

COMMITTEE OF ADJUSTMENT

Development Services Department
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613

NOTICE OF DECISION – JANUARY 25, 2024

FILE NO.: D10-08-2024 **ROLL NO:** 2731 000 031 16900 0000
SUBJECT LAND: 1351 Rice Road, Thorold Pt Lot 169 Pt Lot 170
APPLICANT: Julia & Andrew Jozsef Forstner
AGENT: Upper Canada Consultants

In the Matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13, and in the Matter of an Application for Consent.

The Committee of Adjustment considered all the written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the City of Thorold Official Plan.

In compliance with the Planning Act the City of Thorold Committee of Adjustment decision is enclosed. The last date of filing an appeal to the Ontario Land Tribunal (OLT) under Section 53 of the Planning Act is February 19, 2024.

Type of Transaction for which application for consent is being made:

Conveyance Mortgage or Charge Partial Discharge of Mortgage
 Other: Boundary adjustment/lot addition

DECISION: **GRANTED WITH CONDITIONS**

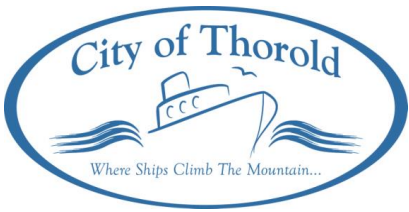
CONDITION(S): **SEE SCHEDULE “A” ATTACHED**

REASONS:

The Committee of Adjustment considered all the written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the City of Thorold Official Plan.

1. The application complies with the requirements of the zoning by-law and conforms to the policies of the Official Plan.
2. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990 as amended.
3. The application is considered desirable within the existing neighbourhood.
4. For reasons as outlined in the Planning Report.

Electronically Signed By J. Theisen, Chair/Member	In favour
Electronically Signed By E. Pizzo, Member	In favour
Electronically Signed By G. Jackson, Member	In favour
Electronically Signed By K. Daniels, Member	In favour
Electronically Signed By P. DiPaola, Member	In favour
Electronically Signed By G. Ravenek, Member	In favour



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SCHEDULE "A" – NOTICE OF DECISION D10-08-2024 – 1351 RICE ROAD, THOROLD

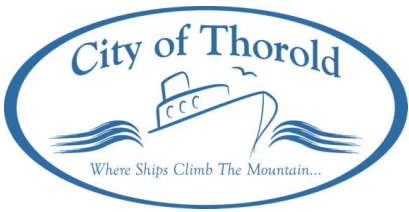
This is Schedule "A" attached to and forming part of the decision regarding Consent Application D10-08-2024, 1351 Rice Road, Thorold, ON;

CONDITIONS:

The above decision is subject to the following condition(s):

- 1) That the applicant provides the Secretary Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent; and
- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two (2) years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first; and
- 3) That the subject parcel, being Part 14 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023, be conveyed to the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply; and
- 4) That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent; and
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary Treasurer and that all conditions of consent be fulfilled; and
- 6) That all outstanding property taxes be paid prior to issuance of the Certificate of Consent.

Date of Decision:	January 25, 2024
Date of Decision Notice:	January 30, 2024
Last date to file a notice of appeal:	February 19, 2024
Last date to fulfill all conditions:	January 30, 2026



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Notice of appeal must be filed with the Secretary Treasurer for the City of Thorold Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal (OLT).
<https://olt.gov.on.ca/appeals-process/fee-chart/>

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 file 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 Ontario Land Tribunal (OLT) can be found at:
<http://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

I, Angela Nesbitt, Secretary Treasurer of the Committee of Adjustment of the City of Thorold certify that the above is a true copy of the Decision of the Committee of Adjustment.

ORIGINAL SIGNED

Angela Nesbitt
Secretary Treasurer, Committee of Adjustment

Date of Decision: January 25, 2024 Date of Mailing: January 30, 2024