



March 30, 2015

MINUTES OF PLANNING BOARD MEETING - March 24, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on March 24, 2015, the following Members of Planning Board were present:

- | | | | |
|----|------------|-----|-------------|
| 1. | D. Osborne | 6. | R. Stephens |
| 2. | M. Peters | 7. | L. Hayden |
| 3. | P. Moffatt | 8. | E. Russell |
| 4. | A. H. Hunt | 9. | L. Addison |
| 5. | K. Noland | 10. | D. Head |

Regrets: B. St. Denis

Also in attendance was:

- T. Sasvari, reporter, Manitoulin West Recorder;
- L. Major, applicant, on behalf of Application for Consent File No. B12-15;
- S. McDougall, agent, on behalf of Application for Consent File No. B12-15;
- B. Armstrong, agent, on behalf of Application for Consent File No. B06-15; and
- G. Keatley, O.L.S, agent, on behalf of Application for Consent File No's. B02-15, B07-15, B08-15, B09-15, B10-15, B11-15 and B13-15.

There were no other interested parties or members of the general public or press in attendance.

The Meeting was called to Order at 7:00 P.M., by Chair K. Noland, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of January 27, 2015. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested that the agenda as circulated be adopted.

MOTION

It was moved by D. Osborne and seconded by L. Hayden that the Order of Business be adopted as circulated. - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - January 27, 2015

The Chair announced that the Minutes of the Board Meeting held January 27, 2015 had been circulated to all Board Members and requested that any errors or omissions be stated.

There being no errors or omissions, a motion was moved by A. H. Hunt and seconded by D. Head that the Minutes be adopted as circulated. - Carried -

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- January 27, 2015

i) Official Plan Amendment No. 91

The Secretary-Treasurer advised that the Ontario Municipal Board (OMB) has scheduled an Appointment for Hearing by Teleconference for this application for April 2, 2015.

Considering that the Ministry of Municipal Affairs and Housing and the applicant/owner have agreed to a settlement with conditions, it is expected that the OMB will approve the proposal to settle unless the Lake Manitou and Area Association request a full hearing.

There was no other business arising from the Minutes.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by D. Head and seconded by E. Russell that the variable expenditures be accepted as presented. - Carried.

4. PRESENTATION OF APPLICATION FOR CONSENT

The Chair announced that the applications for consent to sever would now be heard.

Note: For the sake of continuity the details and decisions of the presentations will be so recorded in the usual fashion toward the end of the Minutes.

5. General, Regular and New Business a) General Up-date by Secretary-Treasurer

i) Workplace Safety Insurance Board (WSIB)

Further to the report to the Board during the January 27, 2015 Board Meeting, the Secretary-Treasurer did appeal the WSIB decision to deny the Rate Group Classification change. Verbal confirmation has been received that this appeal has been denied.

When written verification has been received, the Secretary-Treasurer will review the options and proceed with appropriate course of action.

ii) Northeastern Planning Authorities Workshop - Sudbury - September 23 and 24, 2015.

The Secretary-Treasurer advised that the dates had been set for the annual workshop in Sudbury and that it was expected staff members would attend. This workshop is open to Municipal Councilors and staff.

b) OFFICIAL PLAN REVIEW

- Right-of-way/Private Road Policies

The Board were provided copies of the 'Analysis of Lot Creation on Private Roads for 2009 to 2014' prepared by Jake Diebolt.

This analysis was prepared at the request of the Ministry of Municipal Affairs and Housing (MMAH) and will be forwarded to the Ministry.

6. PRESENTATION OF FINANCIAL STATEMENTS FOR 2014 AS PREPARED BY FREELANDT CALDWELL REILLY

The Auditors were to provide the final statements to be reviewed by the Board. However, they had not been received. The Board were advised that the Secretary-Treasurer understood that there were no anticipated changes to the draft as circulated with the Notice. Following general discussion, it was generally agreed that the final statements would be presented at the next regular Board Meeting for approval.

7. BUDGET FOR 2015

i) Review of Tariff of Fees

The Secretary-Treasurer advised the Board that the Tariff of Fees had been reviewed last year and the Board had approved various increases and that it did not appear that additional increases were needed. However, the Board were requested to consider additional fees not presently on the schedule, as follows:

- Request to Extend Draft Approval	\$250.00
- Approval for Second and each subsequent phase	\$500.00
- Document Publications	
- Official Plan Text	\$ 50.00
- Copies of Maps, i.e. Official Plan and Zoning By-law	\$ 25.00

7. BUDGET FOR 2015
 i) Review of Tariff of Fees - Continued

With the proposed additions, following is the proposed revised schedule of fees:

Applications for:	
Consent to Sever, per parcel/application	\$ 650.00
Amendment to Conditions, per parcel/application	\$ 300.00
Certification of Deeds	\$ 100.00
Plan of Subdivision/Condominium	\$1,200.00
Plus each lot/unit	\$ 650.00
- Request to Extend Draft Approval	\$ 250.00
- Approval for Second and each subsequent phase	\$ 500.00
Amendment to the Official Plan	
- Municipalities	
- Residential, Rural, Open Space, etc.	\$1,200.00
- Commercial, Industrial, Institutional, etc.	\$1,800.00
- Unorganized Townships	
- Residential, Rural, Open Space, etc.	\$1,400.00
- Commercial, Industrial, Institutional, etc.	\$2,000.00
Amendment to the Zoning By-Laws	
- Residential, Rural, Open Space, etc.	\$ 650.00
- Commercial, Industrial, Institutional, etc.	\$ 800.00
Deeming By-Law	
Recirculation - per parcel/application	
- Consents, Subdivisions/Condominiums, Official Plan & Zoning Amendments	\$ 300.00
Letters of Conformance	\$ 75.00
- Plus Site Inspection Costs (if required)	.50/km.
Validation of Title	\$ 650.00
Power of Sale	\$ 650.00
Any Application Considered	} Cost as Invoiced in
to Require Notice in Newspaper	} Addition to Above Fees
Letters - Response to Planning Inquires i.e. Interpretation/Opinions, Official Plan & Zoning By-laws, Outstanding Work Orders, etc.	\$ 50.00
NSF Cheques	\$ 50.00
Geographic Information System Data (Minimum 1 hr.)	\$ 62.50/hr.
Document Publications	
- Official Plan Text	\$ 50.00
- Copies of Maps, i.e. Official Plan and Zoning By-law	\$ 25.00

All fees are plus costs, expenses incurred from advertising, travel, etc., as required.

MOTION

It was moved by P. Moffatt and seconded by L. Hayden that the Tariff of Fees as presented be approved. - Carried.

ii) Review of Draft Budget for 2015

The Board Members were provided copies of the Budget Notes and 2 versions of the draft budget as prepared for the Budget Committee.

It was explained that the only difference between version 1 and version 2 of the draft budgets was the proposed increase of 2% in salaries and the increase from 8.75% to 10% to the amount paid to staff in lieu of benefits. The version 2 draft budget identified a surplus of \$639.00.

The Secretary-Treasurer requested the Chair to have the Board go in camera to discuss matters about an identifiable individual.

The Chair requested the Board to go In Camera to discuss matters about identifiable individuals.

7. BUDGET FOR 2015
- ii) Review of Draft Budget for 2015 - Continued

MOTION

It was moved by P. Moffatt and seconded by D. Osborne that the Board go In Camera at 9:35 p.m. to discuss matters about identifiable individuals. - Carried.

MOTION

It was moved by D. Osborne and seconded by P. Moffatt that the Board rise from the In Camera session at 9:48 p.m. - Carried.

MOTION

It was moved by L. Hayden and seconded by P. Moffatt that the Manitoulin Planning Board approve the Budget for 2015 as presented in the amount of \$213,318.00.00, including the \$639.00 to be allocated to salaries.

- Carried Unanimously

8. REPORT ON EXECUTIVE MEETING

- i) The Town of Northeastern Manitoulin and the Islands have requested the Board revisit the weighted voting decision
- ii) The Town of Northeastern Manitoulin and the Islands request a separate Official Plan

The Chair advised that the Board Executive had been requested by Bridget Schulte-Hostedde, Manager, Community Planning and Development Municipal Services Office, Ministry of Municipal Affairs and Housing (MMAH), to meet with herself and representatives of the Town of Northeastern Manitoulin and the Islands (NEMI) to discuss two issues, being:

- 1) Weighted Voting- NEMI does not feel that the system now in place is fair; and
- 2) NEMI official plan- NEMI is prepared to undertake its own OP program

This meeting was held on March 4, 2015 in the Board Room at the Planning Board Office and the following were in attendance:

Bridget Schulte-Hostedde, Manager, Community Planning and Development
Municipal Services Office, MMAH;
K. Noland, Chair, Manitoulin Planning Board (MPB);
A. H. Hunt, Vice Chair, MPB
E. Russell, Acting Past Chair, MPB;
E. Carter, Secretary-Treasurer, MPB;
A. MacNevin, Mayor, NEMI;
D. Williamson, CAO, NEMI; and
M. Peters, Board Member, NEMI.

The Board Members were advised that during that meeting, Mr. MacNevin provided copies of a chart which compared the current approved weighted voting with the voting model of one vote per member and weighted voting based on requisition. Copies of these charts were provided to the Board Members.

The Chair stated that Mr. MacNevin had requested that the Board reconsider having the weighted voting to be based on the requisitions submitted by the Municipalities.

There was general discussion amongst the Board Members regarding a proposed second Official Plan for the Planning Area for NEMI. NEMI has stated they have issues with the current draft Official Plan. It was noted that, since the issues are unknown, it is unknown if the issues could be incorporated into the current draft. Mr. MacNevin also stated during this meeting that it would be NEMI's first choice to have their own Planning Authority.

8. REPORT ON EXECUTIVE MEETING - Continued

For information, the Secretary-Treasurer read the following section of the Planning Act:

14. (1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,
(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or
(b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

Preparation of official plan

- (2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council. R.S.O. 1990, c. P.13, s. 14.

The Secretary-Treasurer advised she has requested an interpretation of these policies from the Ministry of Municipal Affairs and Housing.

There was general discussion regarding the need for any change to the amended Procedural By-law and that the current model for weighted voting had only been approved by By-law 2014-03 in September 2014.

Due to the time being past 10:00 p.m. the following Motion resulted:

MOTION

It was moved by P. Moffatt and seconded by M. Peters that the Board Meeting be extended for ½ hr as permitted in the Procedural By-law, Sec. IV(13) to allow a meeting to go beyond three hours. - Carried.

Following general discussion, the following motion resulted:

MOTION

It was moved by D. Osborne that By-law 2014-03, being an amendment to the procedural by-law to provide for weighted voting, be rescinded and that the Board return to one vote per Municipality/Board Member.

The Chair stated that the request from NEMI for weighted voting, their own Official Plan and Planning Authority was the result of the Planning Board's appeal to the Ontario Municipal Board of the approval of a Zoning By-law by NEMI which would permit residential uses in an industrial area.

Further discussion resulted in the following comments from the Board Members:

- opposed to reconsidering the weighted voting;
- concern of costs should NEMI become separate from Planning Board;
- support of one vote per municipality;
- purpose of the Board to look at needs and interests of the island as a whole;
- concern with NEMI's proposal;
- support for the Municipalities to have voting which reflects the amount paid in requisition.

D. Osborne advised that he would withdraw the motion previously made.

With the permission of the Chair, the Secretary-Treasurer stated that the amounts paid by Municipal Requisitions, which are based on assessment, also recognize the activity/workload of the Board Office which is naturally greater in the larger Municipalities.

The following motion resulted:

MOTION

It was moved by M. Peters and seconded by P. Moffatt that the Board provide for weighted voting based on the requisition amounts received from Municipalities.

M. Peters requested a weighted vote.

Section 14(2) of the Procedural By-law states:

'Without a majority consent for a weighted vote, a requested weighted vote is automatically deferred to be placed on the agenda of the next regular meeting'

8. REPORT ON EXECUTIVE MEETING - Continued

The Chair called for a vote to determine if there was a majority of the Board Members present in favour of the weighted vote being held during this meeting. Without a majority the weighted vote would be deferred to the next regular meeting.

D. Osborne requested this vote be a recorded vote.

	<u>In Favour</u>	<u>Against</u>
1. D. Osborne		X
2. M. Peters	X	
3. P. Moffatt	X	
4. A. H. Hunt		X
5. K. Noland	X	
6. R. Stephens		X
7. L. Hayden		X
8. E. Russell	X	
9. L. Addison		X
10. D. Head	X	

Motion Defeated.

The Motion for a weighted vote will be on the agenda for the next regular meeting.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- (a) to consider a applications for consent under Section 52 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were no conflicts declared.

Following is the application for Consent considered at this meeting.

	<u>Moved By</u>	<u>Seconded By</u>
1. B02-15 S. C. Allan	R. Stephens	P. Moffatt
2. B03-15 & B04-15 M., M. & A Kuepfer	L. Hayden	B. Ham
3. B05-15 1732843 Ontario Inc.	D. Head	R. Stephens
4. B06-15 M. E. Anglin	D. Head	R. Stephens
5. B07-15 S. & G. Kutchaw	D. Head	D. Osborne
6. B08-15, B09-15, B10-15 & B11-15 G. Longacre Estate	M. Peters	A. H. Hunt
7. B12-15 F. L. Major	A. H. Hunt	L. Hayden
8. B13-15 R. J. Gore	L. Addison	L. Hayden
That this application be deferred for reasons stated within the Decision. - Carried.		
9. B14-15 K & D. Leblanc	D. Head	D. Osborne

It was moved and seconded that the above applications be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions. - Carried.

The above motion applies to all applications except File No. B13-15.

Application File No.: B02-15 No. of Members Present: 10

Date of Decision: March 24, 2015

Location of Property: Part Lot 25, South Side Campbell Street East, Surveyed as Part 2,
Plan 31R-1555, Townplot of Shaftesbury, Town of Northeastern
Manitoulin and the Islands, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Susan Allan is to provide for the creation of a new lot, having a frontage of ± 18.5 M. on Manitowaning Road, and an irregular depth ± 40 M., thereby containing an area of ± 850 Sq. M. There are no structures on this land. This land is together with easement (for access) over Part 3, Plan 31R-1555.

The land to be retained has frontages of ± 21.9 M. on Campbell Street and ± 19.9 M. on Manitowaning Road, and an irregular depth of ± 32 M., thereby containing an area of ± 820 Sq. M. The applicant's two storey building is located on this land which contains a gift shop, known as The Rain Barrel, on the main floor, and two apartments on the 2nd floor.

According to Mr. Keatley, agent for the application, the reason for the odd shaped lot is that the proposed sideline will follow the existing driveway and keep it fairly square to the street which will allow for easier building and adhere to minimum yard requirements.

There has been a previous application for Consent by previous owners. File No. B25-86 provided for the creation of a new lot, surveyed as Part 2, Plan 31R-1555, being the land subject to this application.

Access is from Manitowaning Road and Campbell Street, both maintained municipal streets.

Services consist of municipal water and municipal sewers.

The subject land has been designated by the Secondary Plan for Little Current as Central Core Policy Area and zoned Core Commercial (C1) by Amendment File No. 491ZBL-00-001 which approved By-law No. 2000-13. The existing commercial and residential uses are proposed to continue.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014.

This application was circulated on February 24, 2015 to the Town of Northeastern Manitoulin and the Islands and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised by Resolution No. 51-03-15 as follows:

'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has no comments or concerns in regard to the application for the consent file #B02-15 as applied for by Susan Carol Allan.'

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres and/or posting of notice.

Mr. Keatley, agent for the application, was in attendance during discussion of this application.

Consent is tentatively granted, subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Application File No. B02-15 - continued
March 24, 2015

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) proof that any portion of a travelled road, which is maintained by the Municipality, that encroaches on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) proof satisfactory to Planning Board that all minimum yard requirements, resulting from the new lot line(s), conform to Zoning By-law No. 2002-31; i.e. written verification from the Ontario Land Surveyor;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Application File No's.: B03-15 and B04-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Lots 11 & 12, Conc. VII and Lot 12, Conc. VIII, Township of Mills,
Municipality of Burpee-Mills, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mahlon, Manuel and Aaron Kuepfer is to provide for the creation of two new (± 40 Hec.) lots, to dissolve joint ownership between three family members.

File No. B03-15 proposes to sever Lot 12, Conc. VIII, an originally surveyed ± 40 Hec township lot, having a frontage of ± 402 M. on Ocean Point Road, a maintained municipal road, and a depth of $\pm 1,005$ M. There are no structures on this land.

File No. B04-15 proposes to sever the south half of Lots 11 and 12, Conc. VII, having a frontage of ± 502 M. on Poplar Road, a maintained municipal road, and a depth of ± 804 M., thereby containing ± 40 Hec. There are no structures on this land.

The land to be retained consists of the north half of Lots 11 and 12, Conc. VIII, having frontages of ± 804 M. on Union Road and ± 502 M. on Poplar Road, both maintained municipal roads, and a depth of ± 804 M., thereby containing ± 40 Hec. According to the application the applicants' two dwellings, barn and farm accessory structures are located on this land.

Access is via Union Road, Poplar Road, and Ocean Point Road, all maintained municipal roads.

Services consist of private well and private individual septic system for the retained land. Services will consist of private wells and private individual septic systems for the severed lands when required.

The subject land has been designated Agricultural and Settlement Districts and zoned Agricultural (A) and Settlement (S). This land is not identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. The agricultural/ residential uses are proposed to continue for the retained land. Agricultural and farm related uses are proposed for the severed lands.

The Ministry of Agriculture and Food and Rural Affairs have advised as follows:

'In parts of Ontario where traditional row crop and livestock operations are common (such as the Manitoulin area), generally 40 hectares is the recommended minimum parcel size. This would be applicable to both the severed and the retained parcel.'

'Creating farm parcels that are too small limits future agricultural opportunities and can discourage ongoing farming. By maintaining relatively larger parcels, it gives farmers the flexibility to adapt, expand and change their operations as markets and technology change.'

Zoning By-law No. 96-01 for the Township of Mills, Section 47(2), in an Agricultural Zone, states:

(a) *two single dwellings, as buildings accessory to an agricultural use other than a market garden, may be erected and used on an agricultural use lot; and*

(b) *one single dwelling, as a building accessory to a market garden, may be erected and used on a lot used for market gardening.'*

A livestock facility is located on the proposed retained land. The farm related structures meet the requirements of the Minimum Distance Separation as required by the Ministry of Agriculture Food and Rural Affairs.

There is a licensed aggregate site located south of the subject lands, within Lots 11 and 12, Conc. IX. The large acreage proposed would not appear to conflict with the aggregate operation.

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014.

There is a Core Deer Yard located within 120 metres of the northwest boundary and the south boundary of Lot 12, Conc. VIII. The ± 40 Hec. (± 100 acre) severances are considered to have little or no impact.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

Application File No's. B03-15 and B04-15 - continued
March 24, 2015

There is a drainage ditch traversing Lot 11, Conc. VII.

This application was circulated on February 24, 2015 to the Municipality of Burpee-Mills and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Clerk for the Municipality of Burpee-Mills advised they have no concerns and noted that there is a drain located on the property, however, it is not considered a municipal drain as this drain has never been formalized as a municipal drain. Therefore Section 65 of the Drainage Act does not apply.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
or
a boundary line survey identifying the new lot lines resulting from the severance(s);
and
written verification from the Land Registrar confirming the description is acceptable for registration by the Land Registry Office in Gore Bay, Ontario;
- ii) proof that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Application File No.: B05-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Part Lot 9, Conc. V, being Pt. of Part 1, Plan 31R2157 and Part 1,
Plan 31R-3954, Township of Campbell, Municipality of Central
Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Natasha Rueter on behalf of 1732843 Ontario Inc. is to provide for an easement, surveyed as Part 1, Plan 31R-3954, having a frontage of ±87.34 M. on Perivale Road West, and an average depth of 93 M., thereby containing an area of ±0.7 Hec. This easement is proposed to be used for parking purposes in favour of the owners of Kakawaie Island and Little Island.

The land to be retained, has frontages of ±493 M. and ±43 M. on Perivale Road West, and an irregular depth of ±1,005 M., thereby containing an area of ±38 Hec. There are no structures on this land.

This application, File No. B05-15, is a resubmission of Consent File No. B24-13, which lapsed when conditions of consent approval were not fulfilled within one year as required under the Planning Act of Ontario.

There have been eight (8) other applications for consent involving Lot 9, Conc. V, by previous owners.

File No's. 04-51C-77-1076 and B15-82 proposed lot additions, but lapsed when conditions of consent approval were not fulfilled within one year as required under the Planning Act.

File No. B40-90 provided for a lot addition of Parts 4 & 5 to Parts 6 & 7, Plan 31R-2157 and created a new lot surveyed as Part 3, Plan 31R-2157.

File No's. B55-98, B56-98 and B57-98 created three new lots surveyed as Parts 1, 2 & 3, Plan 31R-2939, within Part 3, Plan 31R-2157.

File No. B72-03 provided for a lot addition, surveyed as Part 1, Plan 31R-3280 to a small existing lot of record.

File No. B49-06 created a new lot surveyed as Part 4, Plan 31R-3522.

Access is from Perivale Road West, a maintained municipal road. The owners of Kakawaie and Little Islands have access from the public dock/launching ramp at 148 Perivale Road.

This proposal is for an easement for parking of vehicles, etc. No new services are required as a result of this application for easement.

The subject land has been designated Agricultural and Shoreline Development Districts, and zoned Agricultural (A). This land is not identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. Agricultural uses are proposed to continue, i.e pasture. The proposed easement is considered to have little or no impact on existing agricultural uses.

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This application was circulated on February 24, 2015 to the Municipality of Central Manitoulin, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality of Central Manitoulin advised they have no concerns.

Ruth Shepherd, land owner of Part 1 31R-3280, called the office requesting further explanation of the application. She had no concerns.

Doreen Campbell, land owner of Parts 4 to 7, Plan 31R-2157, visited the office to inquire if the easement could be used for public parking as she felt parking was a problem along Perivale Road. It was explained that the application was made for parking purposes for the two Islands only, not for the general public, and suggested she contact the municipality. She had no concerns with the proposed application for easement.

There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Application File No.: B05-15 - continued
March 24, 2015

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the easement given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the easement to which the consent approval relates;
- ii) proof that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) proof satisfactory to Planning Board, that any outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Application File No.: B06-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Part Lots 11 & 13 and Lot 12, Conc. XII, Township of Howland,
Town of Northeastern Manitoulin and the Islands, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mary Ellen Anglin is to provide for a lot addition, identified as Inst. No. T-33865, having a frontage of ± 170 M. on Strawberry Channel of Lake Huron, and an average width of ± 40 M., thereby containing an area of ± 0.4 Hec., which is to be added to land owned by Thomas Ferguson, surveyed as Part 1, Plan 31R-3705 and Parts 5 & 6, Plan 31R-3689, having a frontage of ± 401 M. on Highway No. 6 and an average depth of $\pm 1,015$ M., thereby containing an area of ± 34 Hec. This lot addition will result in a lot, containing a dwelling, having frontages of ± 401 M. on Highway No. 6 and ± 467 M. on Strawberry Channel of Lake Huron, and an average depth of $\pm 1,035$ M., thereby containing a total area of ± 34.4 Hec.

The land to be retained, being Lot 12 and part of Lot 13, Conc. XII has frontages of ± 402 M. on Highway No. 6 and ± 700 M. on Strawberry Channel of Lake Huron and an average depth of $\pm 1,488$ M., thereby containing an area of ± 75 Hec. There are no structures on this land.

Access to the subject lands is from Highway No. 6, a provincially maintained highway. The lot resulting from the lot addition is subject to right-of-way over the existing travelled access, surveyed as Part 5, 31R-3689 in favour of Part 2, Plan 31R-3705 and Parts 3 & 4, Plan 31R-3689.

There are no new services required as a result of this application for a lot addition.

An unevaluated wetland is identified within Lots 12, 13 & 14, Conc. XII. It appears there would be a building envelope on the retained land that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

There is a Fish Habitat along the shoreline and the creek in front of the subject lands. The result of the proposed lot addition to an existing lot containing a dwelling, would not have significant impact on the fish habitat. However, It is recommended that caution be taken regarding any improvements to the shoreline.

Eric Cobb, District Planner, Ministry of Natural Resources and Forestry (MNRF) provided the following comments:

'As discussed, there is no need for our office to review this application, as no development is being proposed as a result of the lot addition.'

From information available there are no natural heritage features or species at risk (SAR) identified that require further consideration.

The subject land has been designated Rural and Shoreline Development Districts and zoned Rural (R) and Hazard (HZ). There are no development proposed.

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

This application was circulated on March 02, 2015 to the Town of Northeastern Manitoulin and the Islands and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Clerk for the Municipality advised that the subject land is currently being assessed for a Municipal Drain.

The Municipality advised by Resolution No. 50-03-15 as follows:

'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has no comments or concerns in regard to the application for the consent, file #B06-15 as applied for by Mary Ellen Anglin.'

Application File No: B06-15 - continued
March 24, 2015

The following letter was received, by email, on March 13, 2015, from Daniel Anderson, owner of Lot 13, Conc. XII and tabled:

'Dear Ms Carter:
RE: Land Severance of Part Lot 11, Con 12 (PIN 47123-0157)

The severance or division of any land must occur in an orderly manner even with respect to minor severance where a plan of subdivision may not be warranted. Every division of a piece of land, whether minor or major, into two or more lots or two or more parcels or parts thereof, is considered in one form or another as a subdivision of land and must be controlled by a plan of subdivision. It appears that the intention of this severance is to cover all current subdivision for this farm lot where the immediate or ultimate purpose is that of selling the severed parts and constructing buildings thereon.

In consideration of the information attached to your letter of March 02, 2015, including your Notice of Application for Consent and the sketch showing the severance of 0.4 ha from Lot 12 Con 12, I have evaluated the merits of this severance and found no evidence to support it whatsoever. Consequently, in no uncertain terms, I strongly reject the proposed severance and therefore deny both my approval and consent to proceed with this severance for the following reasons.

- Lacks conformity with the official plan of the Manitoulin District and more specifically with respect to the proposed official plan concerning waterfront development.
- The proposed land use is not compatible with adjacent uses of farm land.
- The severance does not comply with local zoning by-laws.
- The size and shape of the lot(s) being created are not suitable for the proposed purpose of the land. It creates a panhandle and an island between the municipal drain and the Strawberry Channel. The municipal drain is just an outfall for the Little Current lagoons and its confluence with the Strawberry Channel is just another in-situ lagoon for the tertiary treatment of the lagoon seasonal discharges. It is suspected that the ground water along the length of the municipal drain is contaminated and unsuitable for drinking water or washing including bathing in the Strawberry Channel.
- Vehicular access does not conform to the municipal standard for road construction and therefore the waterfront development is not accessible year-round for any emergency services such as ambulatory, fire or police. This is especially true during the winter months when the roadway is not maintained or snow ploughed regularly leaving the lots only accessible by snow machines.
- Water supply is completely inadequate with respect to both quality and quantity for domestic use and consumption and it all has to be trucked to the lots except for watering lawns and washing cars.
- Sewage disposal is inadequate because of the high water table and there is a high risk that the sewage effluent will pollute and contaminate the spawning grounds along the waterfront of these lots fronting on the Strawberry Channel.
- The bull rushes at the mouth of the municipal drain is the spawning grounds and fish habitat for many fish species and it must not be disturbed by motorized boat traffic, otherwise the aquatic life will be destroyed or the fishes will spawn elsewhere much to the chagrin of the sport fishermen trolling along this shoreline.
- The land is subject to flooding and it is impossible to protect the land from potential flooding. All development must be situated beyond the high water mark and additional restriction applied if any buildings are located within the fringe flood zone.
- Lot 11 Con 12 has been subdivided into six parts without the benefit of a plan of subdivision contrary to the requirements of the Ontario Planning Act. This is to inform you that I was not informed or consulted about this subdivision as required by this regulation and therefore this subdivision is illegal and nonconforming for not following protocol. Similarly the Town and the Manitoulin Planning Board appears to have conspired together to allow the subdivision of Lot 14 Con 12 into seven parts including four water front lots without the benefit of a plan of subdivision, and now we have the same situation on Lot 11 Con 12 with nothing done proper or conforming to any rules and regulations.

The real purpose of the regulation allowing the subdivision of large tracts of lands to create three lots plus the remainder without the need for a plan of subdivision was to permit farmers with their farms situated along a roadway to divide his farm amongst his children or his partner upon dissolution of his marriage, or to create a nest egg for his retirement. This ruling was never intended for land developers or speculators, and both the Town and the Manitoulin Planning Board together with these developers and speculators are abusing this ruling multiple times with total disregard to the provisions of the Official Plan and municipal bylaws and, of course, the Ontario Planning Act.

- Loss of prime farmland. The subdivision of Lot 11 Concession 12 means the loss of another farm lot due to the urbanization of the waterfront. The remaining part of this farm lot is no longer suitable for either farming or grazing. Eventually livestock will have no access to the waterfront once all four lots are developed and fenced off leaving the remaining part useless even for pasture. These lands were never defined for urban development by the Manitoulin Official Plan. Farm land must be protected for agricultural uses or forestry. Scattered residential development in isolated rural areas will only increase the cost of municipal services and it will only encourage more urbanization of rural areas, such as strip development along our waterfronts. Loss of land suitable for food production is increasing at an alarming rate in Ontario and the Province and local government are doing nothing to protect these lands for future generations. Even now we are buying tomatoes grown in China, apples from Peru, and lettuce from California and in the future we may be getting our wheat from Russia. A very sad commendation for Canada and the Manitoulin Island.

Unfortunately I will not be able to attend your public meeting on March 24, 2015 but you may rest assured that I will appeal to the Ontario Municipal Board your decision if the severance is approved with or without conditions.

Daniel E.R. Anderson, (613) 830-8909, (613) 727-4723 x3427
andersd@algonguincollege.com

Application File No: B06-15 - continued
March 24, 2015

A copy of this letter was sent to Mr. Armstrong, agent for the application, on March 16, 2015. Mr Armstrong responded with the following letter, dated March 18, 2015, and tabled:

*' Dear Mrs. Carter,
I have reviewed the letter of Daniel E.R. Anderson dated March 10th, 2015 filed with respect to this application.*

It appears that the fundamental misunderstanding under which Mr. Anderson labours is that the application is for the creation of several new lots (or even one new lot). As you will know, this is an application for a lot addition severance. It is a lot addition to consolidate a small part of Lot 11 Con 12 Howland back into Lot 11 thereby recreating the original boundary between Lots 11 and 12 Con 12 Howland.

There is no change in use of the property from its present state. That said the first 4 of Mr. Anderson's points regarding incompatible or non-conforming uses are again based on a fundamental misunderstanding.

The point regarding the creek being the outfall line for the NEMI sewage lagoons is a misunderstanding or misinformation beyond the scope of the application and hence this response.

Vehicular access for this added property will be theoretical only since there is no intention or practical likelihood for uses beyond the present vacant state but once added to the property intended in this application (the Tom Ferguson property) this parcel would have the same Highway access as the balance of the Ferguson property.

The imagined deficiencies or impacts in the next 4 points are similarly inapplicable before you. There is no need for water supply or sewage service nor will the impact on fish habitat or flooding be any different than presently exists. Which property this unused and potentially unusable point of land is attached to is irrelevant to this issues Mr. Anderson raises.

The general complaint that Mr. Anderson appears to have with respect to lots created in the past by the legislatively authorized processes in place for that purpose may be arguments to be made in a political arena but, with respect, have no place in the assessment of an application that conforms to the law and policies as presently in place. It is not for one citizen to demand the cessation of the legal activities of another merely on the basis of personal preference.

The closing rant regarding the protection of farm land is misapplied to this application since, Mr. Anderson earlier maintained, the property subject to flooding and not farmland in any case.

Again I return to the conclusion that Mr. Anderson must simply have failed to notice that this is a lot addition severance with no prospect or intention of change of usage. If I am wrong in this assumption then the various factual inaccuracies alleged in the object must be considered in the weight to be given to a submission that must ultimately be assessed by the tests applied to a vexatious and frivolous objection.'

The following response from the Secretary-Treasurer was sent to Mr. Anderson, via email, on March 23rd, 2015 and tabled:

'For your information, please find attached the response to your objection from the solicitor of the applicant.

Also, the following is intended to clarify the intention of the subject application.

This subject application is for a lot addition only, no new lot will result.

- There are no structures proposed to be built near the water or within the boundaries of the lot addition. It would be unlikely that any building within the boundaries of the lands proposed as an addition would conform to the zoning by-law. However, building approvals are the responsibility of the Municipality. There has been a cottage built on the property benefitting from the lot addition.
- This application is in conformity to the Official Plan, Zoning By-law and Provincial Policy Statement 2014.
- Agricultural viability, if any, will not be affected. Agricultural uses within the adjacent lands consist of pasture use only. This land does not meet OMAFRA requirements to be designated as prime agricultural land.
- No new services, i.e. water or sewage disposal, are required as a result of this lot addition.
- Any shoreline improvements will require the permission of the Municipality and the Ministry of Natural Resources and Forestry.
- In regard to previous severance approvals within Lot 14, Conc. 12, there were four large lots created (299' frontage and 2.5 acres) in 1992. These were created before the Planning Act regulation required land owners within 60 metres to be circulated.
- In regard to previous severance approvals within Lot 11, Conc. 12, there were only three lots created in 2008. These are also larger lots with depths of approximately 500 metres to provide for building envelopes beyond the flood plain. As owner of Lot 13, Conc. 12, you were not notified of this proposal as your property was not within 60 m. of the proposal.

Should you have any additional questions, do not hesitate to contact the undersigned.'

Application File No: B06-15 - continued
March 24, 2015

There have been no other inquiries or concerns received as a result of circulation to property owners within 60 metres or posting of the Notice.

Blaine Armstrong, applicant for the application, was in attendance during discussion of this application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer; and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and
 - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) given conditional approval, to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

Application File No.: B07-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Part Lot 3, Conc. III, Surveyed as Parts 1, 2 and 3, Plan 31R-1336,
 Township of Sandfield, Municipality of Central Manitoulin District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Sandra and Gary Kutchaw is to provide for the relocation of an existing right-of-way (easement), surveyed as Part 2, Plan 31R-1336, having a width of ± 10 M. and a length of ± 65 M., thereby containing an area of ± 640 Sq. M., in favour of three (3) properties identified as:

- i) Parts 1 to 3, Plan 31R-732, PIN 47128-0229, Pielsticker;
- ii) Parts 7, 8 & 9, Plan 31R-1336, PIN 47128-0230, Weiler; and
- iii) Parts 4, 5 & 6, Plan 31R-1336, PIN 47128-0231, McFarquhar

The land to be retained consisting of Parts 1, 2 & 3, Plan 31R-1336, has a frontage of ± 78 M. on Lake Manitou and an average depth of ± 103 M., thereby containing an area of ± 0.6 Hec. The applicant's dwelling is located on this land.

The following e-mail was received from Gordon Keatley, agent for the application, as follows:

' The Kutchaws wanted to have more room behind their house and would therefore like to make a slight adjustment to the location of the easement passing through their property per the attached application.

Although the road is good enough that they have had cement trucks and other similar sized deliveries brought to and through the property, I would ask that the requirement for the township to confirm that the road is up to a certain standard be left out as we are not creating any new lots with this application. When this application goes before the board, I would like the opportunity to discuss that the standards of 20m width and level of construction are appropriate for new lot creation but this burden should not be imposed on owners wishing to allow neighbours to cross their property.'

By-law No. 2003-23 permits the residence located on the retained land to have a reduced front yard setback of 5.79 M. from 9 M. (19 ft. from 30 ft.).

There have been two (2) previous applications for consent, by previous owners, involving the subject lands.

File No.: B08-82 provided for legal right-of-way, to the subject lands, surveyed as Parts 6, 7 & 8, Plan 31R-1084, now known as Trillium Trail, in favour of Lots 1, 2 & 3, Conc. III; and

File No.: B30-82 provided for the creation of three new lots surveyed as Parts 1 to 9, Plan 31R-1336.

Access is from Watson's Bay Road, a maintained municipal road, and a private right-of-way over Parts 6, 7 & 8, Plan 31R-1084, known as Trillium Trail.

According to the application, services consist of private individual septic system and private well or water from Lake Manitou. There are no new services required as a result of this application for right-of-way.

A copy of the application was sent to Hydro One Networks Inc. for comments as there is a hydro line traversing the subject land. Meredith Nyers, advised that Hydro One Networks Inc. is asking for the deposited survey plan to show exactly where their easements are situated so they can retain our easement rights.

The Hydro One Networks Inc. Comments were forwarded to Gordon Keatley, agent for the application.

There is a fish habitat identified along the lakeshore of the subject land. The result of the relocation of the right-of-way, located ± 40 M. from the inside of the road allowance, is considered to have no significant impact on the fish habitat.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

The subject land has been designated Shoreline Development District and zoned Shoreline Residential (SR). The existing residential uses are proposed to continue.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement (PPS) 2014.

This application was circulated on March 03, 2015 to the Municipality of Central Manitoulin and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Application File No. B07-15 - continued
March 24, 2015

There was a telephone call received from Mr. McFarquhar, owner of Parts 4, 5 & 6, Plan 31R-1336, one of the recipients of the right-of-way. He stated that he has conditions of final settlement/acceptance that he has given to his lawyer and asked how he can be assured that his conditions will be met. It was recommended he contact and discuss with his lawyer. He also stated that he had received his notice on March 9th, 2015 and felt that he did not have enough time to provide comments before March 17th, 2015 as stated in the Notice prepared by Planning Board. It was explained that the Planning Act of Ontario sets out the notice requirements. However, he could provide any comments to be taken into consideration prior to March 24th, 2015.

There have been no other inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

The Municipality advised, on March 10, 2015, they have no concerns.

Mr. Keatley, agent for the application, was in attendance during discussion of this application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the new relocated right-of-way, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the new relocated right-of-way, having a minimum width of 10 M., to which the consent approval relates;
- ii) a written confirmation from the Municipality, that access over the proposed realigned/relocated right-of-way has been constructed to a standard for travel by emergency vehicles satisfactory to the Municipality;
- iii) a written confirmation from Hydro One Networks Inc. that an easement over the subject land for occupational right has been identified, satisfactory to their requirements;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality, that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNR) and the Municipality.

Application File No's.: B08-15 to B11-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Part Lot 25, Conc. I, Part 1, Plan 31R-3992, Township of Billings,
Municipality of Billings and Allan East, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act, by the Estate of George Longacre, is to provide for the creation of four (4) new lots for seasonal residential uses.

File No. B08-15 proposes a new lot, having frontages of ± 46 M. on Lake Mindemoya and ± 46 M. on Monument Road, a maintained municipal road, and an average depth of ± 108 M., thereby containing an area of ± 0.5 Hec. There are no structures on this proposed lot.

File No. B09-15 proposes a new lot, having frontages of ± 73 M. on Lake Mindemoya and ± 122 M. on Monument Road, a maintained municipal road, and an average depth of ± 108 M., thereby containing an area of ± 1.0 Hec. There is an older cottage located on this land.

File No. B10-15 proposes a new lot, having frontages of ± 58 M. on Lake Mindemoya and ± 94 M. on Monument Road, a maintained municipal road, and an average depth of ± 104 M., thereby containing an area of ± 0.8 Hec. There are no structures on this proposed lot.

File No. B11-15 proposes a new lot, having frontages of ± 58 M. on Lake Mindemoya and ± 182 M. on Monument Road, a maintained municipal road, and an average depth of ± 110 M., thereby containing an area of ± 1.4 Hec. There are no structures on this proposed lot.

The land to be retained has frontages of ± 46 M. on Lake Mindemoya and ± 46 M. on Monument Road, a maintained municipal road, and an average depth of ± 103 M., thereby containing an area of ± 0.5 Hec. There are no structures on this land.

Mr. Keatley asked for the Board to consider a preview of this proposed application for four (4) lots at the July 22nd, 2014 Board Meeting. It was the general consensus of the Board, that the proposal to sever four (4) lots could be considered, under the procedures of consent to sever as there is insufficient property to require a Plan of Subdivision.

Official Plan Policy No. F-15.5 states:

'As a guide to Planning Board in determining whether a plan of subdivision under Section 53 of the Planning Act is necessary, three (3) additional residential lots shall be considered the maximum number of divisions by consent. Where the ownership would be capable and appropriate for division into more than the three (3) additional residential lots, a plan of subdivision may be required.'

Notwithstanding the foregoing policy, any Township Lot as originally surveyed may be severed from an entire holding without affecting the 3 lot limit on severances of land by consent of any one ownership.'

As part of the preliminary review Hydro One was asked to comment on the consent proposal as according to the sketch, submitted with the proposed application, there is a hydro line traversing the subject land. Hydro One Networks Inc. advised on August 19th, 2014 they have plant at this location and will require a 10 M. registered easement and included a sketch.

This information was forwarded to Gordon Keatley, agent for the application. Mr. Keatley replied to Planning Board, on August 19th, 2014, with the following email:

'I am officially and respectfully requesting that Hydro One provide details regarding whether or not they have unregistered rights to this line. Should they fail to produce same, I hope they send someone to the meeting to answer our questions as I will be recommending to my clients that they appeal any decision requiring them to foot the bill for creating easements on this property. Please forward my response to the appropriate Hydro One contact.'

The Secretary-Treasurer replied to Mr. Keatley's e-mail as follows:

'At this time, as a courtesy, we have included Hydro One in our preliminary review of a consent proposal in an attempt to provide the landowner/agent/applicant with as much information regarding possible conditions which may be applied to a conditional approval. Hydro One has been included in the preliminary review only because of the lengthy time it has taken to get responses from them.'

With the knowledge that there is a hydro line crossing a property subject to a consent proposal, Planning Board require confirmation from Hydro One, since many of these easements are unregistered, that they have an easement, satisfactory to Hydro One, for the existing hydro line. In this case, according to information we have received, they do not have an easement. Therefore, due to the time involved to satisfy any condition regarding hydro easement, it is suggested that the easement issue be investigated prior to making an application for consent which has a one year time for completion of all conditions.'

Application File No's. B08-15 to B11-15 - continued
March 24, 2015

Reply to Mr. Keatley's e-mail - Continued.

'Planning Board will not be involved in the negotiations regarding easements, i.e. costs, etc., between a landowner and hydro one. Landowners/applicants/agents are required to contact Hydro One. The following is the contact information we have.

*Hydro One Networks Inc., P.O. Box 5700 Stn. Industrial Park, Markham, ON L3R 9Z9 Phone: 1-888-664-9376,
Fax: 1-888-625-4401*

The other option is that if Hydro One does not have an easement here, the landowner could consider requesting hydro one to relocate their line to municipal property along the road or to the rear of the subject lands. In consideration that it appears hydro one will be asking for a 10 m. easement, relocating the line would also provide for larger building envelopes on the proposed lots.'

Access is via Monument Road, which has shared maintenance between the Township of Billings and Allan East and the Township of Central Manitoulin. From information available the portion of Monument Road, in front of the subject land, surveyed as Part 1, Plan 31R-3992 has been transferred to the Municipality of Billings and Allan East by Transfer No. MD10815, on March 4th, 2015. The applicant also owns the remainder of Lot 25, Conc. I, being ±34.5 Hec., on the west side of Monument Road.

Mr. Keatley provided the following email he received from the Municipality of Billings and Allan East on December 02, 2014 as follows:

'The Public Works Superintendent, Rick Rusk went out to view the location of the severance. He has concerns about the steepness of the driveway entrances in certain cases and the visibility. Mr. Rusk is of the opinion that entrance permits can be issued but only in specific locations on each newly created lot.'

Services consist of private well and private individual septic system. The Sudbury and District Health Unit advised they have no concerns and that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

The subject land has been designated Shoreline Development District and zoned Shoreline Residential (SR). Seasonal residential uses are proposed to continue.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement 2014.

This application was circulated on March 5th, 2015 to the Municipality of Billings and Allan East, abutting Municipality of Central Manitoulin, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Raymond McPherson, CBO/BEO for the Municipality of Central Manitoulin advised as follows:

'I spoke with the Roads Superintendent and in his opinion the only concern with the application would be the location of the entrances not being easily visible due to the road curvature and contour. This could pose a problem with the future snow removal efforts as our Municipality does the snow removal along this portion of Monument Road. Some consideration should be put forth as to the location of these entrances.'

The Municipality of Billings and Allan East advised by Resolution, No. 2015-80:

'BE IT RESOLVED THAT Staff has reviewed the Application for Consent B08-15 to B11-15 and have concerns regarding the available locations of a driveway on the property to be severed. Visibility is restricted in some locations so the driveways will have to be installed in locations that provide for safe entrance to these properties; therefore Council recommends driveway locations be approved by Public Works Superintendent before installation can occur.'

Mr. Keatley was copied the concerns of the Municipalities of Central Manitoulin and Billings and Allan East.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

Gordon R. Keatley, agent for the application, was in attendance during consideration of the application.

Application File No's. B08-15 to B11-15 - continued
March 24, 2015

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) confirmation from the Municipality of Billings and Allan East that the location of safe entrances for the new proposed lots, are satisfactory to the Municipality;
- iii) confirmation from Hydro One Networks Inc. that an easement over the subject lands for occupational right, surveyed having a minimum width of 10 metres, is satisfactory to their requirements;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and the Municipality.

Note: Further development by the consent procedure for the subject lands may not be considered.

Note: Entrance permits are required from the Municipality prior to any development of the proposed new lots.

Application File No.: B12-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Part Park Lot 9, S/S Main Street, being Parts 1 and 2, Plan 31R-735,
Townplot of Gore Bay, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Fredrick Leigh Major is to provide for a lot addition, being Pt. Part 1, Plan 31R-735, having a width of ± 15 M. and a length of ± 52 M., thereby containing an area of ± 780 Sq. M., which is to be added to an existing lot owned by Martian Properties Inc., surveyed as Part 1, Plan 31R-3392, and also described by PIN's 47108-0368 & 47108-0369, having a frontage of ± 61.7 M. on Meredith Street, a maintained municipal street, and a depth of ± 53.7 M., thereby containing an area of ± 0.36 Hec. This lot addition will result in a lot, having a frontage of ± 76.7 M. on Meredith Street, and a depth of ± 52.8 M., thereby containing a total area of ± 0.43 Hec. There are no structures on the severed land.

The land to be retained, being Part 2 and Pt. Part 1, Plan 31R-735, has a frontage of ± 35.5 M. on Meredith Street, a maintained municipal street, and an average depth of ± 60.7 M., thereby containing an area of $\pm 1,400$ Sq. M. There is a 3 unit apartment building located on Part 1, Plan 31R-735. According to Mr. Major's deed, the subject land is together with right-of-way, for access, over Part 3, Plan 31R-1275.

The land receiving the lot addition, being Part 1, Plan 31R-3392, identified by PIN 47108-0369, owned by Martian Properties Inc., was originally a separate parcel of land. It has merged together as one parcel under the Planning Act, with the abutting land also owned by Martian Properties Inc., identified as PIN 47108-0368.

Access is via Meredith Street, a maintained municipal street. Part 2, Plan 31R-735, being part of the retained land, appears to protrude into Meredith Street.

The following email, from Terence E. Land, Law Office, was copied to Planning Board:

' Dear Mr. McDougall:

Instrument number RM59213, a transfer from the estate of Fredrieka Nodecker to Thorkilson, Hore and Nodecker on December 15, 1995, described Part Lot 9, Main Street by metes and bounds description and roughly included both Parts 1 and 2, Plan 31R-3392 which was registered at a later date. The subsequent transfer from the three owners to Shirley Jean and Glenn Carl Traviss, Instrument RM74624 on August 4, 2005 only included Part 1, Plan 31R-3392. Part 2, Plan 31R-3392 either was ignored or transferred to the Town prior to this conveyance. This property is now described by PIN 47108-0369. I have attached a copy of the PIN map for your reference. PIN 47108-0417, Meredith Street, is described as being owned by the "Public Authority Having Jurisdiction" in the Teranet System.

Mr. Major will likely be required to transfer the piece that encroaches on the road (Part 2, Plan 31R-735) as a condition of severance approval.'

The following two emails were also received from Scott McDougall, agent for the application, as follows:

' I spoke with Leigh Major recently and he is agreeable to the transfer of Part 2, Plan 31R-735 to the Municipality.'

and

' There is potential, but unconfirmed plans, for the "to be severed" portion to be used as part of a parking lot for McQuarrie Motors.

If that is to be the case, the land owner will make a request, at a later date, for a zoning amendment for the affected lands.

Therefore we wish to proceed with the Lot Addition maintaining the current zoning of R1.'

Services consist of municipal water and sewers. There are no new services required as a result of the application for lot addition.

The subject land has been designated Residential Policy Area and zoned Residential (R1). The existing residential uses are proposed to continue for the retained land. Uses for the severed land must conform to the Residential (R1) Zone.

This application was circulated on March 6th, 2014 to the Town of Gore Bay and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Application File No. B12-15 - continued
March 24, 2015

There was a visit to the office from R. Dearing, #21 Meredith Street, land owner within 60 metres, requesting further explanation of the application. He inquired as to the proposed use of the lot addition and the land receiving the lot addition. It was explained that the properties are zoned Residential (R1) and only those uses of that zone are permitted. If other uses were proposed, an Amendment to Zoning By-law No. 80-19 for the Town of Gore Bay may be required.

The Clerk for the Town of Gore Bay advised they have no concerns with the application and note that if the intent of the property is to use it for "commercial" parking purposes, the property would have to be rezoned.

There have been no other inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

Leigh Major, land owner and Scott McDougall, agent, were both in attendance during discussion of this application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer; and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and
 - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) proof that any portion of a travelled road, which is maintained by the Municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: The use of a commercial parking lot in the Residential (R1) Zone will require a Site Specific Amendment to Zoning By-law No. 80-19.

Application File No.: B13-15 **No. of Members Present:** 10
Date of Decision: March 24, 2015 - Deferred
Location of Property: Part Lot 11, Conc. XI, (#37 South Oakcliff Drive), Township of Sandfield,
Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Reginald Joseph Gore is to provide for an easement for parking purposes located along the west boundary, having a width of 9.5 M. and an average length of ± 80 M., thereby containing an area of ± 745 Sq. M., in favour of Klock's Island. According to the application, Mr. Gore also owns Klock's Island which he proposes to offer for sale together with the easement.

The land to be retained, has frontages of ± 50.3 M. on Lake Manitou and ± 51.8 M. on South Oakcliff Drive, a maintained municipal road, and an average depth of ± 186 M., thereby containing an area of ± 0.43 Hec. The applicant's cottage and three accessory structures are located on this land.

Access is from South Oakcliff Drive, a maintained municipal road.

Services consist of private well and private individual septic system. Their locations are unknown. No new services are required as a result of this easement for parking purposes.

The subject land has been designated Shoreline Development District and zoned Shoreline Residential (SR). Seasonal residential uses are proposed to continue.

The following e-mail was received from Eric Cobb, District Planner, Ministry of Natural Resources and Forestry (MNRF):

'From the information provided, it looks like the applicant just wants to retain legitimate access to an existing parking area and dock in order to keep a means of reaching Klock's Island in the event they sell off the retained property (PIN47127-0134). As long as the easement is not a prelude to an activity that could impact fish habitat or the environmental capacity of lake manitou, Policies 2.1.6 and 2.1.8 (re: fish habitat and adjacent lands), and 2.2.1.g (environmental lake capacity) do not apply. Consideration should be given to the future owners of the retained land though. The applicant should clarify if the new owners will still have means to access lake manitou or if they need to construct their own dock, slip, boathouse, etc. In the latter situation, the 2014 PPS policies may apply.'

As the easement is across a municipal shoreline road allowance and there is no Crown land involved, MNRF policy regarding the disposition of Crown land on lake trout lakes is not applicable.'

A copy of this email was forwarded to Gordon Keatley, agent for the application.

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This application was circulated on March 09, 2015 to the Municipality of Central Manitoulin, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

A letter was received on March 17, 2015, from Pauline and Leeland Pinkos, owners of abutting property to the west, surveyed as Part 1, Plan 31R-993 and Part 1, Plan 31R-1092 as follows:

' Further to your correspondence dated March 09, 2015, please be advised that we oppose this proposal; for the following reasons:

- 1. This is a very quiet area; for the most part only local traffic, and we are concerned that having an easement to give parking access may attract unwanted visitors.'*
- 2. The land where they want to go with the easement has a very low lying area about 30 to 40 feet from the municipal roadway; and we are concerned if they fill this area, the water will pool on our side, which we do not want. Drainage on that side of our property is already a concern for us; and we do not want this decision to create a further problem.'*
- 3. There is a public boat launch at the end of Johnston Road that can be used for this purpose; thus eliminating the extra traffic on private property'*
- 4. There is an existing drive-way on the south side of the property that if, suitable to the owners would be more practical and aesthetically acceptable to all concerned.'*

Kindly accept this letter as our request to be notified of the Decision of Planning Board. We wish to thank you in advance for your time and consideration regarding these concerns and look forward to hearing from you soon.'

Application File No.: B13-15 - continued
March 24, 2015

This letter was forwarded to Mr. Keatley on March 17th, 2015.

A telephone call was received on March 20th, 2015 from Dennis H. Asher, Lawyer for Lonnie and Anne Gore, confirmed by the following letter by email:

'Further to the writer's telephone conversation with your office of this morning, the writer confirms he acts on behalf of Lonnie Gore and Ann Gore, the purchasers in possession of the subject property, pursuant to a Purchase and Sale Agreement.

The writer is enclosing a copy of the Notice registered on title to the property which contains the above referenced purchase agreement.

My clients take the position that the Applicant, Reginald Joseph Gore has no right to proceed with the subject severance application in the face of their interest in the property.

An examination of the purchase agreement reflects that any easement/rights which the applicant may have in the property are with respect to a parcel located on the opposite side of the subject property.

A copy of this email and enclosure are being forwarded to Mr. Trevor Hinnegan, solicitor for Reginald Joseph Gore.

The writer has requested the applicant, through Mr. Hinnegan, to postpone the hearing to a future date.

The writer trusts that a copy of any decision of the committee will be forwarded to his office. Thank you for your co-operation herein.'

This letter was accompanied by a Notice, registered on title March 20th, 2015 and a handwritten Agreement of Purchase and Sale, dated 2001.

Mr. Keatley was forwarded this letter on March 23rd, 2015.

The Municipality of Central Manitoulin advised they have no concerns. The Clerk for the Municipality of Central Manitoulin, also advised by email on March 19th, 2015 that:

'The Municipality does not have a designated public boat launch at the end of Johnston Road. It is at the end of a road allowance (open to the public as a road) and the public can put a boat in there if they like, but I haven't been down there for years and I don't know if the shoreline is suitable for that.'

Gordon Keatley, agent for the application, provided the following three letters on March 24th, 2015:

1) Letter to Trevor Hinnegan, solicitor, from Dennis Asher, solicitor, dated March 20th, 2015:

'Further to our telephone conversation of this date, as discussed, the writer has forwarded a copy of the objection filed with respect to the proposed severance, to your office for discussion with your client. The writer repeats his request that your client postpone the hearing to a later date.

With respect to the September 25, 2014 "settlement proposal" the writer wishes to advise without prejudice to my clients rights herein and solely for the purpose of a settlement discussion of the issues outstanding in this matter as follows.

As my clients have been advised by Mrs. Linda Gore, the daughter-in-law of your client, that any further funds to be paid in accordance with the terms of the Agreement of Purchase and Sale are to be paid to her.

Apparently, Mrs. Gore funded a significant amount of the original acquisition of the property and she was to receive her funds out of the proceeds being paid by my clients.

Accordingly, the completion of the payments and registration of the title to my clients will be subject to an agreement and directions from both your client and Mrs. Gore. You no doubt realize, that should those individuals not agree as to the payee of the funds, that my clients will be required to proceed with an interpleader application to complete the acquisition.

With respect to the claim for property tax reimbursement, it will obviously be necessary to proceed with an accounting as to the actual taxes relating to the subject property which are outstanding by my client. Your client can confirm that only one tax bill issued for both the subject property and the island owned by your client.

Any payment of taxes will of course, be subject to directions from your client and Mrs. Gore.'

Application File No.: B13-15 - continued
March 24, 2015

Letter from Dennis Asher, solicitor- continued

'The writer notes that the Agreement of Purchase and Sale does not provide any particulars of payment of the principal amount and historically, my clients have remitted lump sum cheques without a definite pattern.

In addition, my clients received advice that the balance of the payment could be made at their discretion. Accordingly, there is no basis for a claim for interest on the outstanding amount.

With respect to your correspondence of November 26, 2014, my clients have registered a Notice of their interest in the subject property and do not intend to vacate by April 01, 2015.

As the writer advised you, my clients have expended in excess of \$100,000.00 for improvements to the property since the date of the purchase agreement and do not intend to enrich your client with respect to those improvements.

Accordingly, the writer is prepared to recommend the payment of the balance of the purchase price in the amount of \$40,000.00, together with calculated tax indebtedness to the payee or payees, directed by your client and Mrs. Gore.

As the writer will be absent from his office during the next week of March 23rd, perhaps you can obtain instructions from your client as to whether he wishes to proceed with a settlement of the matter.'

2) Letter from Trevor Hinnegan, solicitor to Lonnie Gore, dated September 23rd, 2014:

'I act for Reginald Gore, who is the registered owner of the above noted property. I have been provided with an Agreement of Purchase and Sale related to this property from 2001. The said document is executed by you, Ann Gore, Reginald Gore and Alma Gore. I am enclosing a copy for your ease of reference.

My client wishes to finalize matters related to this property once and for all and his offer is as follows:

1. *You will pay to my client the sum of \$40,000.00, being the balance of the \$110,000.00 that remains outstanding.*
2. *You will pay to my client the sum of \$19,089.00 being interest on the above noted \$40,000.00 at 5.0%.*
3. *You will pay to my client the sum of \$20,071.53 being the amount of property taxes, interest and arrears my client has paid in relation to the property.*
4. *The total of the above amounts is \$79,160.53 and would need to be paid within 60 days of the date of this letter.*

Please advise within 14 days of the date of this letter whether you are prepared to accept this offer, failing which my client will instruct me to bring a court action for the unpaid balance (together with legal costs and interest) and/or possession of the property.'

3) Letter from Trevor Hinnegan, solicitor to Lonnie Gore, dated November 26, 2014:

'Further to my letter dated September 25, 2014, to which you have not responded, my client hereby offers the following final resolution offer:

- 1) *You will vacate the property and provide vacant possession thereof to my client by April 1, 2015.*
- 2) *All monies paid by you to my client to date in connection with the subject property would be credited toward occupation rent for the period that you have occupied the property.*
- 3) *No further monies would be owed by you to my client in relation to the subject property or your occupation thereof if you provide vacant possession of the property by April 1, 2015.*

In the event that you do not provide written confirmation of your acceptance of the above set out offer within 30 days of the date of this letter, my client will be commencing an action in the Superior Court of Justice for various heads of relief including but not limited to monetary damages, interest, possession of the property and all his legal costs. I look forward to hearing from you.'

There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of notice.

Mr. Keatley, agent for the application, was in attendance during discussion of this application.

Following discussion regarding the family issues which may effect the ownership of the property and the location of the easement, a motion was moved duly seconded and carried that this application be deferred in order to provide an opportunity for issues, as stated, to be resolved, prior to further consideration of this application.

Application File No.: B14-15 **No. of Members Present:** 10

Date of Decision: March 24, 2015

Location of Property: Part Lot 28, Conc. XV, surveyed as Part 3, Plan 31R-3579 and Pt. Part 1, Plan 31R-1746, Township of Billings, Municipality of Billings and Allan East, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Kris and Denis LeBlanc is to provide for the creation of a new lot, surveyed as Part 3, Plan 31R-3579, having a frontage of ± 118.8 M. (389 ft.) on Highway No. 540/Young Street, a provincially maintained highway, and an irregular depth, thereby containing an area of ± 1.4 Hec. (3.5 Acres). There is a mini-golf course and an eatery located on this land. The applicants propose to offer this land for sale.

The land to be retained, being Pt. Part 1, Plan 31R-1746 has a frontage of ± 57.5 M. (± 285 ft.) on Carter Crescent, a maintained township road, and an irregular depth, thereby containing an area of ± 2.0 Hec. (± 5 Acres). There is a dwelling is located on this land.

There have been three (3) previous applications for Consent, File No. B43-88 created four (4) new lots, surveyed as Parts 1 to 4, Plan 31R-1789. These severances were conditional on the relocation of the township road, now known as Carter Crescent, which provided access to those lots created as well as Rainbow Heights Subdivision.

File No. B36-93 created three (3) new lots, being Part of Lot 28, Conc. XVI, surveyed as Parts 2, 3 and 4, Plan 31R-2560.

File No. B37-06 created a new lot, surveyed as Parts 1 & 2, Plan 31R-3579 and retained the land subject to this proposed application for consent.

Access is via an existing entrance previously approved from Highway No. 540/Young Street for the severed land, and via Carter Crescent, a maintained municipal road, for the retained land.

According to the application services for the severed and retained lands consist municipal water and privy.

The Sudbury and District Health Unit advised on September 2nd, 2014 they have no concerns and that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

The severed land has been designated Hamlet District and zoned Hamlet (H). The retained land has been designated Hamlet District and zoned Hamlet Residential (RH).

A Zoning By-law Amendment, by By-law No. 2005-06, permits by Special Provision No. 8.16, a mini-put/miniature golf in the Hamlet (H) Zone, within the proposed severed land and a guest cabin accessory to a dwelling unit in the Hamlet Residential (RH) Zone, within the proposed retained land.

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

The application was circulated on March 9th, 2015 to the Municipality of Billings and Allan East and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality of Billings and Allan East advised, on March 17th, 2015, by Resolution No. 2015-81, as follows:

'BE IT RESOLVED THAT Council has no recommendations regarding Manitoulin Planning Board Application B14-15.'

The Clerk for the Municipality also advised, on March 20th, 2015, by e-mail, as follows:

'Regarding the application for consent, File No. B14-15, the severance will create a new water capital charge that will need to be paid before a transfer of property ownership can take place. Outstanding water capital on the retained lot is to be paid in full as well.'

There have been no comments or concerns received as a result of circulation to property owners within 60 metres or posting of the Notice.

There was no one in attendance who wished to speak in support or opposition to the application.

Application File No. B14-15 - continued
March 24, 2015

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a written confirmation from the municipality that there are no outstanding water capital charges, for the severed and retained lands;
- iii) written confirmation from the municipality that satisfactory arrangements for municipal water connection have been made, satisfactory to the municipality;
- iv) should any portion of a travelled road, which is maintained by the township, encroach on the subject land, that portion shall be surveyed and conveyed to the municipality satisfactory to the municipality;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Further development by the consent procedure for the subject lands may not be considered.

The time now being 10:38 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.

K. E. NOLAND, CHAIR

E. L. CARTER, SECRETARY-TREASURER