1 | Liquid, outside, no cover, sloped-sided storage |
| V6 | Liquid, outside, with a permanent, tight-fitting cover | | |

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 – 16 months)		
	Backgrounders (7 – 12.5 months)		
	Shortkeepers (12.5 – 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Hieifers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
	Medium-framed; 39 – 148 kg (e.g. Guernseys)		
	Small-framed; 30 – 125 kg (e.g. Jerseys)		
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)	4	V3
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pulletbarn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkeybarn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floorarea)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
	HOBBY FARM INCLUDING MINIATURE PIGS, geese, ducks, chickens	4	V3
Imported manure	Use the volume of the manurestorages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible
(see Implementation Guideline 20 for more information).

QUESTIONS?
PLEASE CONTACT

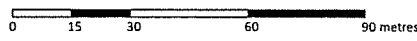
County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9
F 519.923.1694

Linda Redmond, Senior Planner
E lindar@wellington.ca
T 519.837.2600 x2380
1.800.663.0750 x2380

Sarah Wilhelm, Senior Planner
E sarahw@wellington.ca
T 519.837.2600 x2130
1.800.663.0750 x2130

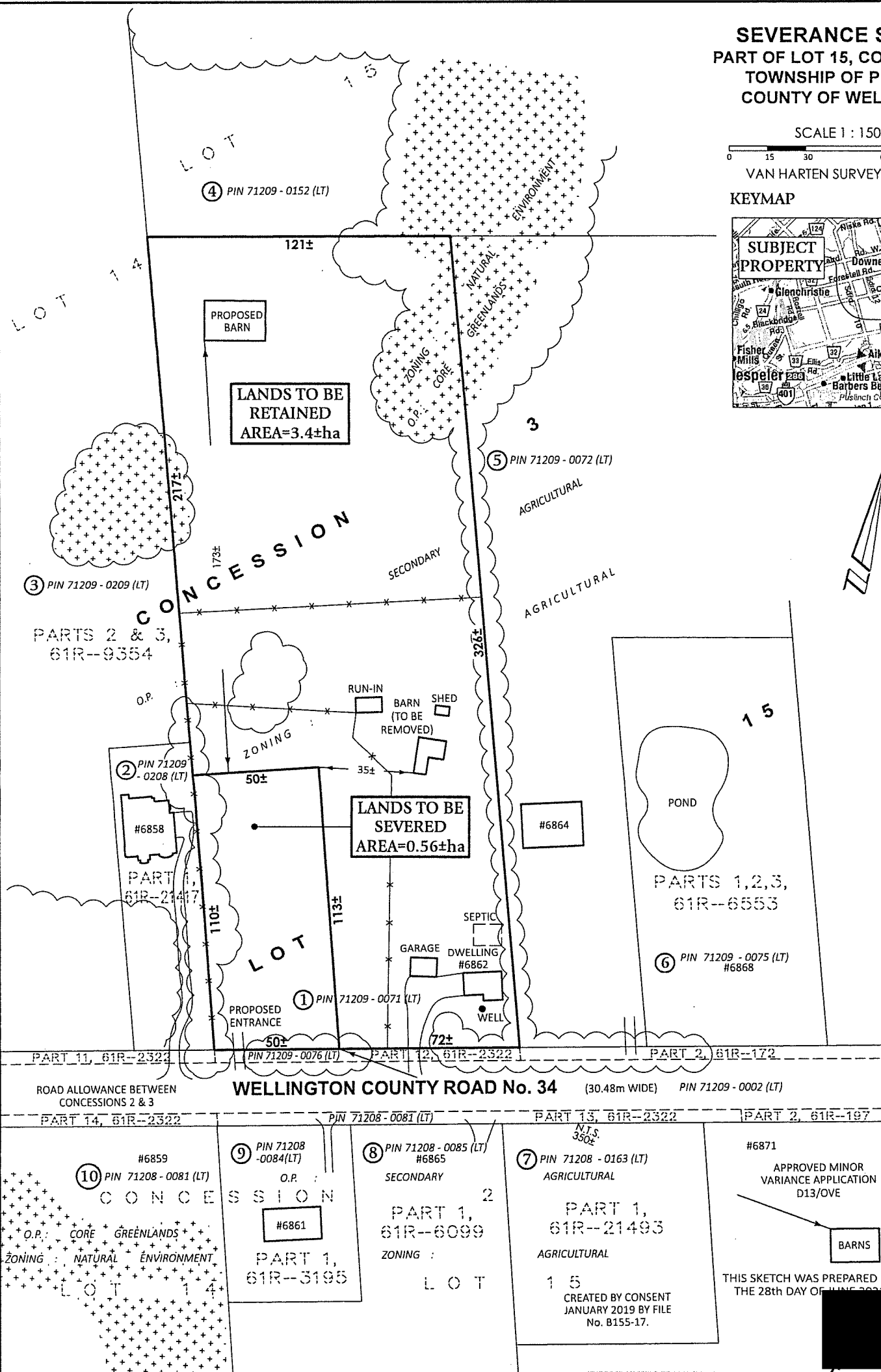
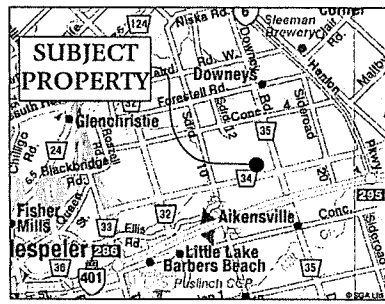
SEVERANCE SKETCH
PART OF LOT 15, CONCESSION 3
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON

SCALE 1 : 1500



VAN HARTEN SURVEYING INC.

KEYMAP



- NOTES:
1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
 2. SUBJECT LANDS ARE ZONED AGRICULTURAL & NATURAL ENVIRONMENT.
 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL & CORE GREENLANDS.
 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
 6. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.
 7. N.T.S. DENOTES NOT TO SCALE.

O.P. : CORE GREENLANDS
ZONING : NATURAL ENVIRONMENT



Kitchener/Waterloo Ph: 519-742-8371		Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com	
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 29299-21	
Jun 28, 2021-7:55:20 AM		22421	

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph ON N1H 3T9

July 9, 2021

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: June 28, 2021

FILE NO. B55-21

APPLICANT

Peggy Hambly
4428 Sideroad 20 N
RR#6
Guelph N1H 6J3

LOCATION OF SUBJECT LANDS

Township of Puslinch
Part Lot 20
Concession 2

Proposed severance is 0.41 hectares with 25.1m frontage, existing and proposed rural residential use. Existing shed to be removed.

Retained parcel is 0.5 hectares with 30.5m frontage, existing and proposed rural residential use with existing dwelling & barn. Barn to be removed.

IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE

August 18, 2021

Comments can be provided by mail at address above or by email janap@wellington.ca

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this Application for Consent.

Please also be advised that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Land Tribunal may dismiss the appeal.

If you wish to be NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION of this application - **please make your request in writing and provide your email address** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be NOTIFIED OF THE DECISION of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Land Tribunal. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the Public.

INFORMATION REGARDING THE APPLICATION is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph, ON N1H 3T9.
Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

MAILED TO:

Local Municipality – Puslinch County Planning Conservation Authority - GRCA

Bell Canada (email) County Clerk Roads/Solid Waste Civic Addressing

Neighbour - as per list verified by local municipality and filed by applicant with this application

APPLICATION FOR CONSENT

Ontario Planning Act

1. Approval Authority:

County of Wellington Planning and Land Division Committee
County of Wellington Administration Centre
74 Woolwich Street, GUELPH, Ontario N1H 3T9

Required Fee: \$ 4630
Fee Received: June 28/21
File No. BSS-21
Accepted as Complete on: June 28/21

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION2. (a) Name of Registered Owner(s) Peggy Lorine HAMBLYAddress 4428 Sideroad 20 North, RR#6, Guelph, ON, N1H 6J3

Phone No. [REDACTED]

Email: [REDACTED]

(b) Name and Address of Applicant (as authorized by Owner) _____

Phone No. _____

Email: _____

(c) Name and Address of Owner's Authorized Agent: _____

Jeff Buisman of Van Harten Surveying Inc.423 Woolwich Street, Guelph, ON, N1H 3X3

Phone No. [REDACTED]

Email: [REDACTED]

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[X] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

To create a new lot for rural residential purposesOR

EASEMENT []

RIGHT OF WAY []

CORRECTION OF TITLE []

LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

Future owner is not known

4. (a) Location of Land in the County of Wellington:

Local Municipality: **Township of Puslinch**

Concession **2**

Registered Plan No. _____

Reference Plan No. _____

Civic Address **4428 Sideroad 20 North**

Lot No. **Part of Lot 20**

Lot No. _____

Part No. _____

(b) When was property acquired: **January 2016**

Registered Instrument No. **WC459085**

5. Description of **Land** intended to be **SEVERED**:

Metric []Imperial []

Frontage/Width **25.1 ±**AREA **0.41 ha ±**

Depth **135 ±**Existing Use(s) **Rural Residential**

Existing Buildings or structures: **Shed (To Be Removed)**

Proposed Uses (s): **Proposed Dwelling**

Type of access (Check appropriate space)Existing []Proposed [X]

☐ Provincial Highway

☐ County Road

☒ Municipal road, maintained year round

☐ Municipal road, seasonally maintained

☐ Easement

☐ Right-of-way

☐ Private road

☐ Crown access road

☐ Water access

☐ Other

Type of water supply - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other

Type of sewage disposal - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☒ Septic Tank (specify whether individual or communal): **Individual**

☐ Pit Privy

☐ Other (Specify):

6.

Description of Land intended to be RETAINED:

Metric [X]

Imperial []

Frontage/Width

30.5 / 40 ±

AREA

0.50 ha ±

Depth

136 ±

Existing Use(s)

Rural Residential

Existing Buildings or structures: Dwelling (to remain) & Barn (to be removed)

Proposed Uses (s): No Change

Type of access (Check appropriate space)	Existing []	Proposed [X]
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Right-of-way	
<input type="checkbox"/> County Road	<input type="checkbox"/> Private road	
<input checked="" type="checkbox"/> Municipal road, maintained year round	<input type="checkbox"/> Crown access road	
<input type="checkbox"/> Municipal road, seasonally maintained	<input type="checkbox"/> Water access	
<input type="checkbox"/> Easement	<input type="checkbox"/> Other	

Type of water supply - Existing [X] Proposed [] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other

Type of sewage disposal - Existing [X] Proposed [] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☒ Septic Tank (specify whether individual or communal): Individual

☐ Pit Privy

☐ Other (Specify):

7.

Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)?

YES [X] NO []

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.
8.

Is there a landfill within 500 metres [1640 feet]?

YES [] NO [X]
9.

a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']?

YES [] NO [X]
10.

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]?

YES [X] NO []
11.

Is there any portion of the land to be severed or to be retained located within a floodplain?

YES [] NO [X]
12.

Is there a provincial park or are there Crown Lands within 500 metres [1640']?

YES [] NO [X]
13.

Is any portion of the land to be severed or retained within a rehabilitated mine/pit site?

YES [] NO [X]
14.

Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']?

YES [X] NO []
15.

Is there a noxious industrial use within 500 meteres [1640']?

YES [] NO [X]
16.

Is there an active or abandoned principal or secondary railway within 500 metres [1640']?

YES [] NO [X]

Name of Rail Line Company: _____

17. Is there an airport or aircraft landing strip nearby? YES [] NO [X]

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO [X]

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping?) YES [] NO [X] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s)

20. Is this a resubmission of a previous application? YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO [X]

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide: Transferee's Name, Date of the Transfer and Use of Parcel Transferred.

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors?

YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

There are no Natural Heritage Features on property.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met.

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* **YES [] NO [X]**

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? **Agricultural**

29. Does the proposal for the subject lands conform to the existing zoning? **YES [X] NO []**

If NO, a) has an application been made for re-zoning?
YES [] NO [] File Number _____

b) has an application been made for a minor variance?
YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? **YES [X] NO []**

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

- **Mortgage as in Instrument No. WC585275 with Victor Demedeiros located at 512 Conservation Drive, Brampton, ON, L6Z 0B8**

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. **Type of Farm Operation** conducted on these subject lands: **None**

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []

32. **Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands** **None**

<u>Retained</u>	Width	Length	Area	Use
	Width	Length	Area	Use
<u>Severed</u>	Width	Length	Area	Use
	Width	Length	Area	Use

33. **Manure Storage Facilities** on these lands: **None**

DRY		SEMI-SOLID		LIQUID	
Open Pile	<input type="checkbox"/>	Open Pile	<input type="checkbox"/>	Covered Tank	<input type="checkbox"/>
Covered Pile	<input type="checkbox"/>	Storage with Buck Walls	<input type="checkbox"/>	Aboveground Uncovered Tank	<input type="checkbox"/>
				Belowground Uncovered Tank	<input type="checkbox"/>
				Open Earth-sided Pit	<input type="checkbox"/>

34. Are there any drainage systems on the retained and severed lands? YES ☐ NO ☒

Type	Drain Name & Area	Outlet Location	
Municipal Drain	<input type="checkbox"/>	Owner's Lands	<input type="checkbox"/>
Field Drain	<input type="checkbox"/>	Neighbours Lands	<input type="checkbox"/>
		River/Stream	<input type="checkbox"/>

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? YES ☐ NO ☒

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES ☐ NO ☒

If yes, please indicate the person you have met/spoken to:

37. **If you wish to provide some further information** that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

NOTES:

1. **One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
2. The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
3. Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
4. Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.
5. Generally, regular severance application forms are also available at the local municipal office.

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), Peggy Lorine HAMBLY the Registered Owners of
Part of Lot 20, Concession 2, as in INST ROS244609 Of the Township of Puslinch in the
County/-Region of Wellington severally and jointly, solemnly declare that
Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc.

Is authorized to submit an application for consent on my (our) behalf.

X

Signature(s) of Registered Owner(s) or Corporation's Officer

APPLICANT'S DECLARATION

This must be completed by the Applicant for the proposed consent

I, (we) Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc. of the
City of Guelph In the County/-Region of
Wellington Solemnly declare that all

the statements contained in this application for consent for (property description)

Part of Lot 20, Concession 2, as in INST ROS244609 Of the Township of Puslinch

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the

City

Of

Guelph

In the

County/-Region of Wellington

This 15 day of June 2021

(Owner or Applicant)

(Owner or Applicant)

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Printed Commissioner's Name

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, **Jeff Buisman of Van Harten Surveying Inc.**, the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature



Date

June 25, 2021

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160



LAND SURVEYORS and ENGINEERS

June 30, 2021

29662-21

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Deborah Turchet

Dear Ms. Turchet:

**Re: Severance Application & Sketch
4428 Sideroad 20
Part of Lot 20, Concession 2
PIN 71201-0044
Township of Puslinch**

RECEIVED

JUN 29 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN Report and Map, the required deed, addresses of neighbouring properties, MDS Farm Data Sheet, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal

The proposal is to split the subject property known as #4428 Sideroad 20 North (PIN 71201-0044) roughly in half to create a new rural residential parcel. The Severed Parcel will have a frontage of 25.1m, depth of 135±m, for an area of 0.41±ha where a dwelling is proposed. There is a small shed on this parcel, however it will be removed.

The severed parcel was a bit of an odd configuration because of existing property lines and existing features. Survey work was completed to confirm the location of the existing house and well so as to ensure that the new limit has adequate clearance to the well and existing house. The new limit between the severed and retained parcels was configured to have some symmetry with the existing property lines and the existing features. The driveway for the existing house will be relocated further north so that the severed parcel will have a frontage of 25.1m. The entrance for the severed parcel will be at the north end of the severed lot.

The Retained Parcel will have a frontage of 30.5m, depth of 136±m, for an area of 0.50±ha where the existing dwelling will remain. There is an existing small horse barn that will be removed as part of the severance.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



LAND SURVEYORS and ENGINEERS

MDS Evaluation

The Minimum Distance Separation (MDS) guidelines have been evaluated for the barn across the road at #4453 Sideroad 20 North. The required distance using Type B calculations is 187m to the severed parcel and the actual distance is approximately 275m and therefore MDS can be met.

There is an existing small barn on the retained parcel (#4428) that previously housed a couple horses; however, this will barn will be removed to ensure that MDS can be met for the severance.

Overall Review

The subject property is zoned Agricultural & Natural Environment and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the Severed Parcel. The Zoning requirements are met for the Retained Parcel.

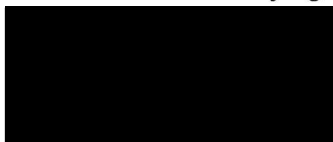
The parcel has a designation of Secondary Agricultural in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section, and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years.
- No severance since March 2005.
- Safe entrance is available – sight lines have been evaluated.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot.
- Zoning requirements are met.
- MDS requirements are met.

In summary, the severed land consists of cut grass and planted trees. The land is relatively open and this severance is a very practical in-fill development.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc James Nagy
cc Peggy Hambly

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



FARM DATA SHEET
Minimum Distance Separation I (MDSI)
County of Wellington

NOTE TO FARM OWNER(S)
By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility Csilla Farkas

Contact Information

Email [REDACTED] Telephone [REDACTED]

Civic Address 4453 Sideroad 20 N Municipality [REDACTED]

Lot 21 Concession 2 Division

Lot Size (where livestock facility is located) hectares acres

Signature of Livestock Facility Owner [REDACTED] Date Aug 20/19

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. ft²/m² ft²/m²

- Manure Storage Types** Solid manure: 18% dry matter, or more Liquid manure: <18% dry matter
- | | | | |
|----|---|----|--|
| V1 | Solid, inside, bedded pack | L1 | Solid, outside, no cover, 18%- <30% dry matter, with uncovered liquid runoff storage |
| V2 | Solid, outside, covered | L2 | Liquid, outside, with a permanent floating cover |
| V3 | Solid, outside, no cover, ≥30% dry matter | M1 | Liquid, outside, no cover, straight-walled storage |
| V4 | Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage | M2 | Liquid, outside, roof, but with open sides |
| V5 | Liquid, inside, underneath slatted floor | H1 | Liquid, outside, no cover, sloped-sided storage |
| V6 | Liquid, outside, with a permanent, tight-fitting cover | | |

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)		V
	Feeders (7 – 16 months)		
	Backgrounders (7 – 12.5 months)		
	Shortkeepers (12.5 – 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		V3
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Hieifers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
	Medium-framed; 39 – 148 kg (e.g. Guernseys)		
	Small-framed; 30 – 125 kg (e.g. Jerseys)		
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		6
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

QUESTIONS?

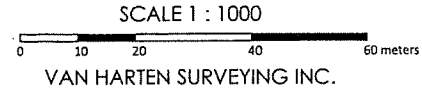
PLEASE CONTACT

County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9
F 519.923.1694

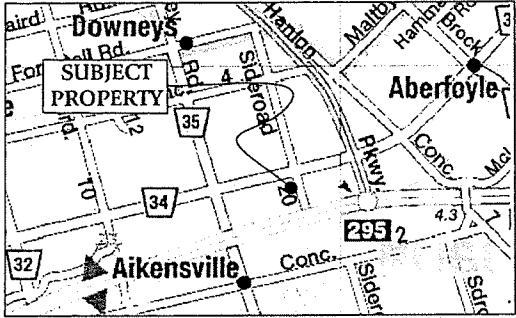
Linda Redmond, Senior Planner
E lindar@wellington.ca
T 519.837.2600 x2380
1.800.663.0750 x2380

Sarah Wilhelm, Senior Planner
E sarahw@wellington.ca
T 519.837.2600 x2130
1.800.663.0750 x2130

SEVERANCE SKETCH
PART OF LOT 20, CONCESSION 2
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON




KEYMAP



NOTES:

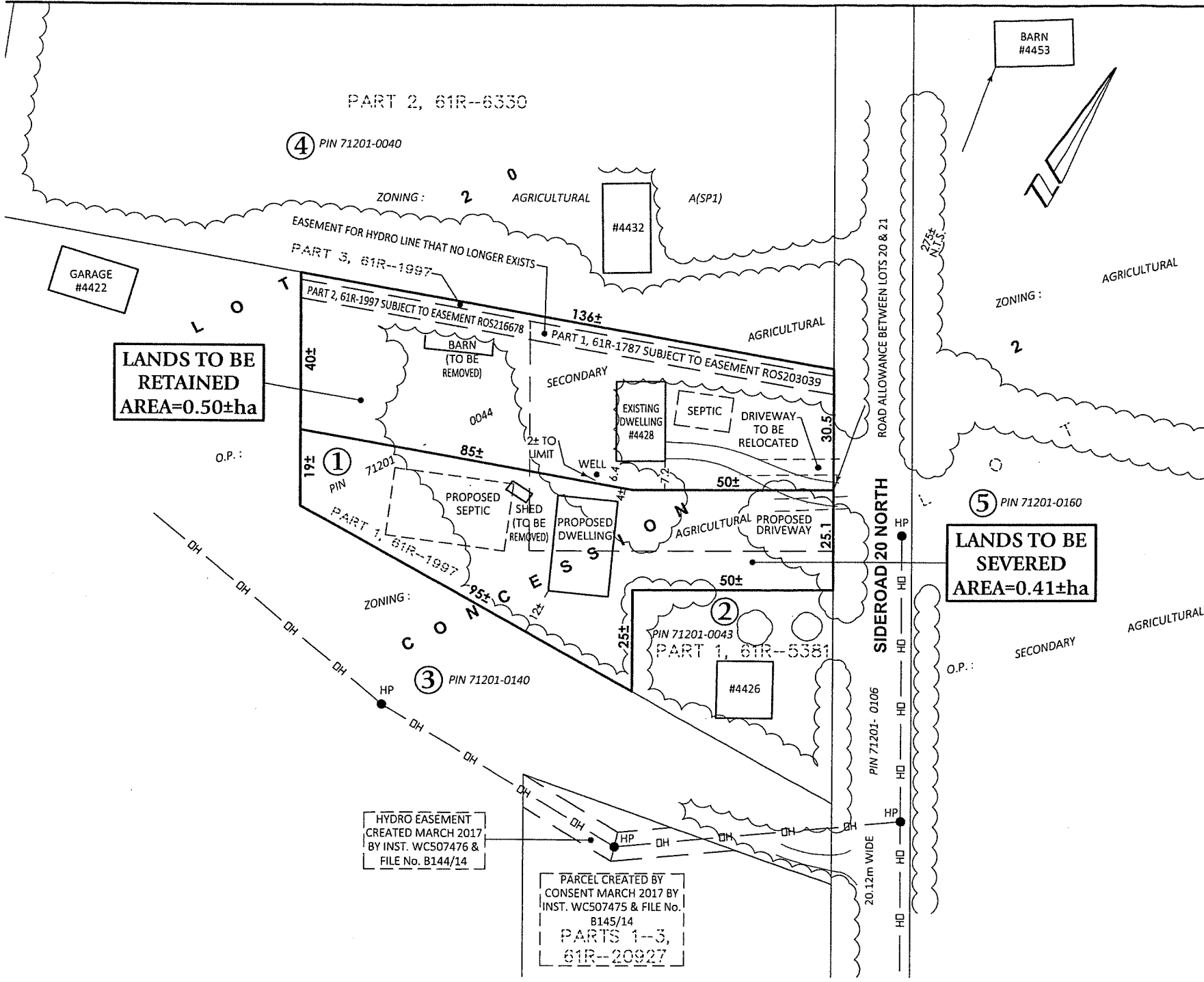
1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED AGRICULTURAL.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.
6. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.
7. N.T.S. DENOTES NOT TO SCALE.

THIS SKETCH WAS PREPARED ON
THE 25th DAY OF JUNE 2021



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Elmira Ph: 519-669-5070	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 29662-21
Jun 25, 2021-1:14:40 PM G:\PUSLINCH\Con2\Acad\SEV LOT 20 (NAGY) UTM.dwg		



County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph ON N1H 3T9

July 9, 2021

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: June 28, 2021

FILE NO. B56-21

APPLICANT

QB Farms Inc.
c/o Patrick Quirk & Chas Birkett
159 Dawn Avenue
Guelph N1G 4X2

LOCATION OF SUBJECT LANDS

Township of Puslinch
Part Lot 17
Concession 9

Proposed severance is 50m fr x 150m = 0.75 hectares, existing agricultural for proposed rural residential use.

Retained parcel is 40.2 hectares with 357m frontage, existing and proposed agricultural use with existing dwelling, sheds & cell tower.

IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE

August 18, 2021

Comments can be provided by mail at address above or by email janap@wellington.ca

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this Application for Consent.

Please also be advised that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Land Tribunal may dismiss the appeal.

If you wish to be NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION of this application - **please make your request in writing and provide your email address** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be NOTIFIED OF THE DECISION of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Land Tribunal. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the Public.

INFORMATION REGARDING THE APPLICATION is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph, ON N1H 3T9.
Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

MAILED TO:

Local Municipality – Puslinch County Planning Conservation Authority - GRCA

Neighbouring Municipality – City of Guelph

Bell Canada (email) County Clerk Roads/Solid Waste Civic Addressing

Neighbour - as per list verified by local municipality and filed by applicant with this application

1. Approval Authority:

County of Wellington Planning and Land Division Committee
County of Wellington Administration Centre
74 Woolwich Street, GUELPH, Ontario N1H 3T9

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

Required Fee: \$ 4630
Fee Received: June 28/21

File No. B56-21
Accepted as Complete on: June 28/21

A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION2. (a) Name of Registered Owner(s) QB Farms Inc. c/o Patrick Quirk & Chas Birkett

Address 159 Dawn Avenue, Guelph, ON, N1G 4X2

Phone No. [REDACTED]

Email: [REDACTED]

(b) Name and Address of Applicant (as authorized by Owner) _____

Phone No. _____

Email: _____

(c) Name and Address of Owner's Authorized Agent: _____

Jeff Buisman of Van Harten Surveying Inc.

423 Woolwich Street, Guelph, ON, N1H 3X3

Phone No. [REDACTED]

Email: [REDACTED]

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[X] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

To create a new lot for rural residential purposes

OR

EASEMENT [] RIGHT OF WAY [] CORRECTION OF TITLE [] LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

Future owner is not known

4. (a) Location of Land in the County of Wellington:

Local Municipality: Township of Puslinch

Concession 9Lot No. Part of Lot 17

Registered Plan No. _____Lot No. _____

Reference Plan No. _____Part No. _____

Civic Address 4555 Victoria Road South

(b) When was property acquired: January 2015Registered Instrument No. WC424705

5. Description of Land intended to be SEVERED:Metric [X]Imperial []

Frontage/Width 50 ±AREA 0.75 ha ±

Depth 150 ±Existing Use(s) Field

Existing Buildings or structures: None

Proposed Uses (s): Proposed Dwelling

Type of access (Check appropriate space)	Existing []	Proposed [X]
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Right-of-way	
<input type="checkbox"/> County Road	<input type="checkbox"/> Private road	
<input checked="" type="checkbox"/> Municipal road, maintained year round	<input type="checkbox"/> Crown access road	
<input type="checkbox"/> Municipal road, seasonally maintained	<input type="checkbox"/> Water access	
<input type="checkbox"/> Easement	<input type="checkbox"/> Other	

Type of water supply - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other _____

Type of sewage disposal - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☒ Septic Tank (specify whether individual or communal): Individual

☐ Pit Privy

☐ Other (Specify): _____

6.

Description of Land intended to be RETAINED:

Metric [X]

Imperial []

Frontage/Width

357 / 408 ±

AREA

40.2 ha ±

Depth

1005 ±

Existing Use(s)

Agricultural

Existing Buildings or structures:

Dwelling, Sheds and Cell Tower

Proposed Uses (s):

No Change

Type of access (Check appropriate space)

Existing [X]

Proposed []

[] Provincial Highway

[] County Road

[X] Municipal road, maintained year round

[] Municipal road, seasonally maintained

[] Easement

[] Right-of-way

[] Private road

[] Crown access road

[] Water access

[] Other

Type of water supply - Existing [X] Proposed [] (check appropriate space)

[] Municipally owned and operated piped water system

[X] Well [X] individual [] communal

[] Lake

[] Other

Type of sewage disposal - Existing [X] Proposed [] (check appropriate space)

[] Municipally owned and operated sanitary sewers

[X] Septic Tank (specify whether individual or communal): Individual

[] Pit Privy

[] Other (Specify):

7.

Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)?

YES [] NO [X]

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8.

Is there a landfill within 500 metres [1640 feet]?

YES [] NO [X]

9.

a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']?

YES [] NO [X]

10.

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]?

YES [X] NO []

11.

Is there any portion of the land to be severed or to be retained located within a floodplain?

YES [X] NO []

12.

Is there a provincial park or are there Crown Lands within 500 metres [1640']?

YES [] NO [X]

13.

Is any portion of the land to be severed or retained within a rehabilitated mine/pit site?

YES [] NO [X]

14.

Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']?

YES [] NO [X]

15.

Is there a noxious industrial use within 500 meteres [1640']?

YES [] NO [X]

16.

Is there an active or abandoned principal or secondary railway within 500 metres [1640']?

YES [] NO [X]

Name of Rail Line Company:

County of Wellington

LAND DIVISION FORM – SEVERANCE

Revised April 2018

17. Is there an airport or aircraft landing strip nearby? YES [] NO [X]

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO [X]

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)?

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping?) YES [] NO [X] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s) _____

20. Is this a **resubmission** of a previous application? YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number _____

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO [X]

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide:
Transferee's Name, Date of the Transfer and Use of Parcel Transferred.

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors?

YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

There are Natural Heritage Features on property, however they are far from the severed parcel.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural and Core Greenlands in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met.

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* **YES [] NO [X]**

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? **Agricultural & Natural Environment**

29. Does the proposal for the subject lands conform to the existing zoning? **YES [X] NO []**

If NO, a) has an application been made for re-zoning?
YES [] NO [] File Number _____
b) has an application been made for a minor variance?
YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? **YES [] NO [X]**

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. **Type of Farm Operation** conducted on these subject lands: **None**
Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []

32. **Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands**

<u>Retained</u>	Width	<u>18±m</u>	Length	<u>38±m</u>	Area	<u>697±m²</u>	Use	<u>Shed 1</u>
	Width	<u>4±m</u>	Length	<u>7±m</u>	Area	<u>28±m²</u>	Use	<u>Shed 2</u>
	Width	<u>7±m</u>	Length	<u>15±m</u>	Area	<u>105±m²</u>	Use	<u>Shed 3</u>
<u>Severed</u>	Width		Length		Area		Use	

33. Manure Storage Facilities on these lands: None

DRY	SEMI-SOLID	LIQUID
Open Pile <input type="checkbox"/>	Open Pile <input type="checkbox"/>	Covered Tank <input type="checkbox"/>
Covered Pile <input type="checkbox"/>	Storage with Buck Walls <input type="checkbox"/>	Aboveground Uncovered Tank <input type="checkbox"/>
		Belowground Uncovered Tank <input type="checkbox"/>
		Open Earth-sided Pit <input type="checkbox"/>

34. Are there any drainage systems on the retained and severed lands? YES ☐ NO ☒

Type	Drain Name & Area	Outlet Location
Municipal Drain <input type="checkbox"/>		Owner's Lands <input type="checkbox"/>
Field Drain <input type="checkbox"/>		Neighbours Lands <input type="checkbox"/>
		River/Stream <input type="checkbox"/>

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? YES ☐ NO ☒

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES ☐ NO ☒

If yes, please indicate the person you have met/spoken to:

37. **If you wish to provide some further information** that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

NOTES:

1. **One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
2. The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
3. Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
4. Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.
5. Generally, regular severance application forms are also available at the local municipal office.

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), QB Farms Inc. c/o Patrick Quirk and Chas Birkett the Registered Owners of Part of Lot 17, Concession 9, as in INST ROS392992 Of the Township of Puslinch in the County/-Region of Wellington severally and jointly, solemnly declare that Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc.

Is authorized to submit an application for consent on my (our) behalf.

[Redacted Signature] [Redacted Signature]
Signature(s) of Registered Owner(s) or Corporation's Officer

APPLICANT'S DECLARATION
This must be completed by the Applicant for the proposed consent

I, (we) Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc. of the City of Guelph In the County/-Region of Wellington Solemnly declare that all

the statements contained in this application for consent for (property description) _____

Part of Lot 17, Concession 9, as in INST ROS392992 Of the Township of Puslinch

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the _____

City Of _____
Guelph In the _____
County/-Region of Wellington

This 25 day of June 20 21

[Redacted Signature]

(Owner or Applicant)
[Redacted Signature]

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2024
Printed Commissioner's, etc. Name

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, Jeff Buisman of Van Harten Surveying Inc., the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature of Owner



Date

June 25/2021

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160



LAND SURVEYORS and ENGINEERS

June 30, 2021

29762-21

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Attention: Deborah Turchet

Dear Ms. Turchet:

**Re: Severance Application & Sketch
4555 Victoria Road South
Part of Lot 17, Concession 9
PIN 71189-0007
Township of Puslinch**

RECEIVED

JUN 29 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN Report and Map, the required deed, addresses of neighbouring properties, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal

The proposal is to create a new rural residential parcel along Victoria Road South. The Severed Parcel will have a frontage of 50±m, depth of 150±m, for an area of 0.75±ha where a dwelling is proposed. The parcel has been evaluated and a safe entrance is possible.

The Retained Parcel (known as #4555 Victoria Road South) has a frontage of 357±m, depth of 1005±m for an area of 40.2±ha where the existing dwelling, sheds and cell tower will remain. The entrance exists and the safe access will continue to be maintained.

The subject property is zoned Agricultural & Natural Environment and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the Severed Parcel. The Zoning requirements are met for the Retained Parcel.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



LAND SURVEYORS and ENGINEERS

The parcel has a designation of Secondary Agricultural in the County of Wellington Official Plan which allows for a severance, provided that certain criteria (Section 10.4.4) are met. We reviewed this section, and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years.
- No severance since March 2005.
- Safe entrance is available – sight lines have been evaluated.
- Adequate space for new dwelling and septic.
- No impacts on environmentally sensitive lands or woodlot
- Zoning requirements are met.
- MDS requirements are met.

In summary this severance is very practical and follows the relevant criteria for a severance.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

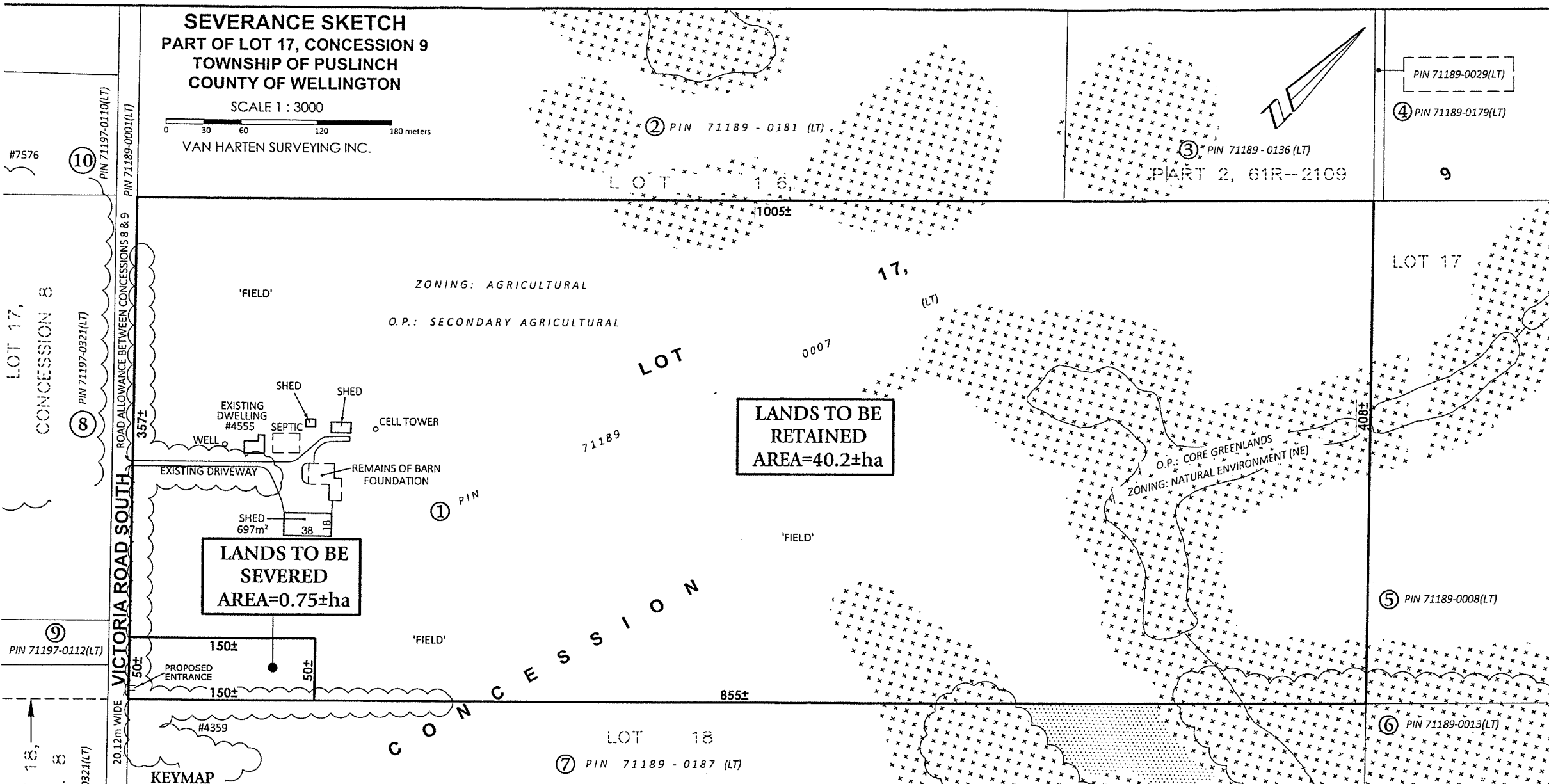
cc Patrick Quirk

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.

SEVERANCE SKETCH
PART OF LOT 17, CONCESSION 9
TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON

SCALE 1 : 3000
0 30 60 120 180 meters
VAN HARTEN SURVEYING INC.





Van Harten

SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 29762-21
Jun 15, 2021-11:58 AM		
G:\PUSLINCH\CON9\ACAD\SEV LOT 17 (QUIRK) UTM.dwg		

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph ON N1H 3T9

July 9, 2021

NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: June 30, 2021

FILE NO. B59-21

APPLICANT

Mario & Elisa Geremia
4620 Sideroad 20 N
Guelph N1H 6J3

LOCATION OF SUBJECT LANDS

Township of Puslinch
Part Lot 20
Concession 4

Proposed severance is 50m fr x 90m = 0.45 hectares, vacant land for proposed rural residential use.

Retained parcel is 3.02 hectares with 106m frontage, existing and proposed rural residential use with existing dwelling.

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

August 18, 2021

Comments can be provided by mail at address above or by email janap@wellington.ca

Please note that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this Application for Consent.

Please also be advised that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Land Tribunal may dismiss the appeal.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing and provide your email address** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Land Tribunal. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the Public.

INFORMATION REGARDING THE APPLICATION is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph, ON N1H 3T9.
Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

MAILED TO:

Local Municipality – Puslinch	County Planning	Conservation Authority - GRCA
Neighbouring Municipality – City of Guelph	Source Water Protection	
Bell Canada (email)	County Clerk	Roads/Solid Waste
		Civic Addressing
Neighbour - as per list verified by local municipality and filed by applicant with this application		

APPLICATION FOR CONSENT

Ontario Planning Act

1. Approval Authority:

County of Wellington Planning and Land Division Committee
County of Wellington Administration Centre
74 Woolwich Street, GUELPH, Ontario N1H 3T9

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

Required Fee: \$ 4630
Fee Received: June 30/1File No. B5921
Accepted as Complete on: June 30/1**A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION**2. (a) Name of Registered Owner(s) Mario Geremia & Elisa Maria Geremia – with Mario Geremia having Power of AttorneyAddress 4620 Sideroad 20 North, Guelph, N1 H 6J3

Phone No. [REDACTED]

Email: [REDACTED]

(b) Name and Address of Applicant (as authorized by Owner) _____

Phone No. _____

Email: _____

(c) Name and Address of Owner's Authorized Agent: _____

Jeff Buisman of Van Harten Surveying Inc.423 Woolwich Street, Guelph, ON, N1H 3X3

Phone No [REDACTED]

Email: [REDACTED]

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT [X]

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[X] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

To create a new parcel for rural residential purposes.OR

EASEMENT []

RIGHT OF WAY []

CORRECTION OF TITLE []

LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

Future owner is not known

4. (a) Location of Land in the County of Wellington:

Local Municipality: Township of Puslinch

Concession 4 Lot No. Part of Lot 20

Registered Plan No. _____ Lot No. _____

Reference Plan No. _____ Part No. _____

Civic Address 4620 Sideroad 20 North

(b) When was property acquired: June 1968 Registered Instrument No. MS74853

5. Description of Land intended to be SEVERED: Metric [] Imperial []

Frontage/Width 50 ± AREA 0.45 ha ±

Depth 90 ± Existing Use(s) Rural Residential

Existing Buildings or structures: None

Proposed Uses (s): Residential Dwelling

Type of access (Check appropriate space)	Existing []	Proposed [X]
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Right-of-way	
<input type="checkbox"/> County Road	<input type="checkbox"/> Private road	
<input checked="" type="checkbox"/> Municipal road, maintained year round	<input type="checkbox"/> Crown access road	
<input type="checkbox"/> Municipal road, seasonally maintained	<input type="checkbox"/> Water access	
<input type="checkbox"/> Easement	<input type="checkbox"/> Other	

Type of water supply - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated piped water system

☒ Well ☒ individual ☐ communal

☐ Lake

☐ Other

Type of sewage disposal - Existing [] Proposed [X] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☒ Septic Tank (specify whether individual or communal): Individual

☐ Pit Privy

☐ Other (Specify):

6.

Description of Land intended to be RETAINED:

Metric [X]

Imperial []

Frontage/Width

106 / 156 ±

AREA

3.02 ha ±

Depth

222 ±

Existing Use(s)

Rural Residential

Existing Buildings or structures:

Dwelling

Proposed Uses (s):

No Change

Type of access (Check appropriate space)

Existing [X]

Proposed []

[] Provincial Highway

[] County Road

[X] Municipal road, maintained year round

[] Municipal road, seasonally maintained

[] Easement

[] Right-of-way

[] Private road

[] Crown access road

[] Water access

[] Other

Type of water supply - Existing [X] Proposed [] (check appropriate space)

[] Municipally owned and operated piped water system

[X] Well [X] individual [] communal

[] Lake

[] Other

Type of sewage disposal - Existing [X] Proposed [] (check appropriate space)

[] Municipally owned and operated sanitary sewers

[X] Septic Tank (specify whether individual or communal): Individual

[] Pit Privy

[] Other (Specify):

7.

Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)?

YES [X]

NO []

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8.

Is there a landfill within 500 metres [1640 feet]?

YES []

NO [X]

9.

a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']?

YES []

NO [X]

10.

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]?

YES [X]

NO []

11.

Is there any portion of the land to be severed or to be retained located within a floodplain?

YES []

NO [X]

12.

Is there a provincial park or are there Crown Lands within 500 metres [1640']?

YES []

NO [X]

13.

Is any portion of the land to be severed or retained within a rehabilitated mine/pit site?

YES []

NO [X]

14.

Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']?

YES []

NO [X]

15.

Is there a noxious industrial use within 500 meters [1640']?

YES []

NO [X]

16.

Is there an active or abandoned principal or secondary railway within 500 metres [1640']?

YES []

NO [X]

Name of Rail Line Company:

County of Wellington

LAND DIVISION FORM – SEVERANCE

Revised April 2018

17. Is there an airport or aircraft landing strip nearby? YES [] NO [X]

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO [X]

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [X] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping?) YES [] NO [X] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [X] UNKNOWN []

If YES, specify the use and type of fuel(s)

20. Is this a resubmission of a previous application? YES [] NO [X]

If YES, is it identical [] or changed [] Provide previous File Number

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO [X]

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide: Transferee's Name, Date of the Transfer and Use of Parcel Transferred.

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors? YES [] NO [X] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO [X]

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

This application is consistent with the PPS as per Section 2.3.3.3 where it states that new land uses, including the creation of lots shall comply with the minimum distance separation formula. A minor variance will be submitted for the reduced MDS.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

The Natural Heritage System mapping indicates that there are not natural heritage features on the subject property.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

The subject property is designated as Secondary Agricultural in the Official Plan. Section 10.4.4 of the Official Plan that states that lot creation for residential uses is permitted in lands designated as Secondary Agricultural provided the criteria is met.

b) Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

N/A

c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* **YES [] NO [X]**

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? **Agricultural**

29. Does the proposal for the subject lands conform to the existing zoning? **YES [] NO [X]**

A minor variance will be applied for pending severance approval

If NO, a) has an application been made for re-zoning?
YES [] NO [] File Number _____

b) has an application been made for a minor variance?
YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? **YES [] NO [X]**

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. **Type of Farm Operation** conducted on these subject lands: **None**

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []

32. **Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands** **None**

<u>Retained</u>	Width	Length	Area	Use
	Width	Length	Area	Use
<u>Severed</u>	Width	Length	Area	Use
	Width	Length	Area	Use

33. **Manure Storage Facilities** on these lands: **None**

DRY		SEMI-SOLID		LIQUID	
Open Pile	<input type="checkbox"/>	Open Pile	<input type="checkbox"/>	Covered Tank	<input type="checkbox"/>
Covered Pile	<input type="checkbox"/>	Storage with Buck Walls	<input type="checkbox"/>	Aboveground Uncovered Tank	<input type="checkbox"/>
				Belowground Uncovered Tank	<input type="checkbox"/>
				Open Earth-sided Pit	<input type="checkbox"/>

34. Are there any drainage systems on the retained and severed lands? **YES ☐** **NO ☒**

Type	Drain Name & Area	Outlet Location
Municipal Drain <input type="checkbox"/>		Owner's Lands <input type="checkbox"/>
Field Drain <input type="checkbox"/>		Neighbours Lands <input type="checkbox"/>
		River/Stream <input type="checkbox"/>

35. **Source Water Protection Plan**

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? **YES ☒** **NO ☐**

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES ☐ **NO ☒**

If yes, please indicate the person you have met/spoken to:

37. **If you wish to provide some further information** that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

Please see covering letter.

NOTES:

1. **One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
2. The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
3. Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
4. Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.

OWNER'S AUTHORIZATION:

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), Mario GEREMIA the Registered Owners of

Part of Lot 20, Concession 4 N Of the Township of Puslinch in the

County/-Region of Wellington severally and jointly, solemnly declare that

Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc.

Is authorized to submit an application for consent on my (our) behalf.

[Redacted Signature]
Signature(s) of Registered Owner(s) or Corporation's Officer

APPLICANT'S DECLARATION

This must be completed by the Applicant for the proposed consent

I, (we) Jeffrey E. Buisman, OLS, of Van Harten Surveying Inc. of the

City of Guelph

In the County/-Region of

Wellington

Solemnly declare that all

the statements contained in this application for consent for (property description)

Part of Lot 20, Concession 4, Of the Township of Puslinch

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the

City

Of

Guelph

In the

County/-Region of Wellington

This 19 day of June 2021

[Redacted Signature]
(Owner or Applicant)

[Redacted Signature]
(Applicant)

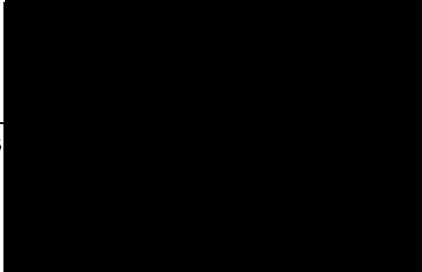
James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2024

Printed Commissioner's, etc. Name

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, **Jeff Buisman of Van Harten Surveying Inc.**, the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature of Owner(s)



Date

June 29, 2021

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160



LAND SURVEYORS and ENGINEERS

June 30, 2021

30000-21

Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9
Attention: Ms. Deborah Turchet

Dear Ms. Turchet,

Re: Severance Application and Sketch
4620 Sideroad 20 North
Part of Lot 20, Concession 4
PIN 71200-0136
Township of Puslinch

RECEIVED

JUN 30 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the severance sketch, completed application form, PIN Report and Map, the required deed, addresses of neighbouring properties, Source Water Protection Form, MDS Farm Data Sheet, a cheque to the GRCA for \$430.00 and a cheque to Wellington County for \$4,630.00.

Proposal:

The proposal is to create a new rural residential parcel along Concession Road 4 with a frontage of 50±m, depth of 90±m, for an area of 0.45±ha where a dwelling is proposed to be built. The Retained Parcel known as #4620 Sideroad 20 North, is a corner lot with a frontage of 106±m on Concession Road 4, depth of 222±m along Sideroad 20 North, for an area of 3.02±ha where the existing dwelling will remain.

The severed parcel is currently vacant and consists of open space and trees. The parcel has been evaluated and a safe entrance is available.

The subject property is zoned Agricultural and the Reduced Lot Requirements listed in Table 11.3 of the Zoning By-law will be met for the severed and retained parcel.

MDS Evaluation:

We have evaluated the livestock facility at #4638 Sideroad 20 North with respect to Minimum Distance Separation (MDS) requirements. Due to being within a group of at least 4 dwellings, the MDS guidelines requires that a Type B classification be used. The minimum distance requirement based on the animals in the barn at 4638 Sideroad 20 North is 420m. However, the application of Guideline No. 12, where there are four or more closer non-agricultural units implies that the MDS would be 384m. The actual distance is 348m and a Minor Variance will be sought for this barn.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



LAND SURVEYORS and ENGINEERS

A similar situation exists for a parcel to the west. The parcel shown as PART 1, 61R-21559 on the sketch was approved as a severance in the last few years along with a Minor Variance to allow for 345m to the same barn.

There is another barn at 4599 Sideroad 20. Farm Data was obtained for this farm and we determined that the MDS requirements can be met.

Policy Review:

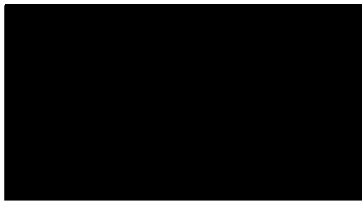
The parcel has a designation of Secondary Agricultural in the County of Wellington Official Plan which allows for a severance provided that certain criteria (Section 10.4.4) are met. We reviewed this section and we provide the opinion that the relevant criteria are met including the following:

- The severed lands are designated Secondary Agricultural.
- Ownership is longer than 5 years
- No severance since March 2005
- Safe entrance is available
- Adequate space for new dwelling and septic
- No impacts on environmentally sensitive lands or woodlot.
- A minor variance will be applied for pending severance approval for the reduced MDS setback.
- Zoning requirements are met.

In summary, this severance is a very practical and efficient use of an open space.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

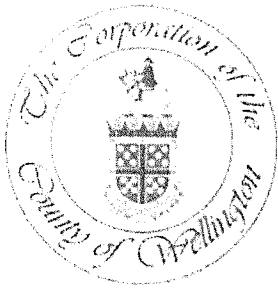


Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Mario Geremia
cc. Joe Geremia

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S. R.M. Mak, B.Sc., O.L.S. J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.



FARM DATA SHEET
Minimum Distance Separation I (MDSI)
County of Wellington

NOTE TO FARM OWNER(S)
By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility L E L Farms Limited c/o Elaine WEBER

Contact Information
Email [redacted] Telephone [redacted]
Civic Address 4638 Sideroad 20 North Municipality Puslinch
Lot 20 Concession 4 Division _____
Lot Size (where livestock facility is located) _____ hectares 16.5 acres
Signature of Livestock Facility Owner [redacted] Date Aug 9/18

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. 2,285 m² or 24,304 ft² ft²/m² _____ ft²/m²

Manure Storage Types		Solid manure: 18% dry matter, or more	Liquid manure: <18% dry matter
V1	Solid, inside, bedded pack		L1 Solid, outside, no cover, 18%- <30% dry matter, with uncovered liquid runoff storage
V2	Solid, outside, covered		L2 Liquid, outside, with a permanent floating cover
V3	Solid, outside, no cover, ≥30% dry matter		M1 Liquid, outside, no cover, straight-walled storage
V4	Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage		M2 Liquid, outside, roof, but with open sides
V5	Liquid, inside, underneath slatted floor		H1 Liquid, outside, no cover, sloped-sided storage
V6	Liquid, outside, with a permanent, tight-fitting cover		

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 – 16 months)		
	Backgrounders (7 – 12.5 months)		
	Shortkeepers (12.5 – 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Hifers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
	Medium-framed; 39 – 148 kg (e.g. Guernseys)		
	Small-framed; 30 – 125 kg (e.g. Jerseys)		
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle	32,000 Chickens in a 2,258m ² barn	V3
Turkeys	Turkey poult (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible
(see Implementation Guideline 20 for more information).

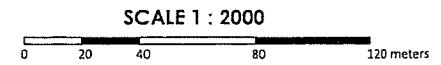
QUESTIONS?

PLEASE CONTACT

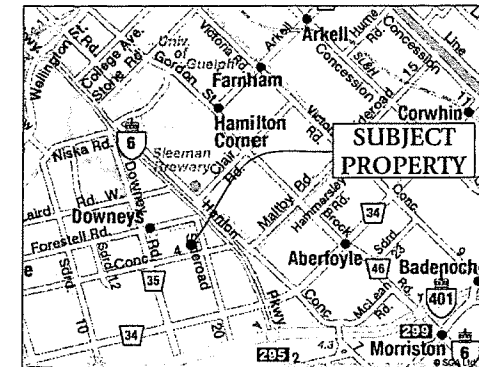
County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9
F 519.923.1694

Linda Redmond, Senior Planner
E lindar@wellington.ca
T 519.837.2600 x2380
1.800.663.0750 x2380



Sarah Wilhelm, Senior Planner
E sarahw@wellington.ca
T 519.837.2600 x2130
1.800.663.0750 x2130



KEYMAP



1. **THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.**
2. **SUBJECT LANDS ARE ZONED AGRICULTURAL.**
3. **SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF SECONDARY AGRICULTURAL.**
4. **DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.**
5. **DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.**
6. **SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.**
7. **N.T.S. DENOTES NOT TO SCALE.**

-  O.P. : CORE GREENLANDS
ZONING: NATURAL ENVIRONMENT
-  O.P. : GREENLANDS
ZONING: ENVIRONMENTAL PROTECTION OVERLAY

THIS SKETCH WAS PREPARED ON
THE 29th DAY OF JUNE, 2021



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Elmira Ph: 519-669-5070	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: ARN Jun 29, 2021 4:01pm	CHECKED BY: JEB	PROJECT No. 30000-21



MEMORANDUM

TO: Members of the Planning and Development Advisory Committee

FROM: Lynne Banks, Development and Legislative Coordinator

MEETING DATE: August 10, 2021

SUBJECT: Appeal of Property Standards Order
Brian Pearson
171 Townline Road

Purpose

The purpose of this Memorandum is to provide the Committee with background information and supporting documents for its information prior to the date of the August 10, 2021 PDAC meeting at which the appeal will be heard.

Committee's Powers

The Committee's powers with respect to rendering a decision are contained in section 15.3(3) of the Building Code Act and Township's Property Standards By-law. The Committee may:

1. Confirm the Order as issued, which would mean that the date for compliance would be the date of the Committee's decision;
2. Modify the Order, which would change some of the requirements in the Order (i.e. the extent of the repairs required or the number of units affected, etc.);
3. Rescind the Order in its entirety; and,
4. Extend the time for compliance with the Order. In contemplating this decision, the Committee must be of the opinion that the general intent of Property Standards By-law is being maintained.

Background

A Property Standards Order (the "Order") was issued for the property known municipally as 171 Townline Road (shown as Attachment "1") on June 23, 2021 in accordance with Section 25.0 of the Township of Puslinch Property Standards By-law 10/2020 (the "By-law") shown in Attachment "2". The Order was the result of a formal complaint received by the Township with

respect to industrial shipping containers and industrial material located on the property as well as noise from ingoing and outgoing vehicles to and from the property.

Section 26.0 of the By-law allows that the owner of the property may appeal the Order if they are not satisfied with the terms or conditions of the Order, which appeal was received by the Township on July 8, 2021 as shown on Attachment “3”. It should be noted that the owner is only appealing Item 1 listed in the Order.

Also attached is a copy of the By-law Officer’s written testimony, (Attachment “4”).

Applicable Legislation and Requirements

Township of Puslinch Property Standards By-law No. 10/2020

Building Code Act

Statutory Powers and Procedures Act

Attachments

Attachment “1” – Copy of Property Standards Order dated June 23, 2021

Attachment “2” – Copy of Township Property Standards By-law 10/2020.

Attachment “3” – Copy of Appeal dated July 8, 2021

Attachment “4” – By-law Officer’s written testimony



Township of Puslinch,
7404 Wellington Rd 34
Puslinch ON N0B 2J0
Tel: 519-763-1226
Fax: 519-763-5846
www.puslinch.ca

ORDER

Issued pursuant to Section 15.2(2) of The Building Code Act S.O. 1992, c.23, as amended
and
The Corporation of the Township of Puslinch
By-law 10/2020, as amended.

Date: June 23, 2021

LOCATION/ADDRESS

171 TOWNLINE RD
PUSLINCH CON GORE PT LOT 1 RP 61R4597 PART 1 RP
61R5236 PART 1 RP 61R11591 PART 1

in the Township of Puslinch
in the County of Wellington

ISSUED TO

Pearson, Jennifer Lynn,
Rivet, Daniel Anthony,
Pearson, Russell Victor,
Pearson, Patricia Kathleen,
Pearson, Brian William

171 TOWNLINE RD
PUSLINCH ON N0B 2J0

EMAILED TO/REGISTERED MAIL TO

VIA EMAIL TO: BRIAN PEARSON

REGISTER MAILED TO:
Pearson, Jennifer Lynn,
Rivet, Daniel Anthony,
Pearson, Russell Victor,
Pearson, Patricia Kathleen,
Pearson, Brian William

171 TOWNLINE RD
PUSLINCH ON N0B 2J0

The above-described property, which is owned by you or in which you have an interest has been inspected by a Property Standards Officer.

The inspection revealed that in some respect the property does not conform to the standards prescribed by the Township of Puslinch, Property Standards By-Law 10/2020 as amended.

IT IS ORDERED THAT the repairs necessary to correct the defects set out in Schedule "A" be carried out and the property brought to a condition of compliance with the prescribed standards on or before **September 30, 2021.**

APPEAL TO THE PLANNING DEVELOPMENT ADVISORY COMMITTEE

An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$264.00 for the processing of the appeal and are to be sent to the address below:

Secretary to the Planning Development Advisory Committee
Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

Final date for appealing this Order is July 8, 2021.

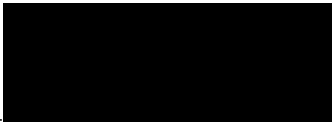
In the event that no appeal is taken, the Order shall be deemed to have been confirmed and shall be final and binding upon you, requiring you to comply with its terms within the time and in the manner specified in the Order.

FURTHER ACTION

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action, the Township of Puslinch may cause the property to be repaired or demolished and the costs of such action may be registered as lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the tax collectors roll and be collected in the same manner and with the same priorities as municipal real property taxes as described in Section 1 of the Municipal Act 2001 (S.). 2001, c.25, as amended).

DATE : June 23, 2021

SIGNATURE :


Ivan Lunevski, C.P.S.O.
By-law Enforcement and Property Standards Officer
(519) 763-1226 Ext: 215
Email: ilunevski@puslinch.ca

SCHEDULE 'A'**Date: June 23, 2021****Re:**

Legal Description

171 TOWNLINE RD**PUSLINCH CON GORE PT LOT 1 RP 61R4597 PART 1 RP 61R5236 PART 1 RP 61R11591 PART 1****Township of Puslinch**

**The item(s) listed herein are in violation of the,
Township of Puslinch, Property Standards
By-Law No. 10/2020**

ITEM LOCATION		Side yard of property as shown on Schedule 'B'	BY-LAW SEC
1	DEFECT	Storage and accumulation of machinery materials and objects, or parts thereof including but not limited to: scaffolding, racks, forklift, metal racks etc causing an unsightly and unsafe condition on the property.	4.1 (g)
REMEDIAL ACTION		1. Remove all machinery, materials and objects from the exterior. <u>OR</u> 2. Ensure that all machinery, materials, or objects are stored within a structure, and all exterior property is maintained in a neat and tidy condition.	

ITEM LOCATION		Side yard of property as shown on Schedule 'B'	BY-LAW SEC
2	DEFECT	Accumulation of waste including but not limited to: wooden skids, discarded wood, plywood, and construction type of materials, barrels and other type of waste and debris.	4.1 (a)
REMEDIAL ACTION		Remove all waste and debris from the exterior, and ensure that the exterior property is maintained in a neat and tidy condition.	

ITEM LOCATION		Side yard of property as shown on Schedule 'B'	BY-LAW SEC
3	DEFECT	Dead/decayed trees discarded on the property creating an unsafe and unsightly condition.	4.1 (d)
REMEDIAL ACTION		Remove all dead/decayed trees, and the branches and limbs thereof.	

FOR YOUR INFORMATION

All repairs and maintenance of property required by the standards prescribed by the By-Law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

Where a permit is required to undertake any repair required to conform with standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit.

SCHEDULE 'B'

Date: June 23, 2021

Re:

Legal Description

171 TOWNLINE RD

**PUSLINCH CON GORE PT LOT 1 RP 61R4597 PART 1 RP 61R5236 PART 1 RP
61R11591 PART 1**

Township of Puslinch



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2020 - 010

A By-law Prescribing Standards for the Maintenance and Occupancy of Property

WHEREAS Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, authorizes the council of a municipality to pass a bylaw prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS the County of Wellington Official Plan for the Township of Puslinch includes provisions relating to property conditions;

AND WHEREAS Section 15.6(1) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended requires that a By-law passed under Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch enacts as follows:

1.0 TITLE AND SCOPE

- 1.1 This By-Law may be referred to as "The Property Standards By-Law".
- 1.2 The standards for maintenance and occupancy of **property** set forth in this By-Law are hereby prescribed and adopted as the minimum standards for all **property** within the **Township**.

1.3 No **person** shall occupy a **property** if there is a condition which poses or constitutes an **unsafe condition**.

1.4 A **property** within the **Township** that does not conform with the standards contained in this By-law shall be:

(a) **repaired** and maintained to conform with such standards; or

(b) cleared of all **buildings, accessory buildings, structures** or **waste** and left in a graded and levelled condition.

1.5 This By-law does not apply so as to prevent an agricultural operation, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

1.6 This By-law does not apply so as to prevent an agricultural use, meeting the definition of "agricultural use" under this By-law.

2.0 APPLIED MEANING OF WORDS AND TERMS

2.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

3.0 DEFINITIONS

In this By-law:

"Accessory building" means a detached **building** or **structure**, not used for human habitation that is subordinate to the primary use on the same **property**.

"Basement" means that portion of a **building** between two floors, which is partly underground of the first floor joists above the average finished grade level adjacent to the exterior walls of the **building** and includes a crawl space and cellar.

"Boat" includes any vessel which floats or is designed to float on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land.

"Building" means a building as defined in the ***Building Code Act***, or a **structure** used or intended to be used for supporting or sheltering any use or occupancy.

"Building Code Act" means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended and any prescribed regulations under the *Building Code Act*.

"Committee" means the **Township's** Planning and Development Advisory Committee or a Property Standards Committee established under this By-law.

"Compost" means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves.

"Council" means the Council for the **Township**.

"Dwelling" means a **building** or part of a **building**, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

"Dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a

domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities.

“Exterior property areas” means the **property** and **yard**, exclusive of a **building** and an **accessory building**.

“Fence” means a **structure**, wall or barrier, other than a **building**, erected at grade for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen.

“Firewood” means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products included but not limited to wood skids, wood boxes, and used wood products that are not required for a **building**, **accessory building** or **structure** currently under construction on the **property** or for which there is a current or regular use.

“Ground cover” means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

“Guard” means a protective barrier installed around openings in floor area or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, or other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

“Habitable room” means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway,

storage room, furnace room or other accessory space used for service, maintenance or access within a **building**.

"Heritage attribute" means an attribute of a **heritage property** that contributes to its cultural heritage value or interest that is defined, described or inferred:

(a) in a By-law designating a **heritage property**;

(b) in a By-law designating a heritage conservation district;

(c) in a Minister's Order made under the *Ontario Heritage Act*;

(d) in any documentation considered as part of (a), (b) and (c) above;

and includes any elements, features or components that support or protect the heritage attribute.

"Heritage property" means a Property designated under Part IV or Part V or by a Minister's Order under the *Ontario Heritage Act*.

"Landlord" includes:

a) The owner of a rental unit or any other person who permits occupancy of a **rental unit**, other than a **tenant** who occupies a **rental unit** in a residential complex and who permits another person to also occupy the unit or any part of the unit; and, b) The heirs, assigns, personal representatives and successors in title of a person referred to in clause (a).

"Naturalized Area" means an area that has been implemented or naturally occurring areas to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof and includes natural areas such as wooded lots, managed commercial woodlots, forests and wetlands.

"Occupant" means any **person** or **persons** over the age of eighteen years in possession of the **property**.

"Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Owner" includes,

- (a) the **person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **person's** own account or as agent or trustee of any other **person**, or who would receive the rent if the land and premises were let; and
- (b) a lessee or **occupant** of the **property** who, under the terms of a lease, is required to **repair** and maintain the **property** in accordance with the standards for the maintenance and occupancy of **property**.

"Person" includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

"Property" means a **building** or **accessory building**, or part of a **building** or **accessory building**, and includes all the lands and premises within the boundary lines of the property, all mobile structures, mobile buildings, mobile homes, outbuildings, **fences**, **retaining walls**, and erections thereon, whether heretofore or hereafter erected, and also includes **vacant property**.

"Property Standards Officer" shall mean a Property Standards Officer who has been appointed by by-law to administer and enforce this By-law.

"Rental Unit" means a dwelling unit used, or intended to be used, for a **residential tenancy**.

"Repair" includes the making of additions or alterations or the taking of such action as may be required so that the **property** shall conform to the standards established in this By-law.

"Residential rental property" includes a **rental unit** and the **yards**;

"Residential Tenancy" means the lease of residential premises for residential purposes.

"Retaining wall" means a **structure** that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

"Safe condition" means a condition that does not pose or constitute an undue or unreasonable hazard or risk of life, limb or health of any **person** on or about the **property**, and includes a structurally sound condition.

"Sewage" means water-carried waste, together with such ground, surface and storm waters as may be present.

"Sewage system" means the **Township's** system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system.

"Structure" means anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.

"Tenant" means a person who pays rent or is required to pay rent in return for a right to occupy a **rental unit**.

"Township" means the Corporation of the Township of Puslinch or the land within the geographic limits of the Corporation of the Township of Puslinch as the context requires.

"Unsafe condition" means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **person** on or about the **property**.

"Vacant building" means any **building or accessory building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:

- (a) a **dwelling unit** occupied by the **owner** on a seasonal basis but otherwise maintained throughout the year;
- (b) a **building or accessory building** on **property** used for farming purposes, except a **dwelling unit**.

"Vacant property" means a **property** that does not have a **building or accessory building**.

"Waste" includes any debris, rubbish, refuse, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying on a **property** due to exposure to the weather.

"Yard" means the land within the boundary lines of a **property** not occupied by a principal building in Residential Zones and means the Required Yard as defined in the Zoning Bylaw for all other zones.

4.0 EXTERIOR PROPERTY AREAS – GENERAL REQUIREMENTS

4.1 **Exterior Property Areas** shall be free from:

- (a) **waste**;
- (b) injurious insects, termites, rodents, vermin and other pests and any condition that may promote an infestation except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (c) excessive growth of weeds and grass exceeding 12 inches in height, except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (d) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an **unsafe condition** for abutting land owners;
- (e) wrecked, dismantled, derelict, inoperative, discarded, unused or an unlicensed vehicle or trailer, except in an establishment licensed or authorized to conduct and operate such a business in accordance with any other by-laws, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;
- (f) wrecked, dismantled, derelict, inoperative, discarded or unused **boat** and any component parts thereof, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;

- (g) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an **unsafe condition** or an unsightly condition out of character with the surrounding environment;
 - (h) dilapidated or collapsed **building** or **accessory building** and any unprotected well or other **unsafe condition** or unsightly condition out of character with the surrounding environment;
 - (i) stagnant water except in a **Naturalized Area**;
 - (j) accumulation of animal excrement, except in connection with a lawful agricultural use on a **property**.
- 4.2 Suitable **ground cover** shall be provided to prevent erosion of the soil.
- 4.3 Hedges, plantings, trees or other landscaping including lighting, required by the **Township** as a condition of site development or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping or lighting, so as to carry out its intended function and maintain an attractive appearance.
- 4.4 An abandoned or unused well, septic tank or a hole on a **property** shall be filled or safely covered and protected.
- 5.0 DRAINAGE
- 5.1 All catch basins, swales and ditches shall be maintained so as to not impede the natural flow of water.
- 5.2 The storm water run-off from all downspouts of impervious surfaces shall be contained within the limits of the **property** from which it originates until absorbed by the soil or drained

to a storm sewer, or to a natural or artificially-created swale, ditch or watercourse.

- 5.3 No water shall be drained from a swimming pool, pond or other waterholding device on to abutting properties.

6.0 HEALTH

- 6.1 All **sewage** shall be discharged into an approved **sewage system**.

7.0 BUFFERING

- 7.1 **Property** which, because of its use or occupancy, or for other reasons is required to be buffered shall:

- (a) maintain an effective barrier to prevent lighting and vehicle headlights from shining directly into a **dwelling unit**;
- (b) maintain an effective barrier to prevent wind-blown **waste** from encroaching on an adjacent **property**;
- (c) maintain a visual screen, to minimize the visual impact of a nuisance to a **person** who owns or occupies an adjacent **property**.

8.0 RETAINING WALLS

- 8.1 A **retaining wall** shall be maintained in good **repair** and free from accident hazards.

- 8.2 Without restricting the generality of section 8.1 the maintenance of a **retaining wall** may include:

- (a) redesigning, **repairing** or replacing all deteriorated, damaged, misaligned or missing portions of the wall, or railings and **guards** appurtenant thereto;
- (b) installing subsoil drains where required to maintain the stability of the **retaining wall**;
- (c) grouting masonry cracks;
- (d) applying a coat of paint or equivalent preservative to all metal or wooden exposed components.
- (e) where a retaining wall in excess of 600 mm (24 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

9.0 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1 GENERAL

9.1.1 The following additional standards shall only apply to a residential rental property:

a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:

- I. Safe
- II. Clean
- III. In a state of good repair
- IV. Fit for habitation; and,
- V. Free from accumulations of snow and ice;

b) The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of tenants.

9.1.2 All repairs and maintenance of property required by the standards prescribed in this part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.

9.1.3 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.

9.2.0 RECREATIONAL FACILITIES, LAUNDRY FACILITIES ROOMS AND AREAS

9.2.1 A recreational facility, laundry facility, mail collection area including mailboxes, room or area and the equipment and appliances provided in connection therewith shall be:

- (a) maintained in an operable and usable condition;
- (b) maintained in a **safe condition**;
- (c) with the exception of an outdoor recreational facility, maintained in a clean condition.

9.3.0 HEATING, HEATING SYSTEMS, CHIMNEYS, VENTS AND FUEL BURNING APPLIANCES

9.3.1 Every **building** containing an occupied **dwelling unit** or **habitable room** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius between the 15th day of September to the 1st day of June the following year. A heating system shall be maintained in good working

condition so as to be capable of safely heating the **dwelling unit** or **habitable room** to the required standard.

- 9.3.2 No rental **dwelling unit** shall be equipped with portable heating equipment as a primary source of heat.
- 9.3.3 A fuel burning appliance shall:
- (a) have ample air supply to permit combustion to occur with optimum oxygen available;
 - (b) be located in such a manner as to prevent impediment to the free movement of a **person** and the overheating of adjacent materials and equipment;
 - (c) have **guards** where necessary to minimize the risk of an accident.
- 9.3.4 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a **safe condition** and location so as to be free from fire or accident hazard.
- 9.3.5 A fuel burning appliance, equipment and accessories shall be properly vented to the outside air by means of a smoke pipe, vent pipe, chimney flue or other approved method and as may be required by the ***Building Code Act***.
- 9.3.6 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the escape of smoke, fumes or gases from entering a **building**. Maintenance may include the removal of obstructions, sealing open joints, and the **repair** of loose or broken masonry units.
- 9.3.7 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the

heating of adjacent combustible material or structural members to unsafe temperatures.

9.4.0 AIR CONDITIONING

9.4.1 An air conditioner shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.

9.4.2 Cooling water from water-cooled equipment shall not be discharged on a driveway, walkway or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to a wall, foundation or part of a **building** or **accessory building**.

9.4.3 The discharge of cooling water from water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable government regulations.

9.5.0 INTERIOR LIGHTING

9.5.1 Interior lighting standards and fixtures shall comply with the requirements of section 10.

9.6.0 VENTILATION

9.6.1 Sufficient ventilation shall be provided to all areas of a **building** or an **accessory building** so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create a potential **unsafe condition** or to become a nuisance.

9.6.2 A kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.

- 9.6.3 An enclosed area of a **building** or an **accessory building** including a **basement** and an attic shall be adequately ventilated.
- 9.6.4 A system of mechanical ventilation shall be maintained in good working order.
- 9.7.0 PLUMBING
- 9.7.1 A **dwelling unit** shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health and/or the Chief Building Official of the **Township**.
- 9.7.2 A washbasin, bathtub or shower, and one kitchen sink in a **dwelling unit** shall be equipped with an adequate supply of hot and cold running water. All hot water shall be supplied at a minimum of 43 degrees Celsius and a maximum of 49 degrees Celsius.
- 9.7.3 A fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbor germs or impede thorough cleansing.
- 9.7.4 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working order free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 9.7.5 All plumbing fixtures in every **building** or **accessory building** shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a **sewage system** approved by the authority having jurisdiction.

9.7.6 All toilet facilities, sanitary conveniences and washing facilities shall be maintained:

- (a) in good working order;
- (b) in a clean and sanitary condition;
- (c) and supplied with hot and cold running water, with cold water connection only to toilets and urinals;
- (d) and connected to the drainage system.

9.8.0 KITCHEN

9.8.1 A **dwelling unit** shall contain a kitchen area equipped with:

- (a) one sink surrounded by a surface that is impervious to grease and water;
- (b) a suitable storage area;
- (c) a counter or work area, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

9.8.2 A cooking appliance and a refrigeration appliance shall be maintained in a good state of **repair** and operating condition.

9.9.0 BATHROOM

9.9.1 A **dwelling unit** shall contain a bathroom consisting of at least one fully operational toilet, washbasin, and a bathtub or suitable shower unit.

- 9.9.2 A bathroom and a toilet shall be located within and accessible from within the **dwelling unit**.
- 9.9.3 Where a toilet or bathroom facility is shared by occupants of a residential accommodation, other than a self contained **dwelling unit**, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facility.
- 9.9.4 Every wall surrounding a shower shall be of impervious material and shall be maintained in a good state of **repair**.
- 9.9.5 A bathroom as required by section 9.9.1 shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.
- 9.10.0 FLOORS
- 9.10.1 A floor shall be smooth, level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an **unsafe condition** or surface. A defective floor shall be **repaired** or replaced.
- 9.10.2 Where a floor covering has become worn or torn so that it retains dirt or may create an **unsafe condition**, the floor covering shall be **repaired** or replaced.
- 9.10.3 A bathroom, kitchen and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 9.11.0 ELECTRICAL SERVICE

- 9.11.1 A **dwelling** and **dwelling unit** shall be wired for electricity and shall be connected to an approved electrical supply system.
- 9.11.2 The capacity of the connection to a **building** or **accessory building** and the system of circuits distributing the electrical supply of the **building** or **accessory building** shall be adequate for the use and intended use.
- 9.11.3 Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order, free from fire and accident hazards.
- 9.12.0 DISCONNECTED UTILITIES
- 9.12.1 An **owner** of a residential **building** or any **person** acting on behalf of such **owner** shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a **dwelling unit** and **habitable room** occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of **repairing**, replacing or otherwise altering said service or utility.
- 9.13.0 INTERIOR WINDOWS, DOORS, SURFACES, FLOORS AND STAIRS
- 9.13.1 Interior windows, doors, surfaces, floors and stairs shall be maintained:
- (a) in a clean, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
 - (b) in good working order and good state of **repair**, free from holes, loose, broken, warped, torn, damaged or decayed boards or materials;

- (c) free from depressions, protrusions, deterioration or other defects which could create an **unsafe condition** or which are out of character with the normal use of the area in which such defect occurs;
- (d) so as to afford the fire resistive properties and other protection for which they shall be designed; and
- (e) free of any graffiti, markings, stains or other defacement.

9.13.2 Interior windows and doors shall also comply with the requirements of section 19.

9.14.0 INTERIOR STRUCTURE – COLUMNS AND BEAMS

9.14.1 A **building** and an **accessory building** and all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be maintained with material adequate for the load to which they are subjected to.

9.15.0 WALLS-CEILINGS

9.15.1 Every interior surface and finish of walls and ceilings shall be maintained:

- (a) in good state of **repair**, a surface which is reasonably smooth, clean, tight and easily cleaned;
- (b) free of holes, cracks, loose plaster or other material;
- (c) in a **safe condition**;
- (d) so as to possess the fire resistant properties required by the **Building Code Act** and the *Fire Protection and Prevention Act*, as amended.

9.16.0 ELEVATORS

- 9.16.1 An elevator, an elevating device, dumb-waiters, hoists, escalators, incline lifts including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good state of **repair**, operable and in a **safe condition**.

10.0 LIGHTING STANDARDS AND FIXTURES

- 10.1 Lighting standards and fixtures shall be kept in a **safe condition**, in good working order and in good visual condition.

11.0 FENCES

- 11.1 A **fence** on a **property** separating adjoining **property** shall:

- (a) be in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- (b) be maintained in a good state of **repair** and free of accident hazards;
- (c) not present an unsightly appearance.

- 11.2 Without restricting the generality of section 11.1 the maintenance of a **fence** may include:

- (a) protecting by paint, treated with a preservative or other weather resistant material unless the aesthetic characteristics of the **fence** are enhanced by the lack of such treatment.

12.0 WALKWAYS, DRIVEWAYS, RAMPS, PARKING AREAS AND LANDINGS

12.1 A parking area, driveway, walkway and other similar public access areas of an **exterior property area** shall be kept clean and free from **waste**, objects or conditions that may create an **unsafe condition**, health, fire, accident hazard or unsightly condition.

12.2 An **owner** shall cause any snow disposal site or snow storage site on a **property** to be:

- (a) maintained so as not to cause a hazard on the **property**; and
- (b) maintained in such a manner and location on the **property** so as to prevent a hazard, flooding, erosion and other damage to a neighbouring **property**.

13.0 BUILDINGS AND ACCESSORY BUILDINGS
STRUCTURAL ADEQUACY - CAPACITY

13.1 All **repairs** and maintenance of **property** required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for that purpose.

13.2 Every part of a **building** or **accessory building** shall be maintained in good **repair** and in a structurally sound condition so as:

- (a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to;
- (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;

- (c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration;
- (d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

13.3 The abating of an **unsafe condition** may include:

- (a) the provision or **repair** of stairs, balustrades, railings, **guards** and screens so as to minimize the risk of accident;
- (b) the elimination of other conditions which, in themselves are a hazard to life or which risk serious injury to **persons** normally in or about the subject **building, accessory building**, room, suite of rooms or space;
- (c) the installation of a handrail in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in a good state of **repair**.

14.0 HEALTH AND WASTE

14.1 A **building** and **accessory building** on a **property** shall be kept free of mould, **waste** and pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

14.2 In a **dwelling unit**, sufficient rooms, containers and receptacles shall be maintained to safely contain all **waste**, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with any applicable by-laws.

- 14.3 An external container and receptacle shall be screened from view and shall be provided with a cover so that the material contained therein is not exposed to injurious insects, termites, rodents, vermin or other pests.
- 14.4 Every **building** and **accessory building** shall be provided with sufficient proper receptacles to contain all **waste**, which accumulates on the **property**, and such **waste** shall be placed for collection in proper receptacles in compliance with applicable laws.
- 14.5 A receptacle for **waste** shall be:
- (a) provided with a tight fitting cover;
 - (b) maintained in good working condition and order without holes or spillage; and
 - (c) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or **waste**.
- 14.6 Garbage chutes, disposal and collection rooms shall be:
- (a) washed down and disinfected as necessary so as to maintain a clean and odour free condition; and
 - (b) maintained in good working order.
- 14.7 Injurious insects, termites, vermin, rodents and other pests shall be exterminated and appropriate measures shall be taken to prevent their re-entry to a **building** or **accessory building** on a **property**.
- 14.8 In a **dwelling**, openings in the exterior walls or roof shall be fitted and maintained to protect all habitable space from water and weather entry, and to make such space free from drafts.

14.9 No portion of a **dwelling** shall be used for human habitation unless:

- (a) the floors, walls and ceiling areas are watertight and free from dampness and mould at all times;
- (b) the total window area, the total **openable area** for natural ventilation and the ceiling height are in accordance with the provisions of the **Building Code Act** or, alternatively, reventilation and/or mechanical ventilation is provided as prescribed by the **Building Code Act**;
- (c) the required minimum window area of every **habitable room** is entirely above the grade of the ground adjoining such window area, or the top of the window well, whichever is the higher elevation.

15.0 COMPOST

15.1 **Compost** on a **property** shall be maintained in a composter or an open **compost** pile that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metre (39 inches) in height.

15.2 A composter or an open **compost** pile shall be kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

16.0 HERITAGE PROPERTIES

16.1 In addition, to all other standards prescribed by this By-law, an owner of a **Heritage Property** shall:

- (a) protect, maintain and stabilize a **heritage attribute** so as to preserve the existing materials;

(b) in the conduct of a repair use only materials that match the form and detailing of the original elements of the **heritage attribute**; and

(c) be repaired using only recognized conservation methods.

17.0 **FOUNDATIONS**

17.1 A foundation of a **building** or an **accessory building** shall be maintained in good state of **repair** so as to prevent settlement detrimental to the appearance of the **building** or **accessory building**, or the entrance of moisture, vermin, termites, insects or rodents into the **building** or **accessory building**.

17.2 Without limiting the generality of section 17.1, the maintenance of a foundation may include:

- (a) the jacking-up, underpinning or shoring of the foundation where necessary;
- (b) the extension of footings and foundations below grade or regrading to provide adequate frost cover;
- (c) installing subsoil drains at the footing where such would be beneficial;
- (d) the grouting of masonry cracks;
- (e) waterproofing the wall and joints;
- (f) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the **building** or **accessory building**;

- (g) **repairing** or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (h) making sills, piers, posts or other supports insect-proof by the application of suitable materials; and
- (i) coating with a preservative.

18.0 EXTERIOR WALLS, COLUMNS AND BEAMS

18.1 The components of an exterior wall of a **building** or an **accessory building** shall be maintained:

- (a) in good state of **repair** and in a **safe condition**;
- (b) weather tight;
- (c) free from loose or unsecured objects or materials;
- (d) so as to prevent the entrance of insects, termites, vermin, rodents or other animals;
- (e) so as to prevent deterioration due to weather, insects, vermin, termites, rodents and other animals; and
- (f) so as to prevent deterioration detrimental to the appearance of the **building** or an **accessory building**.

18.2 Without restricting the generality of section 18.1, the maintenance of an exterior wall of a **building** or an **accessory building** may include:

- (a) the applying of materials to preserve all exterior wood and metal work or other materials not inherently resistant to weathering;

- (b) the applying of materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
- (c) the restoring, **repairing** or replacing of:
 - i) the wall;
 - ii) the masonry units and mortar;
 - iii) the stucco, shingles or other cladding;
 - iv) the coping; and
 - v) the flashing and waterproofing of the wall and joint.

18.3 Exterior columns and beams and any decorative trim shall be maintained in a good state of **repair** and in a **safe condition**. Where necessary, such columns, beams and trim shall be restored, **repaired** or replaced and suitably protected or treated against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the **building** or **accessory building**.

19.0 EXTERIOR DOORS, WINDOWS AND OTHER OPENINGS – CANOPIES-MARQUEES-AWNINGS

19.1 Shutters, windows, doors, hatchways and other exterior openings in a **building** or an **accessory building** shall be kept weather tight, draft free, and in good state of **repair** and working order.

19.2 Without restricting the generality of section 19.1, the maintenance of a shutter, window, door, hatchway and other exterior opening may include:

- (a) painting or the applying of a similarly effective preservative;
- (b) the **repair**, replacement or renewing of damaged, decaying, missing or defective:

- i) doors;
- ii) door frames and casings;
- iii) windows and window sashes;
- iv) window frames and casings;
- v) shutters;
- vi) screens;

- (c) refitting doors, windows, shutters or screens;
- (d) reglazing or fitting with an translucent substitute;
- (e) rescreening;
- (f) using other approved means of weatherproofing where the opening is used or required for ventilation or illumination and is not protected by a window, door or similar closure:
 - i) screening with wire mesh, metal grills or other equivalent durable material; or
 - ii) other protection so as to effectively prevent the entry of insects, termites, rodents, vermin or other animals.

- 19.3 Glazed doors, windows and other transparent surfaces shall be kept clean so as to permit unimpeded visibility and unrestricted passage of light.
- 19.4 A window in a **dwelling unit** that can be or is required by the standards to be openable shall be provided with screening to effectively prevent the entry of insects.
- 19.5 Nothing in this section shall be construed as preventing doors, windows and other openings in an unoccupied **building** or **accessory building** from being protected from damage or to prevent entry, for such time as determined by section 23.

- 19.6 A canopy, marquee or awning shall be properly anchored so as to be kept in a **safe condition** and shall be protected from decay and rust by a periodic application of weathercoating material.
- 19.7 A **building** shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the **building** at street or grade level.
- 19.8 A door that facilitates access to or egress from a **dwelling unit** shall be equipped with locks, and shall be maintained in a good state of **repair** and in an operating condition.
- 20.0 EXTERIOR STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS, BALCONIES AND FIRE ESCAPES
- 20.1 An exterior stair, veranda, porch, deck, loading dock, balcony, fire escapes and every appurtenance attached thereto shall be maintained, reconstructed or **repaired** so as to be safe to use and capable of supporting the loads to which it may be subjected, as specified in the **Building Code Act**, and shall be kept in **safe condition** and good state of **repair**, free of all accident hazards and other deterioration or objects detrimental to the appearance of the **building** or **accessory building**.
- 20.2 Without restricting the generality of section 20.1, the maintenance, reconstructing or **repairing** of an exterior stair, veranda, porch, deck, loading dock, balcony and fire escape may include:
- (a) **repairing** or replacing treads, risers or floors that show excessive wear or are broken, warped, loose or otherwise defective;

- (b) **repairing**, renewing or supporting structural members that are rotted, deteriorated or loose;
- (c) providing, **repairing** or renewing **guard** rails, railings and balustrades; and
- (d) painting or the applying of an equivalent preservative.

20.3 Exterior stairs and fire escapes shall be kept free from ice and snow.

21.0 ROOFS AND ROOF STRUCTURES

21.1 A roof, roof deck, roof structures including solar energy panels, wind generators and related **guards** of a **building** or **accessory building** shall be:

- (a) weather tight and free from leaks;
- (b) free from loose or unsecured or unsafe objects and materials;
- (c) free from accident hazards;
- (d) free from dangerous accumulation of ice and snow;
- (e) kept in a good state of **repair** and in a **safe condition**;
- (f) free from other unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

21.2 An eaves trough, roof gutter and downpipe shall be kept:

- (a) in good **repair**;

- (b) in good working order;
- (c) water tight and free from leaks;
- (d) free from accident hazards;
- (e) protected by painting or the applying of other equivalent preservative.

21.3 Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in good state of **repair** and shall be:

- (a) free from loose bricks, mortar and loose or broken capping;
- (b) free from loose or rusted stanchions, guy wires, braces and attachments;
- (c) free from any accident hazard;
- (d) free from the entrance of smoke or gases into a **building** or **accessory building**;
- (e) free from the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- (f) weather tight and free from leaks;
- (g) free from unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

22.0 EXTERIOR MAINTENANCE

- 22.1 All exterior surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.
- 22.2 Appropriate measures shall be taken to remove any graffiti, markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the exterior surface and adjacent areas to, as near as possible, to its appearance before the markings, stains or defacement occurred.
- 22.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged **building** or **accessory building** compatible with its environment. Without restricting the generality of the foregoing, such measures include:
- (a) making the **building** or **accessory building** safe;
 - (b) **repairing** of damaged surfaces exposed to view;
 - (c) cleaning any damaged surfaces exposed to view;
 - (d) refinishing so as to be in harmony with adjoining undamaged surfaces.
- 22.4 In the event the **building** or **accessory building** is beyond **repair**, the **property** shall be cleared of all remains and left in a graded level and tidy condition.
- 23.0** VACANT PROPERTY AND VACANT BUILDINGS –
ADDITIONAL STANDARDS

- 23.1 **Vacant property** shall be kept clear of all **waste** and other materials and equipment not otherwise permitted by the zoning by-law.
- 23.2 A **vacant building** shall:
- (a) be secured against unauthorized entry;
 - (b) be protected against the risk of fire, accident, or other danger.
- 23.3 Where a **vacant building** has been vacant for at least sixty (60) consecutive days, a **Property Standards Officer** who reasonably believes that a **vacant building** poses a risk to safety may, in writing, require the **Owner** of a **vacant building** to do any one or more of the following, within the timeframe specified by the **Property Standards Officer**:
- (a) install security measures or devices to the satisfaction of the **Property Standards Officer**, and such measures may include boarding of doors, windows, or other openings; or
 - (b) do any work or **repairs** which, in the opinion of the **Property Standards Officer**, are necessary to secure a **vacant building** from unauthorized entry or protect a **vacant building** against the risk of fire, accident, or other danger.
- 23.4 Where a **vacant building** is boarded or required to be boarded:
- (a) boarding materials shall be installed and maintained in good order;
 - (b) boarding materials shall be installed to exclude precipitation and wind from entering the **vacant building**, and to secure the **vacant building** from

unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;

- (c) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather resistant material;
- (d) boarding materials shall be selected, coated, coloured, and installed to match surrounding door/window frames and exterior wall finishes.

23.5 Where a **vacant building** remains vacant for more than ninety (90) consecutive days, the **Owner** shall ensure that all utilities serving the **vacant building** are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the **vacant building**, or unless such utilities are otherwise required by law to remain connected.

23.6 When openings in a **vacant building** previously boarded or secured become unsecured, such openings shall be secured again, and as determined by the **Property Standards Officer** may require the use of materials and fasteners of greater strength, installed in such a manner to deter their removal or destruction.

23.7 Where a **vacant building** has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a **Property Standards Officer** may issue an order to remove all previously installed boarding from windows and doors and to **repair** the **vacant building** in compliance with the standards set out in this By-law.

24.0 ADMINISTRATION AND ENFORCEMENT

- 24.1 A **Property Standards Officer** is responsible for the administration and enforcement of this By-law.
- 24.2 A **Property Standards Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine,
- (a) whether the **property** conforms with the standards prescribed in this by-law;
 - (b) whether an order made under this by-law and the ***Building Code Act*** has been complied with.
- 24.3 Despite section 24.2, a **Property Standards Officer** shall not enter or remain in any room or place actually being used as a **dwelling** unless,
- (a) the consent of the **occupant** is obtained, the **occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the ***Building Code Act***;
 - (b) a warrant issued under the ***Building Code Act*** is obtained;
 - (c) the delay necessary to obtain a warrant or the consent of the **occupant** would result in an immediate danger to the health or safety of any **person**;
 - (d) the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3) of the ***Building Code Act***; or
 - (e) the requirements of section 24.4 are met and the entry is necessary to remove an **unsafe condition** under clause 15.9 (6) (b) of the ***Building Code Act*** or

to **repair** or demolish under subsection 15.4(1) of the ***Building Code Act***.

24.4 Within a reasonable time before entering the room or place for a purpose described in section 24.3 (e), the **Officer** shall serve the **occupant** with notice of his or her intention to enter it.

24.5 A **Property Standards Officer** for the purposes of an inspection has all the powers as provided for in section 15.8(1) of the ***Building Code Act***.

25.0 ORDERS AND COMPLIANCE

25.1 An **owner** of **property** shall comply with the standards and requirements prescribed in this By-law.

25.2 Every **Property Standards Officer** who finds that a **property** does not conform with any of the standards of this By-law, may make an order pursuant to the provisions of Section 15.2 of the ***Building Code Act***:

- (a) requiring the **property** that does not conform with the standards to be **repaired** and maintained to conform with the standards; or
- (b) requiring that the site be cleared of all **buildings** or **accessory buildings, structures**, debris or refuse and left in a graded and leveled condition.

25.3 Every **owner** of **property** shall comply with an order made pursuant to this By-law and the ***Building Code Act*** requiring compliance as confirmed or modified. If an order of a **Property Standards Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** may cause the **property** to be **repaired** or demolished accordingly.

25.4 Where any **person** fails to comply with an order issued, the **Township** may enter and cause the required work to be done at the cost of the **person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

26.0 APPEAL OF ORDER

26.1 An **owner** who has been served with an order made under this By-law and **Building Code Act** and who is not satisfied with the terms or conditions of the order may appeal to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order.

26.2 An order that is not appealed within the time referred to in Section 26.1 shall be deemed to be confirmed.

26.3 The **Committee** shall hear the appeal.

26.4 On an appeal, the **Committee** has all the powers and functions of the **Property Standards Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

(a) Confirm, modify or rescind the order to demolish or **repair**;

(b) Extend the time for complying with the order.

26.5 The **Township** in which the **property** is situate or any **owner** or **person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the

Clerk of the **Township** in writing and by applying to the court within 14 days after a copy of the decision is sent.

26.6 The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the matter in which and the **persons** upon whom the appointment is to be served.

26.7 On the appeal, the judge has the same powers and functions as the **Committee**.

26.8 An order that is deemed to be confirmed under section 26.2 or that is confirmed or modified by the **Committee** under section 26.3 or a judge under section 26.7, as the case may be, shall be final and binding upon the **owner** who shall carry out the **repair** or demolition within the time and in the manner specified in the order.

27.0 POWER OF TOWNSHIP TO REPAIR AND DEMOLISH

27.1 If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** in accordance with section 15.4 of the **Building Code Act** may cause the **property** to be **repaired** or demolished.

27.2 Where an order is not complied with and the **Township** has caused the property to be **repaired** or demolished, the **Township** has priority lien status in accordance with section 1 of the *Municipal Act, 2001, as amended*, on the **property** for the amount spent on the **repair** or demolition and the amount may be added to the tax roll by the Treasurer of the **Township** and may be collected in the same manner as taxes on the **property**.

28.0 EMERGENCY ORDERS

28.1 If upon inspection of a **property** an **Property Standards Officer** is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any **person**, the **Property Standards Officer** may make an order in accordance with section 15.7 of the **Building Code Act** containing particulars of the non-conformity and requiring remedial **repairs** or other work to be carried out immediately to terminate the danger.

29.0 CERTIFICATE OF COMPLIANCE

29.1 After inspecting a **property**, a **Property Standards Officer** who is of the opinion that the **property** is in compliance with the standards established in this By-law, may issue a certificate of compliance to the **owner**.

29.2 The prescribed fee set out in the **Township's Fees and Charges By-law** shall be payable prior to the issuance of a certificate of compliance where it is issued at the request of the **owner**.

30.0 PENALTY

30.1 Every **owner** who fails to comply with an order, as confirmed, any other order, a direction or a requirement made under this By-law is guilty of an offence under Section 36.(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in Section 36 of the **Building Code Act**.

31.0 PROPERTY STANDARDS COMMITTEE

31.1 A **Committee** is hereby established in accordance with the **Building Code Act**.

31.2 The **Committee** shall be composed of such persons, not fewer than three (3), as **Council** considers advisable.

31.3 The **Committee** shall hold office for the term of **Council** or until such time as successors are appointed.

32.0 EXEMPTIONS

32.1 This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act*.

32.2 This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998, S.O. 1998 c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

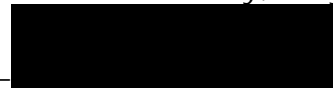
33.0 VALIDITY

33.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.



James Seeley, Mayor



Glenn Schwendinger, CAO/Clerk

Property Standards Appeal Application - Entry #2568

Purpose of Application

Modify

As someone who is appealing to the hearing committee you are:

The owner of the subject property

The occupant of the subject property

Identify Other:

Empty

Name of Applicant

Brian Pearson

Applicant's Email**Applicant's Home Phone Number****Applicant's Business Phone Number****Applicant's Fax Number**

Empty

Applicant's Address

171 Townline Rd

Puslinch, ON

N0B 2J0

Name of Representative

Empty

Company Name

Empty

Position

Empty

Representative's Email

Empty

Representative's Phone Number

Empty

Representative's Fax Number

Empty

Provisions of the Order in Dispute (List those section of the By-law in dispute)

Item 1 in the Order references By-law section 4.1 (g).

Item 1 in the Order references the term "Structure". We refer to the definition of a "Structure" in the By-law.

Description of the portion of the order that is in dispute (List what specific recommendation, condition, or portion of the order you dispute)

We are appealing the Remedial Actions offered to remedy Item 1 of the Order. We are asking for an additional option to remedy the defect and/or clarification on the definition of "Structure".

All other items in the Order are not in dispute.

Concise statement by the Applicant regarding the nature of this dispute, including reasons for non-acceptance of the condition(s) given by the Officer (Describe what the nature of your dispute is)

The remedial actions offered in Item 1 of the Order are:

1 - Remove the material from the property.

OR

2 - Store the material within a Structure in a neat and tidy condition

We propose to remedy the defect by adding a 3rd remedial action: Store the materials within an opaque fenced enclosure.

We ask for clarification on whether a fenced enclosure is considered a "structure". The definition in the By-law for structure: "anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.". In our opinion, a fenced enclosure satisfies this definition. If this is true, then we can comply with the Order with no changes required.

If a fenced enclosure is NOT considered a Structure, we then suggest that By-law section 4.1 (g) does not require materials to be stored in a Structure. This implies that the remedial action in the Order is more strict than the By-law. Section 4.1 (g) requires that materials in an Exterior Property Area be free from "conditions that create an unsafe condition or an unsightly condition out of character with the surrounding environment;". It does not mention a Structure.

We suggest that we can solve the safety and aesthetic concerns with an opaque fenced enclosure. By making the fence opaque, the materials will not be visible and will therefore not create an unsightly condition. By storing the materials inside a fenced enclosure, we believe this will eliminate safety concerns. Within the enclosure, we will

keep the scaffolding materials organized in a neat and tidy condition. If required, we will keep the enclosure locked after use.

What is the current condition of the property (Indicate any changes to the property since the date the order was issued)

We are working to comply to with parts of the Order not in dispute.

Supporting Documentation (Attach copies of drawings, site plans photographs, correspondence and other relevant documents and documentation that you are providing in support of this application)



[Example-storage-of-scaffolding-materials.png](#)

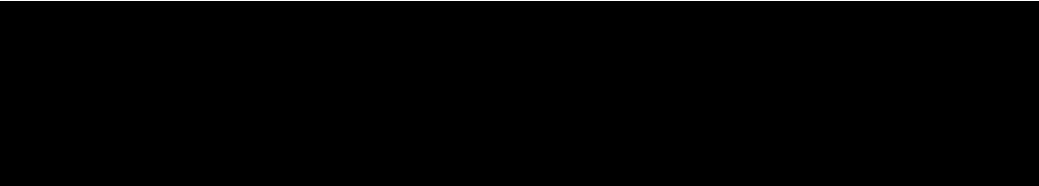


[property-overhead-wide.png](#)



[background-information.txt](#)

The undersigned affirms that the information provided in this application is accurate to the best of their knowledge



Name of Applicant or Representative

Brian Pearson

Date

07/08/2021

Property Standards Appeal Fee

\$ 264.00

Convenience Fee

\$ 4.62

Total

\$ 268.62

Stripe Credit Card







Background Information

My family recently purchased the property at 171 Townline Rd which is a 4.5 acre property in the Agricultural Zone. We have a family owned scaffolding business. The majority of our operations are run out of a location in Mississauga, however we had hoped to store excess scaffolding materials on the property when not in use.

Before committing to the purchase of this property, we had conversation with a representative at the Township. We were told that storing our scaffolding outdoors is permitted under the By-laws. This was a factor in making our decision to purchase this property.

At the time of the Property Standards Officer's visit, we were in the process of reorganizing our scaffolding materials to create a proper area to safely store the scaffolding in an attractive manner. We had hired a contractor to create the storage area, however with the Property Standards Order we have paused all of that work until we can get more clarity on what we are allowed to do before incurring more expense.

As you will see in our appeal argument, we believe that we can follow the By-law and store our material in a safe and attractive manner.



Property Standards Order
By-law Enforcement Officer & Property
Standards Officer
Written Testimony

TO: Planning Development and Advisory Committee

FROM: Ivan Lunevski, By-law Enforcement & Property Standards Officer

MEETING DATE: August 10, 2021

SUBJECT: Proposed Standards Appeal – 171 Townline Rd

BACKGROUND:

The Township of Puslinch received a formal complaint regarding the storage of industrial shipping containers, warehousing of industrial material and ongoing traffic in and out of 171 Townline rd creating a continuous nuisance in relation to noise. The complaints also concerned the exterior maintenance of the property stating that the property appears unsightly and out of character with the surrounding environment.

INSPECTION

Staff attended the property on June 10, 2021, to conduct an inspection of the reported complaint. Upon completion of the inspection, Staff observed an area in the northern portion of the property used for the storage of racks, metal piping and scaffolding as part of a business by the name of “Riverson Scaffolding” operated by Mr. Brian Pearson and his family members.

Staff further observed storage and accumulation of materials and objects, or parts thereof including but not limited to: scaffolding, racks, a forklift, causing an unsightly and unsafe condition on the property. Staff also observed accumulation of waste including but not limited to: wooden skids, discarded wood, plywood, and construction type of materials, barrels, dead trees and branches and limbs thereof, and other types of waste and debris also creating an unsightly appearance on the property.

On June 23, 2021, the Township issued a Property Standards Order (Attachment #1) requesting that the property is brought into standards with the Township of Puslinch Property Standards By-law 10/2020 as amended by September 30, 2021.

APPEAL OF ORDER

On July 8, 2021, the Township received an application to appeal the Property Standards order dated June 23, 2021, from Mr. Brian Pearson. In his appeal application (Attachment #3), Mr. Pearson is proposing a third remedial action: Store the materials within an opaque fenced enclosure, in order to comply with the order.

Mr. Pearson requested clarification in what is deemed and considered a “structure” as defined within the Property Standards By-law. Mr. Pearson’s further advised that Section 4.1(g) of the By-law does not require materials to be enclosed within a structure and therefore the remedial request is more strict than the By-law.

Mr. Pearson’s proposal is to construct an opaque fenced enclosure and ensure that the materials enclosed will not be visible and not create an unsightly condition.

REVIEW OF APPEAL APPLICATION

In reviewing Mr. Pearson’s request, the Township recognizes that an error was made when the Property Standards Order was issued and the remedial action noted on Item #1 required:

1. Removal of all machinery, materials and objects from the exterior; or
2. Ensure that all machinery, material, or objects are stored within a structure, and all exterior property is maintained in a neat and tidy condition.

The intent of the order was to ensure that the machinery, materials and objects thereof are not contained or stored within the exterior of the property.

While a fence may meet the definition of a structure, and enclosing the materials, machinery and objects within such fence may place the same out of view, the remedial work proposed does not satisfy the intent of the By-law, and the expectation’s for exterior property maintenance.

The fence constructed merely creates a visual barrier and masks the exterior conditions of the property that lies beyond the walls of such fence. This can often create an opportunity for the exterior conditions of the property enclosed within the fence walls to deteriorate further with time and create a further unsightly and unsafe condition on the property.

In the case of Rural Municipality of St. Clements v. Ewasko (2011 MBQB 98) Property Standards Appeal, Council acting as the Property Standards Committee for the Municipality ruled that: “ resolving that the structure being constructed by Mr. Ewasko, described by him as a fence, did not address the unsightly nature of the property and ordered it and the derelict material and debris to be removed.”

Furthermore, in the examination of other properties within the surrounding neighbourhood, as shown in Attachment "4", the Township noted that the properties were clean of any waste, debris, or exterior storage of materials, equipment, machinery or objects thereof. The Township concludes that the exterior conditions on the property, being the storage of materials, equipment, objects thereof, waste and debris together contribute to an unsightly and unsafe condition on the property.

The construction of a fence structure is not a sufficient removal method for the machinery, materials and objects described above, and the approval of such as a remedial action is not sufficient to ensure that the exterior property is maintained in accordance with the provisions of By-law 10/2020.

Therefore, the Officer requests that Item #1 of the Order is modified to state:

1. Remove all machinery, materials and objects from the exterior, and ensure that the exterior property does not appear unsightly and out of character with the surrounding environment.

Respectfully submitted,

Ivan Lunevski, B.A.S(Hons), C.P.S.O.
By-law Enforcement and Property Standards Officer



Township of Puslinch,
7404 Wellington Rd 34
Puslinch ON N0B 2J0
Tel: 519-763-1226
Fax: 519-763-5846
www.puslinch.ca

ORDER

Issued pursuant to Section 15.2(2) of The Building Code Act S.O. 1992, c.23, as amended
and
The Corporation of the Township of Puslinch
By-law 10/2020, as amended.

Date: June 23, 2021

LOCATION/ADDRESS

171 TOWNLINE RD
PUSLINCH CON GORE PT LOT 1 RP 61R4597 PART 1 RP
61R5236 PART 1 RP 61R11591 PART 1

in the Township of Puslinch
in the County of Wellington

ISSUED TO

Pearson, Jennifer Lynn,
Rivet, Daniel Anthony,
Pearson, Russell Victor,
Pearson, Patricia Kathleen,
Pearson, Brian William

171 TOWNLINE RD
PUSLINCH ON N0B 2J0

EMAILED TO/REGISTERED MAIL TO

VIA EMAIL TO: BRIAN PEARSON

REGISTER MAILED TO:
Pearson, Jennifer Lynn,
Rivet, Daniel Anthony,
Pearson, Russell Victor,
Pearson, Patricia Kathleen,
Pearson, Brian William

171 TOWNLINE RD
PUSLINCH ON N0B 2J0

The above-described property, which is owned by you or in which you have an interest has been inspected by a Property Standards Officer.

The inspection revealed that in some respect the property does not conform to the standards prescribed by the Township of Puslinch, Property Standards By-Law 10/2020 as amended.

IT IS ORDERED THAT the repairs necessary to correct the defects set out in Schedule "A" be carried out and the property brought to a condition of compliance with the prescribed standards on or before **September 30, 2021**.

APPEAL TO THE PLANNING DEVELOPMENT ADVISORY COMMITTEE

An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$264.00 for the processing of the appeal and are to be sent to the address below:

Secretary to the Planning Development Advisory Committee
Township of Puslinch
7404 Wellington Rd 34
Puslinch, ON N0B 2J0

Final date for appealing this Order is July 8, 2021.

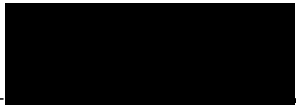
In the event that no appeal is taken, the Order shall be deemed to have been confirmed and shall be final and binding upon you, requiring you to comply with its terms within the time and in the manner specified in the Order.

FURTHER ACTION

Where it has been determined that the necessary repairs or demolition has not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action, the Township of Puslinch may cause the property to be repaired or demolished and the costs of such action may be registered as lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the tax collectors roll and be collected in the same manner and with the same priorities as municipal real property taxes as described in Section 1 of the Municipal Act 2001 (S.). 2001, c.25, as amended).

DATE : June 23, 2021

SIGNATURE :


Ivan Lunevski, C.P.S.O.
By-law Enforcement and Property Standards Officer
(519) 763-1226 Ext: 215
Email: ilunevski@puslinch.ca

SCHEDULE 'A'

Date: June 23, 2021

Re:

Legal Description

171 TOWNLINE RD**PUSLINCH CON GORE PT LOT 1 RP 61R4597 PART 1 RP 61R5236 PART 1 RP 61R11591 PART 1****Township of Puslinch**

The item(s) listed herein are in violation of the,
**Township of Puslinch, Property Standards
 By-Law No. 10/2020**

ITEM LOCATION		Side yard of property as shown on Schedule 'B'	BY-LAW SEC
1	DEFECT	Storage and accumulation of machinery materials and objects, or parts thereof including but not limited to: scaffolding, racks, forklift, metal racks etc causing an unsightly and unsafe condition on the property.	4.1 (g)
REMEDIAL ACTION		1. Remove all machinery, materials and objects from the exterior. <u>OR</u> 2. Ensure that all machinery, materials, or objects are stored within a structure, and all exterior property is maintained in a neat and tidy condition.	

ITEM LOCATION		Side yard of property as shown on Schedule 'B'	BY-LAW SEC
2	DEFECT	Accumulation of waste including but not limited to: wooden skids, discarded wood, plywood, and construction type of materials, barrels and other type of waste and debris.	4.1 (a)
REMEDIAL ACTION		Remove all waste and debris from the exterior, and ensure that the exterior property is maintained in a neat and tidy condition.	

ITEM LOCATION		Side yard of property as shown on Schedule 'B'	BY-LAW SEC
3	DEFECT	Dead/decayed trees discarded on the property creating an unsafe an unsightly condition.	4.1 (d)
REMEDIAL ACTION		Remove all dead/decayed trees, and the branches and limbs thereof.	

FOR YOUR INFORMATION

All repairs and maintenance of property required by the standards prescribed by the By-Law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

Where a permit is required to undertake any repair required to conform with standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit.

SCHEDULE 'B'

Date: June 23, 2021

Re:

Legal Description

171 TOWNLINE RD

**PUSLINCH CON GORE PT LOT 1 RP 61R4597 PART 1 RP 61R5236 PART 1 RP
61R11591 PART 1**

Township of Puslinch



171 TOWNLINE RD - ATTACHMENT '2'

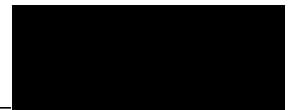


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 1



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'



LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 2



By-Law Enforcement

I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'

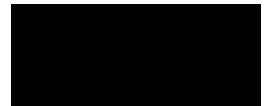


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 3



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'



By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 4



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'

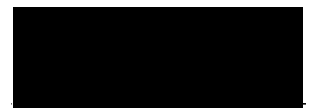


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 5



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'

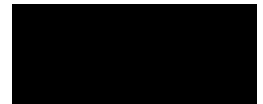


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 6



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'

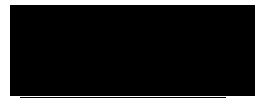


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 7



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'



By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 8



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'

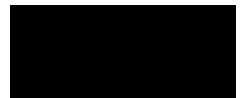


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 9



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'

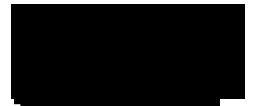


By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 10



I. Lunevski

171 TOWNLINE RD - ATTACHMENT '2'



By-Law Enforcement

LOCATION
171 Townline Rd, Puslinch,
ON

DATE:
June 10, 2021

Photograph # 11



I. Lunevski

Property Standards Appeal Application - Entry #2568

Purpose of Application

Modify

As someone who is appealing to the hearing committee you are:

The owner of the subject property

The occupant of the subject property

Identify Other:

Empty

Name of Applicant

Brian Pearson

Applicant's Email**Applicant's Home Phone Number****Applicant's Business Phone Number****Applicant's Fax Number**

Empty

Applicant's Address

171 Townline Rd

Puslinch, ON

N0B 2J0

Name of Representative

Empty

Company Name

Empty

Position

Empty

Representative's Email

Empty

Representative's Phone Number

Empty

Representative's Fax Number

Empty

Provisions of the Order in Dispute (List those section of the By-law in dispute)

Item 1 in the Order references By-law section 4.1 (g).

Item 1 in the Order references the term "Structure". We refer to the definition of a "Structure" in the By-law.

Description of the portion of the order that is in dispute (List what specific recommendation, condition, or portion of the order you dispute)

We are appealing the Remedial Actions offered to remedy Item 1 of the Order. We are asking for an additional option to remedy the defect and/or clarification on the definition of "Structure".

All other items in the Order are not in dispute.

Concise statement by the Applicant regarding the nature of this dispute, including reasons for non-acceptance of the condition(s) given by the Officer (Describe what the nature of your dispute is)

The remedial actions offered in Item 1 of the Order are:

1 - Remove the material from the property.

OR

2 - Store the material within a Structure in a neat and tidy condition

We propose to remedy the defect by adding a 3rd remedial action: Store the materials within an opaque fenced enclosure.

We ask for clarification on whether a fenced enclosure is considered a "structure". The definition in the By-law for structure: "anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.". In our opinion, a fenced enclosure satisfies this definition. If this is true, then we can comply with the Order with no changes required.

If a fenced enclosure is NOT considered a Structure, we then suggest that By-law section 4.1 (g) does not require materials to be stored in a Structure. This implies that the remedial action in the Order is more strict than the By-law. Section 4.1 (g) requires that materials in an Exterior Property Area be free from "conditions that create an unsafe condition or an unsightly condition out of character with the surrounding environment;". It does not mention a Structure.

We suggest that we can solve the safety and aesthetic concerns with an opaque fenced enclosure. By making the fence opaque, the materials will not be visible and will therefore not create an unsightly condition. By storing the materials inside a fenced enclosure, we believe this will eliminate safety concerns. Within the enclosure, we will

keep the scaffolding materials organized in a neat and tidy condition. If required, we will keep the enclosure locked after use.

What is the current condition of the property (Indicate any changes to the property since the date the order was issued)

We are working to comply to with parts of the Order not in dispute.

Supporting Documentation (Attach copies of drawings, site plans photographs, correspondence and other relevant documents and documentation that you are providing in support of this application)



[Example-storage-of-scaffolding-materials.png](#)



[property-overhead-wide.png](#)



[background-information.txt](#)

The undersigned affirms that the information provided in this application is accurate to the best of their knowledge



Name of Applicant or Representative

Brian Pearson

Date

07/08/2021

Property Standards Appeal Fee

\$ 264.00

Convenience Fee

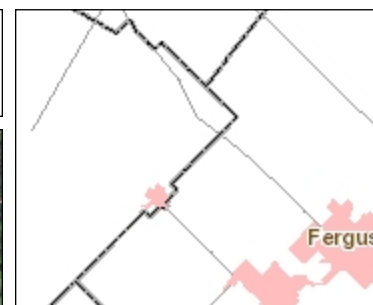
\$ 4.62

Total

\$ 268.62

Stripe Credit Card





Legend

- Site Specific Exemption
- Zoning Limits
- 3m Landscape Buffer
- Industrial Design Overlay
- Environmental Protection Overlay
- Natural Environment
- Municipal Offices
- OPP Stations
- Hospitals
- Fire Stations
- Information Centres
- Schools
- Post Offices
- Arenas
- Community Centres
- Curling Rinks
- Libraries
- Museums
- Park Parking Lots
- County Garages
- Parcels
- Roads
 - Local Road
 - County Road
 - Highway
- Railwave

0.3 0 0.15 0.3 Kilometers

Notes