



**Meeting Date:** April 19, 2023

**Submitted by:** Michael Di Lullo, CAO and Marion Cabral, Senior Planner

**Report No:** CAO-10-2023

**Subject:** Consent Easement for 13178 Ilderton Road

---

**Recommendation:**

THAT Report CAO-10-2023, re: Consent Easement for 13178 Ilderton Road be received;

AND THAT Consent, on behalf of the Ilderton Agricultural Society, in order to establish a servicing easement for infrastructure in favour of 1917155 Ontario Inc. to service the lands at 13178 Ilderton Road, with the easement being located on Concession 11 Pt Lot 26 RP33R12573 Part 4, in the Municipality of Middlesex Centre; be GRANTED;

AND THAT the Consent be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the consent and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to 13178 Ilderton Road, together with a deposited reference plan and a Schedule describing the land identified for an easement, for the purposes of the issuance of a Certificate of Consent.

5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.

AND FURTHER THAT the reasons for granting the Consent include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a proposal to create a part to establish a servicing easement over the property located at on the north side of Ilderton Road and west of Timberwalk Trail in Ilderton.

A location map is included as Attachment 1.

**Background:**

The purpose and effect of the consent would allow the adjacent property at 13178 Ilderton Road to establish an easement for the temporary storage of stormwater. A preliminary reference plan (Attachment 2) associate with an active site plan application (SPA-04-2022) identifies Part 3 that will be acquired by the Municipality for the purposes of the parking lot at the Ilderton Arena. Further, Part 4 is identified to be established as an easement for temporary surface water storage (stormwater management). This parcel of .land is approximately 0.97m x 43.83m for a total of 42.5m<sup>2</sup> (approx.) in area and located on the western property limit of 13178 Ilderton Road, owned by the Ilderton Agricultural Society.

The subject land is currently vacant and bordered by a parks and recreation use to the north, and residential uses in the format of single-detached dwellings to the east, south and west.

## Policy Regulation

The subject property is located within a 'Settlement Area' according to the County of Middlesex Official Plan and is designated 'Residential' by the Middlesex Centre Official Plan. The land is zoned Urban Residential First Density (UR1) Zone in the Comprehensive Zoning By-Law.

## Provincial Policy Statement

Section 3 of the Planning Act requires all decisions made under the Act "to be consistent with" the Provincial Policy Statement (PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 1.1.3 of the PPS speaks to Settlement Areas, which identifies settlement areas as the focus of growth and development. Section 1.1.3 of the PPS states, "Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate project needs.

## County of Middlesex Official Plan

The County of Middlesex Official Plan speaks to consents and easements in section 4.5.3. This section reviews the criteria for consent applications and confirms that "Easements, consents for lot addition/adjustments and severances for land assembly which facilitate subsequent development by plan of subdivision are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans provided such policies maintain the minimum standards set out in this Plan."

## Middlesex Centre Official Plan

Middlesex Centre's Official Plan designates the subject lands as "Residential". The "Residential" designation permits residential dwellings in a variety of forms, including dwelling units in a variety of forms.

The Municipality has the ability to acquire land, convey, and establish easements for the construction of infrastructure, land drainage and other works through the site plan review process.

**Analysis:**

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permit the establishment of easements to for the provision of infrastructure where it is appropriate.

The subject land has been identified through the review of the site plan for 13178 Ilderton Road and is considered to be required as part of the stormwater management plan for the lands. The current landowner may convey the lands or establish an easement in favor of 13178 Ilderton Road for the long-term, which would permit the temporary ponding of water on lands during storm events. In this scenario, the landowner has provided an opportunity to establish an easement for the use of land.

Municipal staff have reviewed the proposed stormwater easement and find the easements necessary to ensure orderly development of the neighbourhood lands at 13178 Ilderton Road. The establishment of the easements will not change the conformity with Middlesex Centre's Comprehensive Zoning By-Law.

As such, the Municipality is generally in support of the proposed easement and the conditions that have been recommended require the landowner or agent to deposit the reference plan identifying the lands to establish an easement as depicted in Attachment 2 and complete the Certificate of Consent.

Given the above, Staff are recommending that the Consent be conditionally approved and subject to the 6 conditions

**Financial Implications:**

N/A

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Sustainable Infrastructure and Services

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Preliminary Reference Plan