

COUNTY OF BRANT
COMMITTEE OF ADJUSTMENT
66 GRAND RIVER STREET NORTH
PARIS ON N3L 2M2

Applicant: 1778206 ONTARIO INC c/o Kris Martin
Submission No.: B30-25-RF
Roll No.: 292001104065900

DECISION OF COMMITTEE
IN THE MATTER OF SECTIONS 50 & 53
OF THE PLANNING ACT, R.S.O. 1990, as amended
-and-

IN THE MATTER OF A CONSENT APPLICATION B30-25-RF from MHBC c/o Trevor Hawkins, agent on behalf of 1778206 ONTARIO INC c/o Kris Martin, owner of the lands legally described as CONCESSION 6 PART LOT 10 in the Geographic Former Township of Burford, County of Brant, municipally known as 75 Highway 53 proposing to re-establish the parcels by reverting the parcels back to their original lot lines, as the parcels inadvertently merged on title.

This Application was heard on the **16th Day of April 2026** after notice by mail and personal service to surrounding property owners and interested parties as directed by the Committee and Rules of Procedure.

THE DECISION OF THE COMMITTEE IS:

THAT the Application be **REFUSED**

Having regard for the criteria under Section 51 (24) of the Planning Act, The decision is based upon the following reason(s):

- The proposal is not consistent with the Provincial Planning Statement (2024) and does not conform to the policies of the County of Brant Official Plan (2023) and Zoning By-Law 61-16.

THAT this decision be subject to the following conditions:

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant(s) provide a copy of a Draft Reference Plan identifying the re-establishment of the original lot lines completed by a licensed surveyor and reviewed by the County of Brant, prior to the finalization of the Consent (i.e. registration of the deeds in the appropriate Registry Office).
3. That the Applicant convey to the County of Brant, free and clear of all encumbrances, road widenings along:
 - a) Highway #53 of 3.05 metres measured from the existing northerly property line, extending approximately 445 metres westward from Municipal #53 to the limits of the existing road widening shown on Registered Plan #502 (P2207-1); and
 - b) Harley Road of 2.0 metres along the entire frontage between Highway #53 and Seventh Concession Road.

Note: Be advised that compensation for road widening / daylighting lands, surveying fees, and registration is only applicable along the frontage of the retained lands provided the portion of retained lands being conveyed to the County are zoned "Agricultural" at the time of submission of the draft reference plan. If the lands are zoned anything other than "Agricultural", the County will not provide compensation for road widening / daylighting lands, surveying fees, and registration costs. Where eligible, compensation will be determined in accordance with County Policy DVS-2002-05.
4. That the Applicant/Owner provide proof, to the satisfaction of the County of Brant, that the subject lands have been re-assessed in accordance with the Drainage Act, R.S.O. 1990, c. D. 17, for the purposes of collecting funds for repairs and maintenance of the Rathburn Municipal Drain. Such re-assessment shall be completed via one of the following:
 - a) An Engineer's reapportionment completed and filed in accordance with Section 64 of the Drainage Act (cost to the borne by the parties as noted in the reapportionment); or,
 - b) A mutual agreement entered into by the Owners of the affected lands, setting out the share of the drainage assessment each party shall pay, with said agreement filed with the County of Brant Clerk.

5. That the Applicant/Owner provide confirmation of the location of hydro lines with the applicable Hydro Authority and establish an easement if required.

6. That the current Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
7. That the Applicant(s) provide draft transfer documents with legal descriptions of the severed and retained lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
8. That the Applicant/owner's solicitor prepare and register all the necessary documents following review and approval by the County Solicitor, and immediately following the registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
9. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

NOTE: Any further Planning Applications required to satisfy the conditions of approval must be applied for four (4) months prior to the lapsing of the Consent.

NOTE: THAT pursuant to Section 53(17)-(18.2) and Section 45(8)-(8.2) of the Planning Act, R.S.O. 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in the staff report, addendum (if required) and public meeting.

DATED this 16th day of April, 2026

Concur in the Decision:

APPROVED

Mary-Jane Brown, Chair

APPROVED

Bob Hamilton, Vice-Chair

APPROVED

John Vamos, Member

APPROVED

Steve Schmitt, Member

REFUSED

Jang Panag, Member

APPROVED

Harry Emmott, Member

APPROVED

Rebecca Smith, Member

NOTE:

1. **The last date for filing a notice of appeal to the Ontario Land Tribunal (OLT) is May 7, 2026.**
2. Appeal of the decision and/or any conditions imposed on a decision by the Committee of Adjustment, to the Ontario Land Tribunal (OLT) can be made by the **Applicant or Minister**, not later than 20 days after the making of a decision under Section 45(12) for a Minor Variance and not later than 20 days after the giving of notice of a decision under Section 53(17) or (27) for Consent.
3. Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT). A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.
4. To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal, you may file a notice of appeal with the Clerk or Secretary-Treasurer via 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 Brant (County) as the Approval Authority or by mail 66 Grand River St. N., Paris, Ontario N3L 2M2, no later than 4:00 p.m. on May 7, 2026. The filing of an appeal after 4:00 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fees:
 - of \$400 to the OLT can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca.
 - In addition, a fee of \$285.00 payable to the "County of Brant" as per the County of Brant's Development Services fees online <https://webforms.brant.ca/finance/planning-applications-payment> or by mail to 66 Grand River St. N., Paris, Ontario N3L 2M2.
 - If the e-file portal is down, you can submit your appeal to clerks@brant.ca.
5. You will be entitled to the conditions of the provisional consent and/or minor variance if you have either made a written request to be notified of the decisions to give or refuse to give provisional consent and/or minor variance or make a written request to be notified of changes to the conditions of the provisional consent and/or minor variance.
6. Additional information regarding this application for consent and/or minor variance is available at the offices of the County of Brant, 66 Grand River Street North, Paris, Ontario, during regular office hours Monday to Friday 8:30 a.m. to 4:30 p.m. Tel: 519-442-6324; planning@brant.ca



Severance Sketch

75 Highway 53
 Burford
 County of Brant

LEGEND

- Subject Lands (56.427ha/139.45ac)
- Lands to be Retained (±33.693ha/83.26ac)
- Lands to be Severed (±22.492ha/55.58ac)
- Road Widening (±0.243ha/0.61ac)


DATE: July 2025


SCALE: 1:5,000

FILE: 21191F

DRAWN: PL

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 NORTH


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