



**Meeting Date: August 16, 2023**

**Submitted by: Dan FitzGerald MPI MCIP RPP, Senior Planner**

**Report No: PLA-55-2023**

**Subject: Consent Application (B-16/2023), 115 Prince Street, Komoka.**

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**Recommendation:**

**THAT** Consent Application B-16/2023 to establish a sanitary maintenance and access easement in favour of the severed lands conditionally approved in severance application B-14/2022 and B-4/2023, described as Part 4 on the attached severance plan on the lands legally described as Lot 57 to 58, Plan 55 in the Municipality of Middlesex Centre, County of Middlesex and municipally known as 115 Prince Street, Komoka, be **GRANTED**.

**FURTHER THAT** Consent B-16/2023 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 severance 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 Consent B-16/2023 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owners' 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 any outstanding property taxes for the subject lands of Consent B-16/2023 be paid in full.
7. That the Owners solicitor provide an undertaking for the registration of the maintenance and access agreement on title of the lands to the satisfaction of the municipality.

**AND FURTHER THAT** the reasons for granting Consent applications B-16/2023 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
- 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 an easement for a private sanitary access maintenance agreement to achieve sanitary service for one conditionally approved lot through consent application B-14/2022 and B-4/2023.

**Background:**

As Committee will recall, Consent Application B-14/2022 and B-4/2023 received conditional approval on April 19, 2023 to establish two new residential building lots and maintain one building lot. The subject property is located on the north east corner of the intersection at Prince Street and Duke Street. A location map is included as Attachment 1.

The purpose and effect of the consent application is to create an easement to allow for the conveyance of private sanitary service line to permit access and maintenance for the private service line. Through discussions with the Municipality, it has been determined that, due to engineering challenges to extend a line within the Duke Street right of way, a private sanitary line offers a site specific engineering solution. The

easement will ensure that maintenance and access to the private sanitary line is maintained in perpetuity. A draft severance sketch is included as Attachment 2.

More specifically, the private easement would cross over the exterior side yard of the provisionally severed lot to provide a sanitary connection to the second provisionally severed lot.

The subject lands maintain an existing residence, which would remain as part of the remnant lands. The remainder of lands are currently vacant. If the application were approved the easement would allow for the second lot to be developed with residential single detached dwelling.

**Policy Regulation:**

The subdivision lands are 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 site-specific 'Urban Residential First Density' (UR1-4).

Provincial Policy Statement (PPS):

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 1.1.3.3 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 projected 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 additions/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'. In the 'Residential' designation, residential dwellings are permitted in a variety of forms, including single detached dwellings.

Section 9.3 of the Local Official Plan speaks to municipal infrastructure and servicing policies. These policies have a similar hierarchy as the PPS and the County Official Plan. Additionally, section 10.3 of the Middlesex Centre's Official Plan speaks to lot creation and states that: e) all lots created by severance must be suitable or capable of being made suitable to support a sewage disposal system.

### **Consultation:**

Notice of the applications has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

### Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

### Agency Comments:

The following comments were received at the time of writing this report;

The Municipality's Department of Public Works and Engineering have reviewed has reviewed the subject application and had no concerns and/or requirements.

Chief Building Official has no comment.

Hydro One has reviewed the subject application and had no concerns and/or requirements.

### **Analysis:**

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permit lot creation within Settlement Areas, subject to servicing and compatibility. The easement will aid in implementing the previously approved consent applications.

Planning staff have reviewed the proposal and find the proposal would establish the easement necessary to ensure orderly development of the lands subject to the previously approved consent.

The establishment of the easements will not change the conformity with the Middlesex Centre Comprehensive Zoning by-law.

Given the above, planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.

**Financial Implications:**

None.

**Attachments:**

1. Location Map
2. Proposed Easement Sketch