

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

**DECISION:** File No. Consent B-05/26 – 1231 Concession 2 Road  
Assessment Roll No. 2627020021090000000

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

Consent Application B-05/26 proposes the severance of a residence surplus to a farming operation as a result of a farm consolidation.

The agricultural portion (Part 3), with an area of 36,706.0 square metres (9 acres) and 15.2 metres of frontage on Concession 2 Road, is to be retained for continued agricultural use. The residential portion (Part 1), containing a single-family dwelling with an area of 4,046.9 square metres (1 acre) and 47.2 metres of frontage on Concession 2 Road, is to be severed. A 3.05-metre-wide road widening along the frontage of Concession 2 Road (Part 2) would be dedicated to the Town.

**Date of Notice: May 22, 2026**

**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 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: June 11, 2026.**

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)).

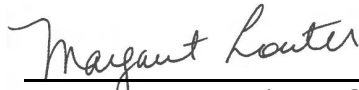
Information regarding the Local Planning Appeals Tribunal can be found at;  
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

**Last date to fulfil all conditions: May 21, 2028**

Consent was obtained by the Secretary Treasurer on May 21, 2026 to insert electronic signatures below;



Steve Bartolini  
Committee of Adjustment



Margaret Louter (Vice Chair)  
Committee of Adjustment



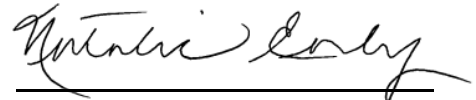
Eric Lehtinen (Chair)  
Committee of Adjustment



Paul Johnson  
Committee of Adjustment

ABSENT

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 May 22, 2026.

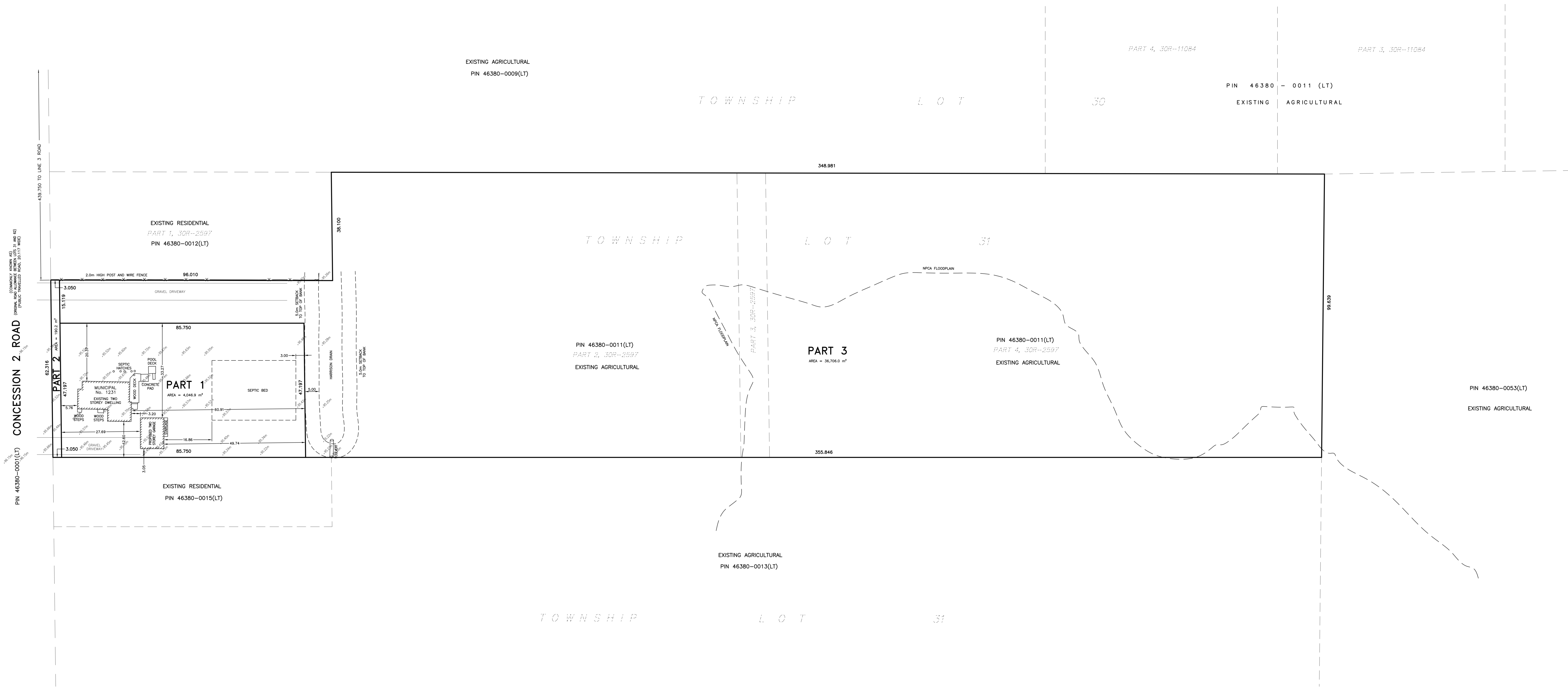
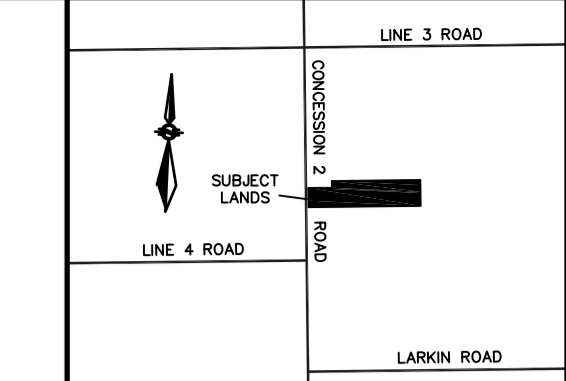


Natalie Thomson, Secretary Treasurer

**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 Planning, Building, 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 Planning, Building 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;
- 1.1.3 That the owner/applicant provide a fully executed Agreement of Purchase and Sale for the retained agricultural lands identified as Part 3, demonstrating the conveyance of the lands to Zabek Vineyards Ltd., for the purpose of farm consolidation to the satisfaction of the Director of Planning, Building, and Development Services;
- 1.1.4 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Planning, Building and Development Services, confirming that the retained agricultural lands identified as Part 3 shall be conveyed to Zabek Vineyards Ltd., contemporaneously with, or immediately following the registration of the severed residential parcel identified as Part 1, and that confirmation of the conveyance, including a copy of the registered transfer/deed shall be submitted to the Director within 30 days of registration;
- 1.1.5 That the owner/applicant, at their own expense, dedicate a 3.05 metre road widening, shown as Part 2 on the survey sketch, fronting Parts 1 and 3 of the proposed severance, to the Town, to the satisfaction of the Director of Public Works & Infrastructure;
- 1.1.6 That an archaeological assessment be completed at the owner/applicants' expense, at 1231 Concession 2 Road, scoped to the areas of disturbance, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Town;
- 1.1.7 That the owner/applicant provides proof of the removal of all home industry components from Part 1, including the existing storage containers, at their own expense, and that the home industry cease operations, to the satisfaction of the Director of Planning, Building and Development Services; and
- 1.1.8 That the owner/applicant obtain final approval of Zoning By-law Amendment Application ZBA-02-2026, to the satisfaction of the Director of Planning, Building and Development Services, to rezone Part 1 to "Rural (A) Site-Specific Zone" with site-specific provisions for the proposed lot frontage, front yard setback to the existing dwelling and accessory building height, and to rezone Part 3 to "Agricultural Purposes Only (APO) Site-Specific Zone" with provisions for the proposed lot configuration, and to preclude a residential dwelling in perpetuity.

SCALE 1:500 METRIC  
 10m 5m 0 10m 20m



TOWNSHIP LOT 31

*Brent Larocque* O.L.S.  
 FEBRUARY 17, 2026 BRENT LAROCCQUE  
**RICHARD LAROCCQUE LIMITED**  
 ONTARIO LAND SURVEYORS & CONSULTANTS  
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