

FILE No. B04/2023WL

COMMITTEE OF ADJUSTMENT

**In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and;
In the matter of an application for consent on behalf of:**

LEGION VILLA

PLAN M89, Lot 44, Municipally known as 161 Mill Street, Smithville

PLAN M89 PT LOT 38 LOT 43 RP; 30R2459 PARTS 1 TO 8 RP; 30R6999 PARTS 7 TO 11,
Municipally known as 171 Mill Street, Smithville

Type of Transaction for which application for consent is being made:

☒ Conveyance ☐ Mortgage or Charge ☐ Partial Discharge of Mortgage
☐ Other _____

Subject of the application:

An application has been applied to permit a boundary adjustment where Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street will be added to 171 Mill Street, being Part 1 on the attached sketch.

In addition to the boundary adjustment, this consent application is proposing a right-of-way, being Part 6 on the attached sketch to permit a new easement to access 171 Mill Street. After the consent application, 161 Mill Street (Part 5, 7) will retain Part 6 whereas, Part 3 and 4 will be merged with 171 Mill Street. This application is hereby:

DECISION: _____ ☒ **GRANTED** ☐ **DENIED**

The above decision is subject to the following conditions and reasons:

**FOR CONDITIONS AND REASONS, REFER TO SCHEDULE 'A'
ATTACHED TO AND FORMING PART OF THIS DECISION**

Chair
Kim Willis

Member
Bonnie Baarda

Member
Peter Forsberg

Date of Original Decision: July 26, 2023
Date of Condition Change: April 30, 2025

Date of Mailing: July 28, 2023

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of West Lincoln in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

Stephanie Pouliot
Secretary-Treasurer

Last day for filing an appeal of this decision to the Local Planning Appeal Tribunal is: August 16, 2023

This is Schedule 'A' attached to and forming part of the decision on application for Consent File B04/2023WL – on behalf of

Conditions:

1. That the approval applies to the transaction as applied for **and amended through a Change of Conditions on April 30, 2025.**
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. ~~That an undertaking be provided to provide certainty that the ownership for Part 3 and Part 4 on the attached sketch will match the ownership on the property located at 171 Mill Street (Part 1) following consent approval to the satisfaction of the Township of West Lincoln, and that Part 3 and Part 4 merge with Part 1 and the PINS are consolidated.~~
4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. ~~That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.~~
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. **That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment *[of the change of condition]*, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.**

Reasons:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Planning Statement (2024), and for the consent policies of the Official Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

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Secretary-Treasurer

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Effect of Public Input:

Public consultation on the proposal for Consent application B04/2023WL was provided for a 16 day public commenting period, between July 10, 2023 and July 25, 2023. A public meeting to receive input on the proposal was held on July 26, 2023. As a result of the public consultation, the Township received 0 comments in writing and _ oral submissions at the public meeting. Written and oral comments received throughout the consultation process were considered as part of the decision making process as discussed in Planning Report COA-014-23 and the recorded minutes of the July 26, 2023 hearing date. As per the request pursuant to Subsection 53(23) of the Planning Act, the Committee of Adjustment members granted the change of condition request on behalf of Legion Villa. It is the Committee of Adjustment's opinion that the condition change is minor and no additional notice is required. It's important to note, two of the members present at the April hearing also sat at the original hearing held month on July 26th, 2023.