



In the matter of the Planning Act, R.S.O. 1990, c. P.13, s. 53:

**DECISION:** File No. Consent B-25/22 – 134 Tanbark Road  
Assessment Roll No. 2627020025132000000

**Description of the Land and Purpose and Effect of the Application:**

The application proposes a boundary adjustment by severing a 4,428.2 square metre parcel of land at the rear of the subject lands. This parcel is to be merged with the abutting vacant land to the south along Hickory Avenue for future residential use. The retained lot containing the single detached dwelling known as 134 Tanbark Road would continue to be used for residential purposes.

**Decision: Granted subject to the conditions attached as Schedule A.**

**Reasons:** The Committee of Adjustment considered all the written and oral submissions and agrees with the consent report analysis and recommendation that, subject to the conditions of provisional consent, this application meets Planning Act requirements, is consistent with the Provincial Policy, the Niagara Regional Official Plan and the Town Official Plan regarding the creation of a new lot.

**Date of Notice: January 20, 2023**

**Last date to file a notice of appeal: February 10, 2023**

Notice of appeal must be filed with the Secretary-Treasurer for Town of Niagara-on-the Lake Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal. <https://olt.gov.on.ca/appeals-process/fee-chart/>

Please note neighbours and other interested parties not defined by the Planning Act are no longer eligible to file appeals for this application as per Bill 23, More Homes Built Faster Act, 2022.

Planning Act appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

Information regarding the Ontario Land Tribunal can be found at;

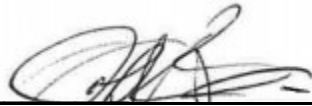
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

**Last date to fulfil all conditions: January 19, 2025**

Consent was obtained by the Secretary Treasurer on January 19, 2023 to insert electronic signatures below;



\_\_\_\_\_  
Steve Bartolini  
Committee of Adjustment



\_\_\_\_\_  
John Bice (Vice Chair)  
Committee of Adjustment

*ABSENT*

\_\_\_\_\_  
Paul Harber  
Committee of Adjustment



\_\_\_\_\_  
Eric Lehtinen  
Committee of Adjustment



\_\_\_\_\_  
Allen Snider (Chair)  
Committee of Adjustment

*ABSENT*

\_\_\_\_\_  
Richard Ventresca  
Committee of Adjustment

I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

DATED at the Town of Niagara-on-the Lake, this 20<sup>th</sup> day of January , 2023.



\_\_\_\_\_  
Natalie Thomson, Secretary Treasurer

## SCHEDULE A

### Conditions of Provisional Consent:

- 1.1.1 That the owner/applicant provides a legal description of Part 1, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Community and Development Services, for use in the issuance of the Certificate of Consent;
- 1.1.2 That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identify subject parcel of land (Part 1); that Part 1 is merged in title with Part 5 and they become one parcel of land, and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, that Part 1 shall be conveyed to the owner of Part 5 and to prepare and register the application to consolidate the lands and forward a copy of the receipted application within two years of issuance of the consent certificate;
- 1.1.3 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 1, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
- 1.1.4 That the owner/applicant submit a written legal undertaking, to the satisfaction of the Director of Community and Development Services, acknowledging that access to Part 1 will be provided at the time of future, comprehensive, development approvals, and until such time as those approvals are granted, Part 1 will not be provided with public street access; and
- 1.1.5 That the owner/applicant obtain final approval of Zoning By-law Amendment Application ZBA-20-2022 to rezone the lands identified as Part 2.

