

**Application B11-24-PC**

**September 18, 2024**

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, Section 53 (1).

**AND IN THE MATTER OF** the lands legally known as Concession 5, Part of Lots 16 to 19 and Part Road Allowance, Reference Plan 59R15312, Parts 1, 5, 6, 8 to 11, 14, 16 to 19, 37, 39, and 42, formerly in the Township of Humberstone, now in the City of Port Colborne, located in a special provision of the Heavy Industrial zone (HI-46) and a special provision of the Industrial Development zone (ID-47-H), municipally known as 5088 Highway 140.

**AND IN THE MATTER OF AN APPLICATION** by the agent Weston Consulting, on behalf of the owners One Forty Development Inc., for consent to sever for the purposes of creating a new industrial lot. The subject parcels are shown as the “lands to be severed” and “lands to be retained” on the proposed sketch, where both the severed and retained lands are to be used for a future industrial use.

That consent application **B11-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6<sup>th</sup>, 2024:

1. That application B15-24-PC be granted.
2. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, with a paper and electronic copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That a drainage apportionment agreement be completed by an approved engineer at the cost of the applicant, with a copy of the deposited plan to be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed, to the satisfaction of City staff.
5. That the owner enters into a Development Agreement with the City Port Colborne to require the identification of the permanent roadway location for the roadway that will service the “lands to be severed” identified on the severance sketch, such that the City will be able to place the water and sanitary into a future Right of Way, and that vehicular traffic will be provided adequate access to Highway 140 from municipal streets prior to site occupancy, to the satisfaction of City staff.
6. That the applicant submits an affidavit that Parts 4 and 5 will merge, to the satisfaction of City staff.
7. That all conditions of consent be cleared by September 11, 2026.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, will comply with the provisions of Zoning By-law 6575/30/18, as amended, and with O. Reg. 337/24.

**NOTE: No public comments were received during the decision-making process.**

**DATED AT PORT COLBORNE this 11<sup>th</sup> of September 2024.**

**DECISIONS SIGNED:**

“Dan O’Hara”	“Angie Desmarais”	“Eric Beauregard”	“Gary Bruno”
Signature of Committee Chair	Signature of Committee Member	Signature of Committee Member	Signature of Committee Member
<b>Dan O’Hara</b>	<b>Angie Desmarais</b>	<b>Dave Elliott</b>	<b>Eric Beauregard</b>

## THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL MAY BE FILED IS:

[October 8, 2024](#)

The Decision of the Committee of Adjustment, when not appealed, does not become final and binding until **20 days** from the giving of the notice has elapsed as set out in subsection (21) of Section 53 of The Planning Act, R.S.O. 1990, c.P.13, as amended.

### Appeal to the Ontario Land Tribunal

The applicant, the Minister or any specified person or public body who has an interest in the matter may within 20 days of the making of the minor variance decision (20 days from date of mailing of consent decision) appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a completed Appellant Form (A1) accompanied by payment of the fee. **A copy of the appeal form is available on the Ontario Land Tribunals website at <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>**

### Cost of the Appeal

The cost of the appeal is \$400 for the first consent, or minor variance application. Each additional appeal filed by the same appellant against connected consent or minor variance applications is \$25.00. Appeal fees must be paid by certified cheque or money order to the **Minister of Finance**.

### OLT Process

On an appeal to the OLT, the Tribunal shall, except if all appeals are withdrawn or if the Tribunal dismisses the appeal, hold a hearing of which notice shall be given to the applicant, the appellant, the Secretary-Treasurer of the Committee and to such other persons and in such manner as the Tribunal may determine. If within such 20 days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant. Where all appeals to the OLT are withdrawn the decision of the committee is final and binding and the Secretary of the Tribunal shall notify the Secretary-Treasurer of the committee who in turn shall notify the applicant.

### OLT Dismissal Without Hearing

The OLT may dismiss the appeal and may make any decision that the Committee could have made on the original application. The OLT may dismiss all or part of any appeal without holding a hearing, on its own motion or on the motion of any party if it is the opinion that,

1. The reasons set out in the notice of appeal do not disclose any apparent land use planning ground which the Tribunal could allow all or part of the appeal;
2. The appeal is not made in good faith, or is frivolous, or vexatious;
3. The appeal is only made for the purpose of delay;
4. The appellant has not provided written reasons for the appeal;
5. The appellant has not paid the fee prescribed under the *Ontario Land Tribunal Act*, or;
6. The appellant has not responded to a request by the OLT for further information within the time specified by the Tribunal.

#### Appeals should be directed to:

Secretary-Treasurer  
Port Colborne Committee of Adjustment  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: (905)-228-8124