



Notice of Decision Under Delegated Approval

File Number: #B09/24– Creation of a Right-of-Way
Subject Land: Part of Lots 27 and 28, Concession 9, Geographic Township of Barrie (1102 Victoria Park Lane)
Applicant(s): Catherine and Joseph Marino (Agent: Mat Marino)
Date of Notice: July 26, 2024

In the Matter of the Consent Application under Section 53(1) of the Planning Act by Catherine and Joseph Marino being lands located in Part of Lots 27 and 28, Concession 9, Geographic Township of Barrie (1102 Victoria Park Lane) for the purpose of creating a Right-of-Way.

The Clerk, as authorized by By-law #2024-10, has determined:

- That the application has regard to the matters under Subsection 51(24) of the Planning Act;
- That the application is consistent with the Provincial Policy Statement (PPS);
- That the application conforms to all policies of the County of Frontenac Official Plan and Township of North Frontenac Official Plan;
- That the application is in keeping with the intent and purpose of Zoning By-law #55-19; and
- That the application has met criteria set out in Section 4.3 of By-law #2024-10 for 'Undisputed Consents'.

The Clerk therefore concludes that neither a plan of subdivision nor a Committee of Adjustment decision are necessary for the proper and orderly development of the property.

Expiry Period

1. Conditions imposed must be met within two years of the date of the Notice of Decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided that all conditions are satisfied, the Certificate of Official is to be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of the Notice of Decision.

Easement (Right-of-Way)

2. The proposed easement will be for a right-of-way and will be approximately 7 metres (20 feet) in width up to the total width of Part 26 on Registered Plan 13R-13506 (Blackberry Lane), 325 metres (1066 feet) in length, and approximately 0.23 hectares (0.56 acres) in area and follow the travelled path of an existing right-of-way known as Blackberry Lane .
3. The description in the Transfer and schedule for consent endorsement (application number B09/24) shall be for the creation of an easement over the retained lands for right-of-way access over the existing private road (Blackberry Lane).
4. The lot that shall benefit from this easement is an existing waterfront residential lot identified as Part 1 and 4 on Registered Plan 13R-13506.

Survey/Reference Plan or Registerable Description

5. The surveyor or owner shall submit the draft Reference Plan electronically, or in paper form, for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.
6. A plan of the land prepared by an Ontario land surveyor, to be known as a reference shall be deposited for the record in the land registry office or the land registrar orders it does not apply per Section 150 of the Land Titles Act, RSO 1990, as amended. The applicant must submit two paper copies or a digital copy of the registered reference plan; or an exemption is obtained from the Land Registry Office waiving the need for a survey.
7. That the description of the parcel being severed, and the names of the Transferor and Transferee are included on the schedule attached to the deed of the land.

Municipal Requirements

8. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
9. In the event that there are abandoned wells located on the property being severed, they be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks.
10. Where a violation of the Township of North Frontenac Zoning By-Law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
11. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.
12. The applicant or his/her solicitor shall prepare and submit to The Corporation of the Township of North Frontenac, a transfer or such other required form of document necessary to implement the consent, including Form 1, Form 2, Form 3, or Form 4, as applicable, prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustments for the municipality. This transfer or other legal document shall be provided to the municipality within a period of two years after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the Ontario Land Tribunal is **August 16, 2024**.

Only Individuals, Corporations and Public Bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. 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. A completed appeal form accompanied by the prescribed fee payable to the **Minister of Finance** should be received on or before the date noted above.

Brooke Drechsler
Secretary -Treasurer



Notice of Decision Under Delegated Approval

File Number: #B10/24– Creation of a Right-of-Way
Subject Land: Part of Lot 28, Concession 9, Geographic Township of Barrie (1110 Victoria Park Lane)
Applicant(s): Frank and Mary Marino (Agent: Mat Marino)
Date of Notice: July 26, 2024

In the Matter of the Consent Application under Section 53(1) of the Planning Act by Frank and Mary Marino being lands located in Part of Lots 27 and 28, Concession 9, Geographic Township of Barrie (1102 Victoria Park Lane) for the purpose of creating a Right-of-Way.

The Clerk, as authorized by By-law #2024-10, has determined:

- That the application has regard to the matters under Subsection 51(24) of the Planning Act;
- That the application is consistent with the Provincial Policy Statement (PPS);
- That the application conforms to all policies of the County of Frontenac Official Plan and Township of North Frontenac Official Plan;
- That the application is in keeping with the intent and purpose of Zoning By-law #55-19; and
- That the application has met criteria set out in Section 4.3 of By-law #2024-10 for 'Undisputed Consents'.

The Clerk therefore concludes that neither a plan of subdivision nor a Committee of Adjustment decision are necessary for the proper and orderly development of the property.

Expiry Period

1. Conditions imposed must be met within two years of the date of the Notice of Decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided that all conditions are satisfied, the Certificate of Official is to be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of the Notice of Decision.

Easement (Right-of-Way)

2. The proposed easement will be for a right-of-way and will be approximately 7 metres (20 feet) in width, 280 metres (918 feet) in length, and approximately 0.19 hectares (0.47 acres) in area. The proposed right-of-way will begin on Blackberry Lane and turn north running parallel to the western line. The final path of the right-of-way will be determined by the construction conditions but will not deviate significantly from the sketch provided by the applicant.
3. The easement described in Condition Number 3 shall be constructed to emergency service standards to the satisfaction of the Township of North Frontenac.
4. The description in the Transfer and schedule for consent endorsement (application number B10/24) shall be for the creation of an easement over the retained lands for right-of-way access through a newly created driveway as per Conditions 3 and 4. The driveway shall be constructed before the Certificate of Official can be issued.

5. The lot that shall benefit from this easement is an existing waterfront residential lot identified as Part 1 and 4 on Registered Plan 13R-13506.

Survey/Reference Plan or Registerable Description

6. The surveyor or owner shall submit the draft Reference Plan electronically, or in paper form, for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.
7. A plan of the land prepared by an Ontario land surveyor, to be known as a reference shall be deposited for the record in the land registry office or the land registrar orders it does not apply per Section 150 of the Land Titles Act, RSO 1990, as amended. The applicant must submit two paper copies or a digital copy of the registered reference plan; or an exemption is obtained from the Land Registry Office waiving the need for a survey.
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Municipal Requirements

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