



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

**DECISION:** File No. Consent B-04/25 – 767 Concession 2 Road  
Assessment Roll No. 2627020021160000000

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

Consent Application B-04/25 proposes to adjust the boundary by conveying a 103,486.2 square meter parcel of land (Part 2) to be merged with the abutting lands (Part 3) known municipally as 745 Concession 2 Road for continued agricultural use.

The existing parcel containing a single-detached dwelling and detached garage will remain on the retained lot.

**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: May 16, 2025**

**Last date to file a notice of appeal: June 5, 2025.**

A notice of appeal:

1. must be filed with the Secretary-Treasurer;
2. must set out the reasons for the appeal; and
3. must be accompanied by the fee required by the Ontario Land Tribunal.

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this decision may be made by filing a notice of appeal with the Secretary-Treasurer by one (1) of the following means:

1. Through the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Town of Niagara-on-the-Lake as the Approval Authority; or,
2. Through providing physical copies of the appeal materials to Town Hall 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0
3. Through providing electronic copies of the appeal materials to the Secretary-Treasurer at [natalie.thomson@notl.com](mailto:natalie.thomson@notl.com).

The appeal fee can be paid online through e-file or by certified cheque/money order and submitted to the Town (certified cheque/money order to be addressed to the Minister of Finance, Province of Ontario). Further information and the required forms are available on the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca).

**Further notice and appeal eligibility:**

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 Local Planning Appeals Tribunal can be found at;

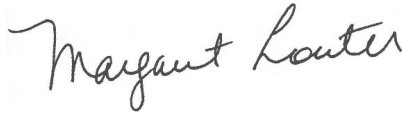
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

**Last date to fulfil all conditions: May 15, 2027**

Consent was obtained by the Secretary Treasurer on May 15, 2025 to insert electronic signatures below;

ABSENT

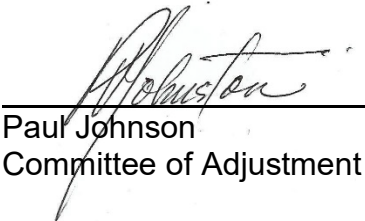
Steve Bartolini  
Committee of Adjustment



Margaret Louter (Vice Chair)  
Committee of Adjustment



Eric Lehtinen (Chair)  
Committee of Adjustment



Paul Johnson  
Committee of Adjustment



Angelo Miniaci  
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 on May 16, 2025



Natalie Thomson, Secretary Treasurer

## **SCHEDULE A**

### **Conditions of Provisional Consent:**

- 1.1.1 That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with one (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 Town, 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 identical subject parcel of land (Part 2) that Part 2 is merged in title with Part 3 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, that Part 2 shall be conveyed to the owner of Part 3 and to prepare and register application to consolidate the lands and forward a copy of 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 Town, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 2, has been carried out, the documentation to be provided within two years of issuance of the consent certificate;
- 1.1.4 That the conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TCPL) shall be registered against title (by agreement) in relation to the "Lands" by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto;
- 1.1.5 That the Town Operations Department be provided with a copy of the deposited reference plan; and,
- 1.1.6 Dedication of 3.05 metre road allowance widening fronting Part 3 of the proposed severance, to the satisfaction of the Director of Operations.

(AS LOCALLY KNOWN)  
(ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 37 & 56)  
(PUBLIC TRAVELLED ROAD, VARIOUS WIDTHS)

**CONCESSION 2 ROAD**

**PART 4**

PIN 46377-0076(LT)

AREA SCHEDULE	
DESCRIPTION	AREA (m²)
PART 1	4,046.9
PART 2	103,486.2
PART 3	1,613.0
PART 4	129.0

PIN 46377-0124(LT)  
PART 1  
SOR--8971

N87°14'50"W 89.248

PART 4  
SOR--7445

PART 1  
SOR--7445

PART 2  
SOR--8971  
PIN 46377-0124(LT)

PART 3  
SOR--8971  
PIN 46377-0124(LT)

N86°34'20"E 58.406

ENTRANCE

VINEYARD

MUNICIPAL No. 767  
ONE STOREY DWELLING  
AREA = 112.4 m²  
COVERAGE = 2.8%

VINEYARD

ACCESSORY BUILDING  
HEIGHT = 4.5 m  
AREA = 65.6 m²  
COVERAGE = 1.6%

VINEYARD

PART 3  
SOR--7445

PART 3  
EXISTING RESIDENTIAL  
PIN 46377-0092(LT)

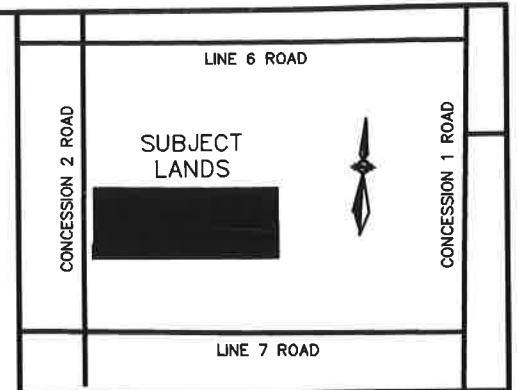
PART 2  
SOR--7445

PRELIMINARY SKETCH TO ACCOMPANY AN  
APPLICATION UNDER THE PLANNING ACT  
**PART OF TOWNSHIP LOT 37**  
(GEOGRAPHIC TOWNSHIP OF NIAGARA)  
**TOWN OF NIAGARA-ON-THE LAKE**  
REGIONAL MUNICIPALITY OF NIAGARA



APRIL 4, 2025 BRENT LAROCQUE O.L.S.

**RICHARD LAROCQUE LIMITED**  
ONTARIO LAND SURVEYORS & CONSULTANTS  
12 LYMAN STREET, ST. CATHARINES, ONTARIO  
905-688-1413  
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO  
905-358-8400  
www.larocquegroup.ca



**KEY PLAN**  
NOT TO SCALE

EXISTING AGRICULTURAL

PIN 46377-0087(LT)

TOWNSHIP LOT 36

PIN 46377-0318(LT)

PART 2  
SOR--16033

PIN 46377-0093(LT)

LOT 37

EXISTING AGRICULTURAL

PART 5, SOR--7445

PIN 46377-0126(LT)

**PART 2**

TOWNSHIP LOT 37

EXISTING  
AGRICULTURAL

PART 6, SOR--7445

PIN 46377-0125(LT)

TOWNSHIP

N86°25'40"E 377.912

PIN 46377-0094(LT)

TOWNSHIP LOT 37

N86°59'E 117.235

PIN 46377-0096(LT)

PIN 46377-0097(LT)

THIS SKETCH IS PREPARED FOR AN  
APPLICATION UNDER THE PLANNING ACT  
AND ALL DIMENSIONS ARE TO BE  
CONFIRMED BY SURVEY.

**NOTE:** THE LOT DIMENSIONS  
ILLUSTRATED HEREON WERE OBTAINED  
FROM PLANS AND DOCUMENTS ON FILE  
AT THE LAND REGISTRY OFFICE

**METRIC NOTE** DISTANCES SHOWN ON THIS  
PLAN ARE IN METRES AND CAN BE CONVERTED TO  
FEET BY DIVIDING BY 0.3048.

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plan in whole or in part without the written  
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DRAWN BY:  
D.B.

CHECKED BY:  
B.L.

DATE:  
APR. 4, 2025

FILE: 2024-097  
DWG. FILE: 2024-097-02