



February 28, 2023

Community & Development Services, Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, L0S 1P0  
P.O. Box 100  
Virgil, ON

-and to-

Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, L2V 4T7  
Thorold, ON

Attention: Aimee Alderman, Town of Niagara-on-the-Lake and Amy Shanks, Niagara Region

Dear Ms. Alderman and Ms. Shanks:

**RE: Niagara Region Planning Justification Report or Brief**  
**RE: 835/849 Line 8 Road, St. Davids, Ontario Concurrent Applications for Consent to the Town of Niagara-on-the-lake (the “Town”)**  
**RE: Boundary Adjustment**

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This letter is supplemental to and to be reviewed in conjunction with, my letter of January 19, 2023 (the “Information Letter”) and my letter of February 21, 2023 (the “Planning Justification Letter”) to the Development Services, Town of Niagara-on-the-Lake (collectively “the Previous Submissions”) forwarded by Town Planning to Amy Shanks, MCIP, RPP, Senior Planner, Secondary Plans, Planning and Development Services, Niagara Region setting out further information as required.

As noted in the Previous Submissions, the proposed boundary adjustments are consistent with Section 2.3.4.2 of the Provincial Policy Statement (PPS) and are in conformity with Section 4.1.5.1 of the Niagara Official Plan (NOP).

**Section 2.3.4.2 (PPS)**

The proposed boundary adjustment in prime agriculture areas is permitted for legal and technical reasons as noted below.

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**Section 4.1.5.1 (NOP)**

The proposed boundary adjustment in the Specialty Crop Area is allowed as same is permitted for legal and technical reasons as determined by the Town of Niagara-on-the-Lake:

- (a) the proposed boundary adjustment does not create a separate lot for a residential dwelling;
- (b) there is no increase fragmentation of key natural heritage or hydrologic feature; and
- (c) complies with other policies in the NOP.

In both the PPS and NOP “legal or technical reasons” includes minor boundary adjustments which do not result in the creation of a new lot as confirmed in the Previous Submissions. The proposed boundary adjustment complies with and supports the Provincial and Regional policies that require agricultural lands to be preserved for long term agricultural use. The boundary and lot lines proposed comply with the Region’s position that the lot is not to be fragmented. The proposed boundary of Part 3 encompasses over 2 acres of property currently used for residential purposes being the home and out buildings with the remainder of the property, approximately 1 acre, being subject to an easement in favour of the TransCanada PipeLine which is not conducive to viable agricultural uses. The proposed lot line does not fragment the existing woodlot on the subject lands as set out in the Previous Submissions.

The Lot Boundary for Part 3 (which will form the 3 acre parcel together with Part 1) was carefully situated to encompass the solar panels and the septic bed further to the Agreement of Transfer between the parties. The planning staff at the Town of Niagara-on-the-Lake prefer straight lot lines however the irregular lot line is required so as not to fragment the woodlot.

**Registered Farmer Increasing Parcel of Agricultural Lands**

As comprehensively set out in the Previous Submissions the owners of the two subject properties are spouses. The current 14.9 acres is a registered farm operating under the name “Seven Oaks Farm”. The current 4.2 acre residential lot is not used for agricultural purposes. Through the boundary adjustment the parties are reducing the residential lot to 3 acres while increasing the area that can be used to support agricultural uses, now and in the future to 16.1 acres in order to increase the farm operations of Seven Oak Farms.

All interested parties should support the proposed boundary adjustment as it increases parcels used to support agricultural uses, and in all respects, complies with the above noted policy documents. The undersigned trusts that the planning staff at the Region and the Town of Niagara-on-the-Lake are satisfied with this further letter which provides fullsome information to complete the review and provide the necessary consents.

Yours very truly,

**STEWART HOUSE LLP**

Per:

**MARK E. STEWART**

/s/  
Encl.