

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

DECISION: File No. Consent B-09/25 – 46 Paxton Lane
Assessment Roll No. 2627020025006000000

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

Consent Application B-09/25 proposes a partial discharge of mortgage and the creation of one new lot containing a single-detached dwelling (Part 2 and Part 3). Part 2 is also proposed to be an easement for access and servicing purposes in favour of the retained lands (Part 1).

The retained lands (Part 1) will be used for future development, in accordance with the Draft Approved Draft Plan of Vacant Land Condominium (File 26CD-18-12-01), which includes 14 single detached dwelling units and 19 townhouse units

Date of Notice: September 22, 2025

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.

Last date to file a notice of appeal: October 12, 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.

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.

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: September 21, 2027

Consent was obtained by the Secretary Treasurer on September 18, 2025 to insert electronic signatures below;

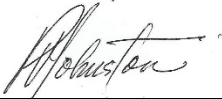


Steve Bartolini
Committee of Adjustment

CONFLICT

Margaret Louter (Vice Chair)
Committee of Adjustment

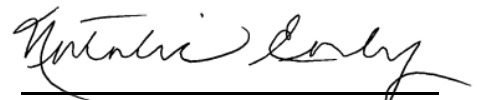
Eric Lehtinen (Chair)
Committee of Adjustment



Paul Johnson
Committee of Adjustment



Angelo Miniaci
Committee of Adjustment



Natalie Early
Committee of Adjustment



Chris Van de Laar
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 September 22, 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 and Part 3, 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 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 2 and Part 3, 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;
- 1.1.3 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. registration of the easement on Part 2, 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 provides verification of the precise location and alignment of all existing connections between municipal services and the residence at 46 Paxton Lane (Part 3) to be shown on a plan and submitted to the Town to determine any necessary corrective action (including, but not limited to removal, modification and/or installation of services). Any costs associated with such verification and subsequent removal, modification and/or installation of services shall be fully borne by the applicant;
- 1.1.5 That the owner/applicant submit a heritage permit for the urgent restoration of the roof of the dwelling at 46 Paxton Lane, shown as Part 3;
- 1.1.6 That the owner/applicant submit a legal undertaking to confirm their intent to imminently move forward with the restoration of the dwelling at 46 Paxton Lane, shown as Part 3; and,
- 1.1.7 That the owner/applicant enter into a development agreement with the Town and that such development agreement will be registered on the title of Part 2 and Part 3, to the satisfaction of the Director of Community and Development Services, in which the owner/applicant shall agree:
 - 1.1.7.1 To obtain final approval of an application to modify the 46 Paxton Lane Draft Plan Approval (26T-18-05-01), to remove the Paxton House Lot (Part 2 and Part 3), to the satisfaction of the Director of Community and Development Services;
 - 1.1.7.2 To acquire a heritage permit for urgent repairs to address the roof of the Part IV designated dwelling on Part 3 (46 Paxton Lane), to the satisfaction of the Director of Community and Development Services;
 - 1.1.7.3 To acquire a heritage permit for the restoration and any alterations to the Part IV designated dwelling on Part 3 (46 Paxton Lane), to the satisfaction of the Director of Community and Development Services;
 - 1.1.7.4 To amend Designation By-law 4831-15, in accordance with all requirements of the *Ontario Heritage Act*, to remove Part 1 on the Application Sketch, from the "real

property” legal description, and to address any changes to the cultural heritage value interest (CHVI) and heritage attributes, to the satisfaction of the Director of Community & Development Services; and,

- 1.1.7.5 To comply with the Town’s Private Tree Protection By-law No. 5139-19, including but not limited to the completion of an Arborist Report and/or Tree Inventory and Protection Plan, in the event of any future construction on the subject lands.

(A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

(B) THIS SKETCH IS PROTECTED BY COPYRIGHT.



SKETCH FOR PLANNING PURPOSES ONLY

46 PAXTON LANE
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

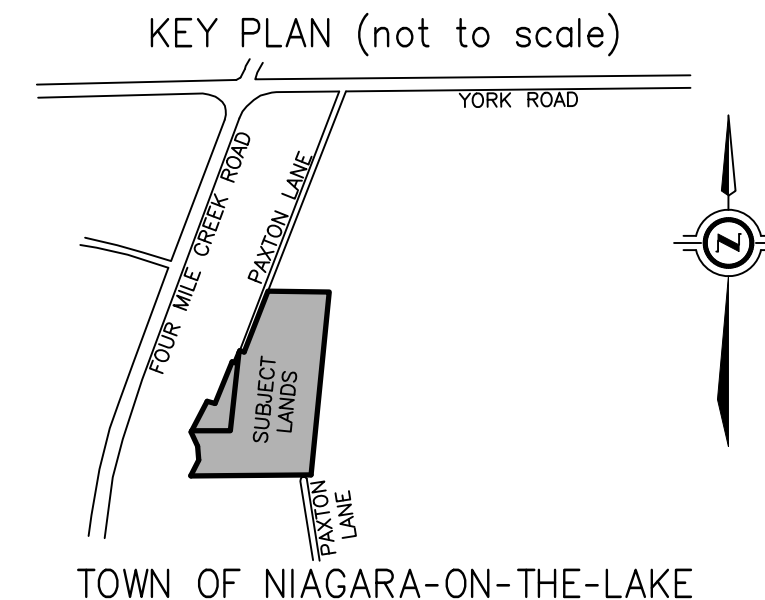
SCALE 1 : 1000

20 0 20 40 60 metres

J.D. BARNES LIMITED
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METRIC NOTE

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



LEGAL DESCRIPTION

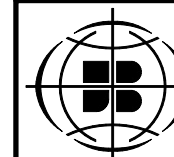
PART OF LOT 90, TOWNSHIP OF NIAGARA (BEING PART 1, PLAN
30R-15642)

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF
SURVEY.

____ JULY 24, 2025

DATE

Anusya Shree Ramesh
ANUSYA SHREE RAMESH
ONTARIO LAND SURVEYOR



J.D.BARNES

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.idbarnes.com

**SURVEYING
MAPPING
GIS**

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| JN | DRAWN |
| BM/AR | CHECKED |
| DATED: | |
| 2025/07/23 | |

Ref. No.
17-16-432-02