

**For Office Use Only:**

File Number	<u>BNPL2023341</u>	Application Fee	<u>\$4952.00</u>
Related File Number	<u></u>	Conservation Authority Fee	<u>Waived - please circulate</u>
Pre-consultation Meeting	<u></u>	Well & Septic Info Provided	<u>N/A</u>
Application Submitted	<u>Nov.1.2023</u>	Planner	<u>Hanne Yager</u>
Complete Application	<u>Nov.22.2023</u>	Public Notice Sign	<u></u>

**Check the type of planning application(s) you are submitting.**

- ☒ Consent/Severance/Boundary Adjustment
- ☐ Surplus Farm Dwelling Severance and Zoning By-law Amendment
- ☐ Minor Variance
- ☐ Easement/Right-of-Way

**Property Assessment Roll Number:** 545040091100000, 545040091200000

**A. Applicant Information**

**Name of Owner** Paul & Denise Moeyaert, Moeyaert Holdings Inc.

It is the responsibility of the owner or applicant to notify the planner of any changes in ownership within 30 days of such a change.

**Address** 106 5th Concession Rd.

**Town and Postal Code** Clear Creek, ON N0E 1C0

**Phone Number**

**Cell Number** 519-983-3602

**Email**

**Name of Applicant** as above

**Address**

**Town and Postal Code**

**Phone Number**

**Cell Number**

**Email**

**Name of Agent** David Roe, Civic Planning Solutions Inc.  
**Address** 61 Trailview Dr.  
**Town and Postal Code** Tillsonburg, ON N4G 0C6  
**Phone Number** \_\_\_\_\_  
**Cell Number** 519-983-8154  
**Email** dfrfez@me.com

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the owner and agent noted above.

☐ Owner ☒ Agent ☐ Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands:

None

## **B. Location, Legal Description and Property Information**

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

Part Lot 1, Concession 5 Houghton

**Municipal Civic Address:** 1078 Lower Side Road

**Present Official Plan Designation(s):** Agricultural

**Present Zoning:** A

2. Is there a special provision or site specific zone on the subject lands?

☐ Yes ☒ No If yes, please specify:

3. Present use of the subject lands:

Agricultural and Residential

4. Please describe **all existing** buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:  
House/attached garage and small shed at rear. (on parcel with title to be corrected)
- 
- 
- 

5. If an addition to an existing building is being proposed, please explain what it will be used for (for example a bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.  
n/a
- 
- 

6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:  
Nothing proposed
- 
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7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes ☐ No ☒  
If yes, identify and provide details of the building:
- 
- 

8. If known, the length of time the existing uses have continued on the subject lands:  
more than 40 years
- 

9. Existing use of abutting properties:  
Agricultural ( no livestock barns in area)
- 

10. Are there any easements or restrictive covenants affecting the subject lands?  
☐ Yes ☒ No If yes, describe the easement or restrictive covenant and its effect:
-

### C. Purpose of Development Application

Note: Please complete all that apply. **Failure to complete this section will result in an incomplete application.**

#### 1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

	Existing	Permitted	Provision	Proposed	Deficiency
Lot frontage	109m	30m	12.1.2 b)	73.879m	no
Lot depth	671m			76.168m, 50.462m	no
Lot width	164m			57.749m	no
Lot area	10.2ha	40ha, 2000m <sup>2</sup>	12.1.2 a)	3637m <sup>2</sup>	existing
Lot coverage					
Front yard		13m	12.1.2 c)	18.4m	no
Rear yard		9m	12.1.2 f)	28.9m	no
Height		11m	12.1.2 h)	4.2m	no
Left Interior side yard		3m	12.1.2 e)	17.5m	no
Right Interior side yard		3m	12.1.2 e)	18.8m	no
Exterior side yard (corner lot)					
Parking Spaces (number)				2+	no
Aisle width					
Stall size					
Loading Spaces					
Other					

2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law:

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3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage: 62.73m  
Depth: 76.168m, 50.462m  
Width: 57.749m  
Lot Area: 3637m<sup>2</sup>  
Present Use: Residential  
Proposed Use: Residential

Proposed final lot size (if boundary adjustment): \_\_\_\_\_

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: \_\_\_\_\_

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Description of land intended to be retained in metric units:

Frontage: 109m  
Depth: 671m  
Width: 164m  
Lot Area: 10.2ha  
Present Use: Agricultural  
Proposed Use: Agricultural

Buildings on retained land: House, 2 barns and several sheds

4. **Easement/Right-of-Way:** Description of proposed right-of-way/easement in metric units:

Frontage: n/a  
Depth: \_\_\_\_\_

Width: \_\_\_\_\_  
Area: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_

**5. Surplus Farm Dwelling Severances Only:** List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

**Note: If additional space is needed please attach a separate sheet.**

**D. All Applications: Previous Use of the Property**

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☐ Yes ☒ No ☐ Unknown

If yes, specify the uses (for example: gas station, or petroleum storage):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown

3. Provide the information you used to determine the answers to the above questions: knowledge of owners

\_\_\_\_\_  
\_\_\_\_\_

4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached? ☐ Yes ☐ No

**E. All Applications: Provincial Policy**

1. Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act*, R.S.O. 1990, c. P. 13? ☒ Yes ☐ No

If no, please explain:

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2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☐ Yes ☒ No

If no, please explain:  
no change in use proposed

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3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☐ Yes ☒ No

If no, please explain:  
Not within a water recharge area

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Note: If in an area of source water Wellhead Protection Area (WHPA) A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.



4. All Applications: Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

**Livestock facility or stockyard** (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Wooded area**

adjacent

☒ On the subject lands or ☒ within 500 meters – distance \_\_\_\_\_

**Municipal Landfill**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Sewage treatment plant or waste stabilization plant**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Provincially significant wetland (class 1, 2 or 3) or other environmental feature**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Floodplain**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Rehabilitated mine site**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Non-operating mine site within one kilometre**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Active mine site within one kilometre**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Industrial or commercial use (specify the use(s))**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Active railway line**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Seasonal wetness of lands**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Erosion**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**Abandoned gas wells**

☐ On the subject lands or ☐ within 500 meters – distance \_\_\_\_\_

**F. All Applications: Servicing and Access**

1. Indicate what services are available or proposed:

Water Supply

- |  |   |
|--|---|
| <input type="checkbox"/> Municipal piped water       | <input type="checkbox"/> Communal wells         |
| <input checked="" type="checkbox"/> Individual wells | <input type="checkbox"/> Other (describe below) |
- 

Sewage Treatment

- |  |   |
|--|---|
| <input type="checkbox"/> Municipal sewers  | <input type="checkbox"/> Communal system        |
| <input checked="" type="checkbox"/> Septic tank and tile bed in good working order | <input type="checkbox"/> Other (describe below) |
- 

Storm Drainage

- |   |  |
|---|--|
| <input type="checkbox"/> Storm sewers           | <input checked="" type="checkbox"/> Open ditches |
| <input type="checkbox"/> Other (describe below) |  |
- 

2. Existing or proposed access to subject lands:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Municipal road | <input type="checkbox"/> Provincial highway     |
| <input type="checkbox"/> Unopened road             | <input type="checkbox"/> Other (describe below) |

Name of road/street:

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**G. All Applications: Other Information**

1. Does the application involve a local business? ☐ Yes ☒ No

If yes, how many people are employed on the subject lands?

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2. Is there any other information that you think may be useful in the review of this application? If so, explain below or attach on a separate page.  
see attached history of the parcel to be severed

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#### **H. Supporting Material to be submitted by Applicant**

In order for your application to be considered complete, folded hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

**All final plans must include the owner's signature as well as the engineer's signature and seal.**

### I. Transfers, Easements and Postponement of Interest

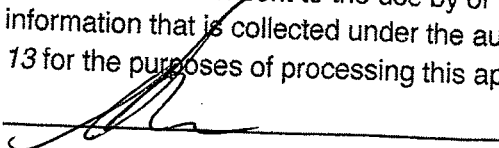
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

### Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

### Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act, R.S.O. 1990, c. P. 13* for the purposes of processing this application.

  
Owner/Applicant/Agent Signature


Oct 5 / 23  
Date

### J. Owner's Authorization

If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We \_\_\_\_\_ am/are the registered owner(s) of the lands that is the subject of this application.

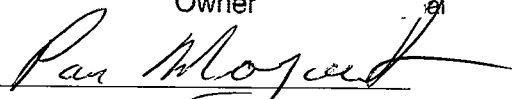
I/We authorize David Roe to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

X   
Owner

October 5, 2023  
Date

X   
Owner

October 5, 2023  
Date

X   
I have power to bind the corporation

October 5, 2023

**Norfolk** COUNTY  
Paul Moeyart

**K. Declaration**

I, David Roe of Town of Tillsonburg

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at:

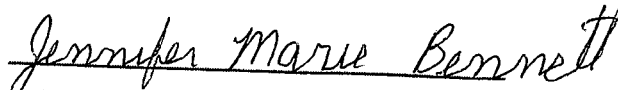
Town of Tillsonburg

  
Owner/Applicant/Agent Signature

In County of Oxford

This 14<sup>th</sup> day of November

A.D., 20 23

  
A Commissioner, etc.

Jennifer Marie Bennett, a Commissioner, etc.,  
Province of Ontario, for Jenkins & Gilvesy,  
Barristers and Solicitors.  
Expires July 20, 2026.

# Memorandum

October 16, 2023

The purpose of this memorandum is to provide background information with respect to a proposed severance for technical reasons to correct a deed for a severance previously approved in 1986. The application has been submitted in the name of the current owners: Paul and Denise Moeyaert and Moeyaert Holdings Inc.

The subject lands are part of Lot 1, Concession 4 and part of the unopened road allowance between Concessions 4 and 5 in the geographic Township of Houghton. The lands contain an existing dwelling and shed.

In 1986, a residential severance was approved by the former Township of Norfolk. The lot being severed had a frontage of 259.4 ft. (79.1m), a depth of 249.7 ft. (76.1m) and 143.42 ft. (43.7m) and a rear lot line of 237.57 ft. (72.4m). the lot area was 1.07 acres (4330.29m<sup>2</sup>). A reference plan was deposited on September 26, 1986 as Plan 37R3294. The deed for the lot was registered on December 5, 1986 as Instrument #438805.

The error in the legal description was not discovered until 2017 when the Paul Moeyaert's mother's estate was dealt with.

A further reference plan was deposited on March 1, 2018 as Plan 37R-11069. A PIN has been assigned to the subject parcel as 501100101.

A review of the two reference plans indicated that there are two errors with respect Plan 37R3294.

These are:

Plan 37R3294 describes the lands as being part of Lot 1, Concession 5 of the geographic Township of Houghton whereas the parcel is properly described as part of Lot 1, Concession 4. As well as part of the unopened road allowance between Concessions 4 and 5.

Plan 37R-11069 shows the parcel as being two Parts, Part 1 being part Lot 1, Concession 4 and Part 2 being part of the unopened road allowance between Concessions 4 and 5. The unopened road allowance is owned by Norfolk County. There was an error in the original severance application and reference plan which did not indicate that a portion of the lot was located within the unopened road allowance.

The following steps have been taken to correct the title to this previously severed parcel:

1. The owners on the lot and the adjoining agricultural parcel have applied to Norfolk County to legally close the road allowance and to sell the closed portion to the applicants. Part 2 would be sold to Paul and Denise Moeyaert and the remaining portion to Moeyaert Holdings Inc., the owner of the adjoining farm parcel. The County has now legally closed these portions of the unopened road allowance and are in a position to complete the conveyances. The Realty Services Department has requested that Parcel 2 be merged in title with Part 1 Plan 27R-1169.

This can be accomplished by means of a consent from the Norfolk County Committee of Adjustment. Norfolk County, as a municipality is permitted to transfer lands without consent however there is a desire to rectify the title for the whole parcel which was approved by consent in 1986.

2. An application for approval of a severance as a technical severance to in effect recreate the original severance as approved in 1986. The proposed severance reflects the lands described as Part 1 on Plan 37R3294 and as the lands described as Parts 1 and 2 on Plan 37R-11069 and the parcel described as PIN 501100101 on the Service Ontario Property Index.

I have reviewed the Provincial Policy Statement 2020 (PPS) and the Norfolk County Official Plan (NCOP) with respect to consistency with the planning policies contained within these two documents.

#### **Provincial Policy Statement 2020**

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

#### **Definitions**

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

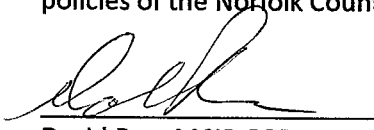
#### **Norfolk County Official Plan**

##### **7.2.3 Agricultural Lot Creation and Lot Adjustment Policies**

The following policies apply to land designated Agricultural.

- a) Consent to sever land may be considered for the following purposes:
  - vi) technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan.

I am therefore satisfied that the Proposed consent is consistent with the PPS and in compliance with the policies of the Norfolk County Official Plan and does represent good planning.



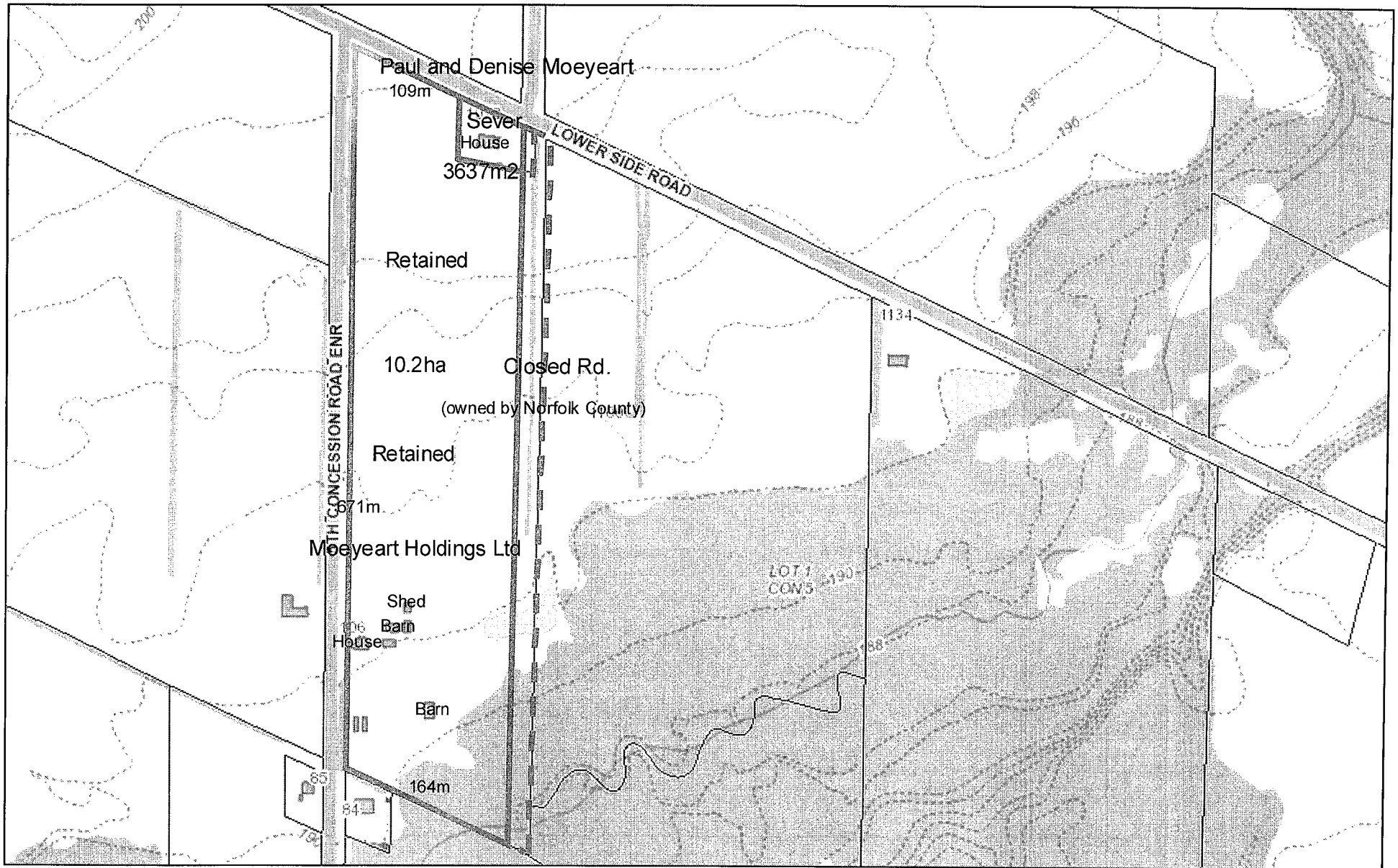
David Roe, MCIP, RPP

October 16, 2023



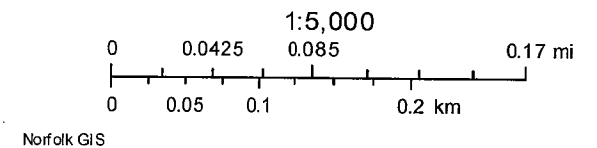


# MAP NORFOLK - Community Web Map



7/10/2023, 11:44:58 AM

- Land Parcels
- CivicAddress
- Plan Lines
- Road Labels
- DraftPlan



COORDINATE SCHEDULE

ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET WORK, UTM, ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010)

COORDINATE VALUES ARE TO URBAN ACCURACY AS PER SEC. 14 (2) OF O. REG. 216/10

POINT	NORTHING	EASTING
A	4717383.734	530362.296
B	4716716.125	530353.835

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

NOTES

- (1) - BEARINGS ARE GRID, DERIVED ON GPS OBSERVATIONS ON MONUMENTS "A" AND "B" SHOWN HEREON HAVING A GRID BEARING OF N 00° 43' 35" E (UTM, ZONE 17, NAD83 CSRS)
- (2) - TO CONVERT (P4) BEARINGS TO GRID BEARINGS
  - ADD 00° 32' 50" TO THE NORTHEAST BEARINGS
  - SUBTRACT 00° 32' 50" FROM THE NORTHWEST BEARINGS
- (3) - DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY 0.999585292

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE OCTOBER 25, 2023

PLAN 37R-  
RECEIVED AND DEPOSITED

DATE \_\_\_\_\_

KIM S. HUSTED O.L.S.

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE REGISTRY DIVISION OF NORFOLK (No. 37)

PART SCHEDULE

PART	LOT/ROAD ALLOWANCE	CON	P.I.N.	AREA
1	PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5 (NOT TRAVELLED)		PART OF 50110-0102 (R)	1.25 HECTARES
2	PART OF 1	4	PART OF 50110-0101 (R)	0.07 HECTARES
3	PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5 (NOT TRAVELLED)		PART OF 50110-0101 (R)	0.07 HECTARES

PART 1 COMPRISES PART OF P.I.N. 50110-0102 (R) PARTS 2 AND 3 COMPRISE ALL OF P.I.N. 50110-0101 (R)

PLAN OF SURVEY OF

PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5 (NOT TRAVELLED)

GEOGRAPHIC TOWNSHIP OF HOUGHTON /IN NORFOLK COUNTY

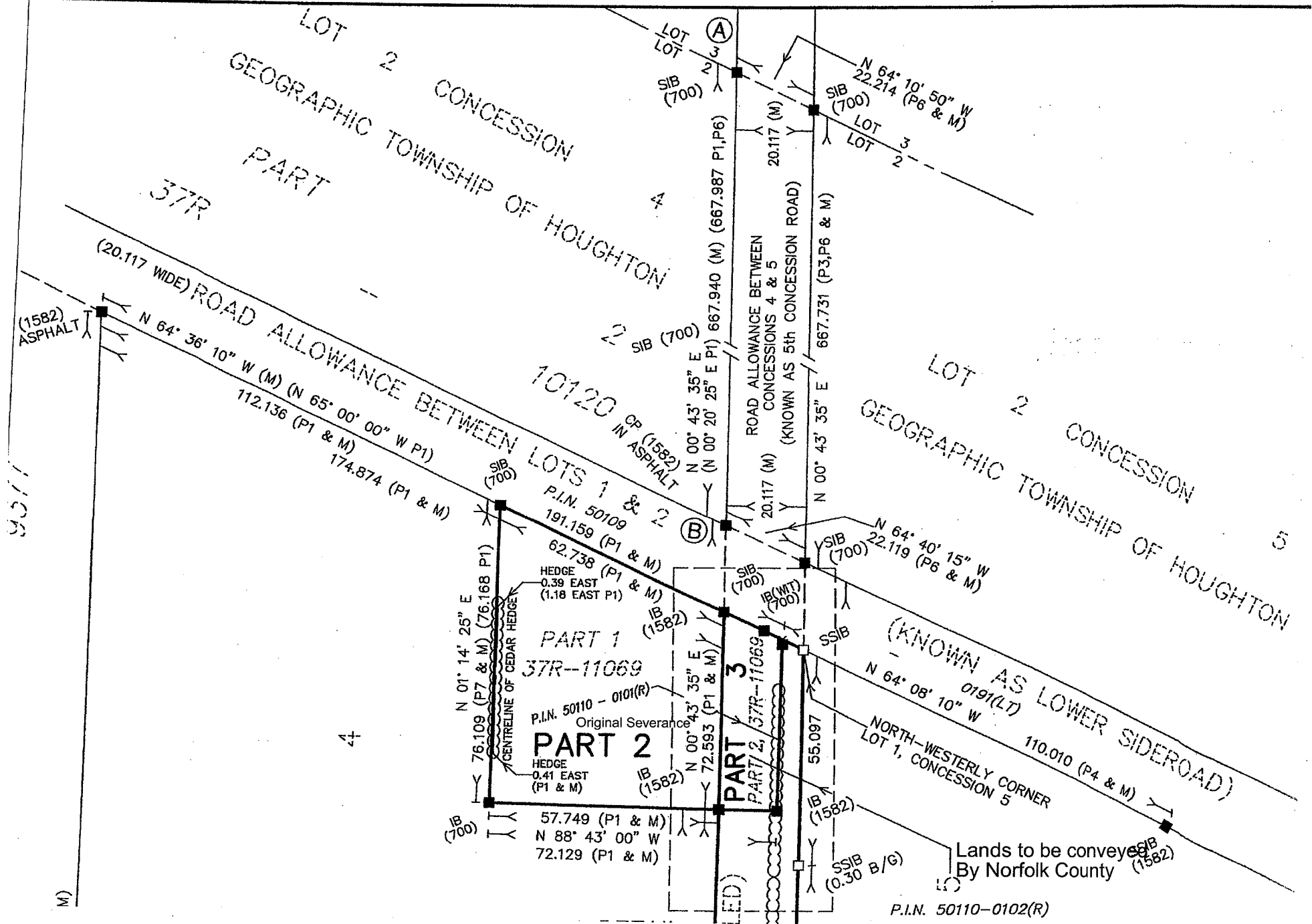
SCALE 1:1200



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

KIM HUSTED SURVEYING LTD.

Proposed Reference Plan



I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE  
REGISTRY ACT.

RECEIVED AND DEPOSITED

DATE: FEB 10 2018 DATED: MARCH 1, 2018

K. Husted B. McCall

KIM HUSTED  
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR THE  
LAND REGISTRAR FOR THE REGISTRY  
DIVISION OF HURON (No. 37)

SCHEDULE				
PART	PART LOT	CONCESSION	PIN	AREA
1	1	5	50110-0101 (R)	3837.30M
2	ALLOWANCE FOR ROAD BETWEEN CONCESSIONS 4 AND 5 (NOT TRAVELLED)		PART OF 50110-0101 (R)	688.52M

PARTS 1 AND 2 COMPRISES ALL OF PIN 50110-0101 (R)

PLAN OF SURVEY  
OF PART OF  
LOT 1, CONCESSION 4  
AND PART OF  
ALLOWANCE FOR BETWEEN  
CONCESSIONS 4 AND 5  
(NOT TRAVELLED)  
IN THE GEOGRAPHIC  
TOWNSHIP OF HOUGHTON  
IN  
NORFOLK COUNTY

SCALE: 1 : 400

KIM HUSTED SURVEYING LTD.

#### NOTES

- BEARINGS ARE GIVEN, DERIVED ON GPS OBSERVATIONS ON "REALTIME" DATA. ALL BEARINGS ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS).
- TO CONVERT BEARINGS SHOWN ON THIS PLAN TO TRUE BEARINGS:
  - ADD 07 50' 00" TO THE NORTHWEST BEARINGS.
  - SUBTRACT 07 50' 00" FROM THE NORTHEAST BEARINGS.
- DISTANCES SHOWN ON THIS PLAN ARE SHOWN DISTANCES AND CAN BE CONVERTED TO GROUND DISTANCES BY MULTIPLYING BY 0.9999.

#### COORDINATE SCHEDULE

ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS).

COORDINATE VALUES ARE TO UTM ACCURACY IN ACCORDANCE WITH O. REG. 236/10 s14(2)

POINT	NORTHING	EASTING
A	4716720.858	530206.063
B	4716689.215	530363.580

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

#### SURVEYORS CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, AND THE REGISTRY ACT.
  - THE SURVEY WAS COMPLETED ON THE 23RD DAY OF OCTOBER, 2017.

DATED: FEBRUARY 8, 2018

KIM HUSTED  
ONTARIO LAND SURVEYOR

#### LEGEND

2.5cm x 2.5cm x 1.2m STANDARD IRON BARS	SHOWN	AS SHOWN
1.5cm x 1.5cm x 0.8m IRON BARS	SHOWN	AS SHOWN
1.5cm ROUND x 0.6m IRON BARS	SHOWN	AS SHOWN
LOT LINES	SHOWN	AS SHOWN
FENCE LINES	SHOWN	AS SHOWN
CENTRE LINES	SHOWN	AS SHOWN
ROAD LINES	SHOWN	AS SHOWN
FOUND IRON BARS	SHOWN	AS SHOWN

JEWETT AND DIXON LTD.  
MEASURED  
KIM HUSTED, O.L.S.  
WITNESS MONUMENT  
GROUND UNKNOWN  
BELOW GRADE  
PLAN LINES-3234  
PLAN 37R-10120

SHOWN (700)  
SHOWN (50)  
SHOWN (50)  
SHOWN (47)  
SHOWN (8/2)  
SHOWN (8/2)  
SHOWN (8/2)

NOTE: THE FOLLOWING APPLY UNLESS OTHERWISE NOTED: ALL BUILDING LINES ARE PERPENDICULAR TO PROPERTY LINES. PROPERTY LINES ARE UNFENCED. FENCES ARE ON LINE. ALL HEDGES, BUSH AND TREE DIMENSIONS ARE TO CENTRELINE.

#### METRIC NOTE

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

KIM HUSTED SURVEYING LTD.  
ONTARIO LAND SURVEYOR

30 HARVEY STREET  
TYILSONBURG, ONTARIO N40 3H8  
PHONE (519) 842-3838 FAX (519) 842-3839

F.V. - J.M.  
BOOK - LL  
CASE - W.J.S.  
PLAN - W.J.S.  
CHECK - K.S.H.  
CLIENT - GLENEY  
PROJECT NO. - 17-13099  
DSK No. - 644

SCALE



PROPERTY INDEX MAP  
NORFOLK(No. 37)

LEGEND

- FREEHOLD PROPERTY
- LEASEHOLD PROPERTY
- LIMITED INTEREST PROPERTY
- CONDOMINIUM PROPERTY
- RETIRED PIN (MAP UPDATE PENDING)
- PROPERTY NUMBER
- BLOCK NUMBER
- GEOGRAPHIC FABRIC
- EASEMENT

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE  
PROPERTY INFORMATION AS THIS MAP MAY  
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND  
DOCUMENTS RECORDED IN THE LAND  
REGISTRATION SYSTEM AND HAS BEEN PREPARED  
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE  
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT  
REFERENCE PLANS ARE NOT ILLUSTRATED





# Transfer/Deed of Land

Form 1 — Land Registration Reform Act, 1984

CCNS  
66 Gerrard St. East  
Toronto, Ont. M5B 1G3  
Form L1200

A

FOR OFFICE USE ONLY	NUMBER <b>438805</b>		(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 3 pages
	CERTIFICATE OF REGISTRATION '86 DEC -5 AM 1:30		(3) Property Identifier(s) Block Property	Additional: See Schedule <input type="checkbox"/>
	NORFOLK NO. 37 <i>Yvonne J. Davidson</i>		(4) Consideration <b>NIL - TO IMPLEMENT SEVERANCE</b> Dollars \$	
	SIMCOE LAND REGISTRAR		(5) Description This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/>	
	New Property Identifiers Executions		Part Lot 1, Concession 5, Township of Norfolk, (formerly Township of Houghton), in the Regional Municipality of Haldimand-Norfolk, designated as PART ONE on Plan 37R-3294 deposited in the Registry Office for the Registry Division of Norfolk.	
(6) This Document Contains (a) Redescription New Easement Plan/Sketch <input checked="" type="checkbox"/> (b) Schedule for: Description <input checked="" type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/>		(7) Interest/Estate Transferred Fee Simple		
(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that ... I am not a spouse ...				
Name(s) MOEYAERT, Irma		Signature(s) <i>Irma Moeyaert</i>		Date of Signature Y M D 1986 11 04
(9) Spouse(s) of Transferor(s) I hereby consent to this transaction Name(s) Signature(s) Date of Signature Y M D				
(10) Transferor(s) Address for Service RR#1, Clear Creek, Ontario.				
(11) Transferee(s) MOEYAERT, Irma		Signature(s) <i>Irma Moeyaert</i>		Date of Birth Y M D 1920 09 20
(12) Transferee(s) Address for Service RR#1, Clear Creek, Ontario.				
(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983. Signature Date of Signature Y M D Signature Date of Signature Y M D Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1983 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing. Name and Address of Solicitor Signature Date of Signature Y M D				
(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (ii) of the Planning Act, 1983 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1983. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing. Name and Address of Solicitor Michael G. Szorenyi, P.O. Box 176, Tillsonburg, Ontario. N4G 4H5. Signature Date of Signature Y M D 1986 11 04				
(15) Assessment Roll Number of Property		Cty. Mun. Map Sub. Par.	Fees and Tax	
(16) Municipal Address of Property RR#1, Clear Creek, Ontario.		(17) Document Prepared by: Groom and Szorenyi, P.O. Box 176, Tillsonburg, Ontario. N4G 4H5.		Registration Fee Land Transfer Tax

NOT ASSIGNED

16.00  
17.00

Additional Property Identifier(s) and/or Other Information

Deed of Land Between

Irma Moeyaert, Transferor.

and

Irma Moeyaert, Transferee.

DESCRIPTION:

Part Lot 1, Concession 5, Township of Norfolk, (formerly Township of Houghton), in the Regional Municipality of Haldimand-Norfolk, designated as PART ONE on Plan 37R-3294 deposited in the Registry Office for the Registry Division of Norfolk.

PURSUANT TO SUBSECTION 52(21) OF THE PLANNING ACT 1983, I CERTIFY THAT  
THE **CONSENT** OF THE COMMITTEE OF ADJUSTMENT OF THE TOWNSHIP

OF NORFOLK WAS GIVEN ON January 15 1986  
TO THE TRANSACTION TO WHICH THE WITHIN INSTRUMENT RELATES.

DATED THIS 10<sup>th</sup> DAY OF November 1986

J. Ann Leisner  
SECRETARY-TREASURER

101 East  
101 MSB 1G3  
101 L821  
101 used Aug/86

Form 1 - Land Transfer Tax Act  
Affidavit of Residence and of Value of the Consideration  
Refer to all instructions on reverse side.

THE MATTER OF THE CONVEYANCE OF (insert brief description of land)

Part Lot 1, Concession 5, Township of Norfolk, Regional  
Municipality of Haldimand-Norfolk.

BY (print names of all transferors in full)

Irma Moeyaert.

TO (see instruction 1 and print names of all transferees in full)

Irma Moeyart.

1. (see instruction 2 and print name(s) in full)

Irma Moeyaert

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☒ (c) A transferee named in the above-described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s))

described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

- ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

- ☐ (f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$250,000).

- I have read and considered the definition of "single family residence" set out in clause 1(1)(j) of the Act. The land conveyed in the above-described conveyance
- ☒ contains at least one and not more than two single family residences.
- ☐ does not contain a single family residence.
- ☐ contains more than two single family residences. (see instruction 3)

Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$250,000 where the conveyance contains at least one and not more than two single family residences.

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5)

None

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- (a) Monies paid or to be paid in cash \$ Nil
- (b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price) \$ Nil
- (ii) Given back to vendor \$ Nil
- (c) Property transferred in exchange (detail below) \$ Nil
- (d) Securities transferred to the value of (detail below) \$ Nil
- (e) Liens, legacies, annuities and maintenance charges to which transfer is subject \$ Nil
- (f) Other valuable consideration subject to land transfer tax (detail below) \$ Nil
- (g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f)) \$ Nil \$ Nil
- (h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1990, c.454, as amended) \$ Nil
- (i) Other consideration for transaction not included in (g) or (h) above \$ Nil
- (j) TOTAL CONSIDERATION \$ Nil

All Blanks  
Must Be  
Filled In.  
Insert "Nil"  
Where  
Applicable.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6)

Conveyance to give effect to severance

6. If the consideration is nominal, is the land subject to any encumbrance? None

7. Other remarks and explanations, if necessary.

None

Sworn before me at the Town of Tillsonburg,  
in the County of Oxford  
this 4th day of November 19 86

A Commissioner for taking Affidavits, etc.

Property Information Record

A. Describe nature of instrument: Conveyance

B. (i) Address of property being conveyed (if available)

RR#1, Clear Creek, Ontario, NOE 1CO.

(ii) Assessment Roll No. (if available)

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7)

RR#1, Clear Creek, Ontario, NOE 1CO.

D. (i) Registration number for last conveyance of property being conveyed (if available) Not known

(ii) Legal description of property conveyed: Same as in D.(i) above.

Yes ☐ No ☐ Not known ☒

E. Name(s) and address(es) of each transferee's solicitor

Groom and Szorenyi,

P.O. Box 176,

Tillsonburg, Ontario.

N4G 4H5.

For Land Registry Office use only

REGISTRATION NO.

Land Registry Office No.

Registration Date



*E. K. Hunter*  
LAND REGISTRAR FOR THE REGISTRY  
DIVISION OF NORFOLK (H.2.37)



P 86 02 - 4106



Working together with our community

## **Council Meeting – September 19, 2023**

Subject: Request for Closure and Conveyance of Part Road Allowance,  
Between Concessions 4 and 5, Houghton, Norfolk County  
Report Number: CS-23-127  
Division: Corporate Services  
Department: Realty Services  
Ward: Ward 1  
Purpose: For Decision

---

### **Recommendation(s):**

THAT Report CS-23-127, Request for Closure and Conveyance of Part Road Allowance Between Concessions 4 and 5, Houghton, Norfolk County be received as information;

AND THAT the portion of Part Road Allowance Between Concessions 4 and 5, Houghton, Norfolk County, as set out in the report, be declared surplus to municipal needs, approved for closure and conveyance to Paul & Denise Moeyaert and their corporation, Moeyaert Holdings Inc., at a valuation of \$10,000 per acre (as their applications were submitted in 2021);

AND THAT the property owners be responsible for all costs associated with the process for closure and conveyance of the portion of the above road allowance, as set out in the report, including but not limited to, all relevant surveying costs, title searching costs, advertising costs and all document registration costs;

AND FURTHER THAT the net proceeds from the sale of the subject properties be recorded as revenue in the current year's operating budget, with the net proceeds to be transferred to the Property Management Services Reserve.

### **Executive Summary:**

At the Public Hearings Committee (PHC) meeting of June 6<sup>th</sup>, 2023, Council approved the following recommendations:

THAT Report CS 23-091, Proposed Closure and Conveyance of Part Road Allowance Between Concessions 4 and 5 Houghton; Norfolk County be received as information;

AND FURTHER THAT any comments received as part of the Public Hearings meeting, in addition to those already received, be considered in a future recommendation staff report.

The purpose of this report is to seek Council's direction to:

- Declare the portion of Part Road Allowance Between Concessions 4 and 5, Houghton, Norfolk County surplus to municipal needs and to authorize the closure of same;
- Authorize the conveyance of the portion of Part Road Allowance Between Concessions 4 and 5, Houghton, Norfolk County to the adjacent property owners; and,
- Authorize a valuation as a selling price.

### **Discussion:**

#### **To Recap**

Norfolk County received an application from Moeyaert Holdings Inc. for the closure and conveyance of a portion of the road allowance adjacent to its property as shown in the attached mapping. An application was also submitted by Paul & Denise Moeyaert for the closure and conveyance of a portion of the road allowance adjacent to their property, also shown in the attached mapping. These unopened portions of the road allowance have been maintained by the Moeyaerts and/or their corporation for many years and they are now requesting to formalize their interest by obtaining ownership.

In May of 2021, the Moeyaerts, personally and on behalf of their corporation, submitted applications as noted above, however, during the initial stages of the road closure process, a title error was discovered on one of the Moeyaert's existing properties. Norfolk County advised the Moeyaert's solicitor of this title error and she has been working on correcting this issue. The title issue is close to being resolved and the Moeyaert's have therefore requested that Norfolk County now proceed with the remainder of the road closure process.

#### **Merger in Title**

Policy EBS 22: Permanent Road Allowances, Lanes and Alleys Closure requires portions of unopened road allowances to merge in title with the property owner's existing property. Realty Services staff will ensure that merger of the property owners' parcels takes place.



## Valuation

As the applications were submitted in 2021, Staff Report EBS 16-14 had, at that time, established the following valuations for the sale of road allowances, streets, lanes and alleys:

A predetermined valuation based on the geographic location of the road allowance, street, lane and alley sale request was set out as below:

- a. Rural location, \$8,000 to \$12,000 per acre
  - Council approved a valuation of \$10,000 per acre – being more reflective of current market values
- b. Urban location, \$0.75 per sq. ft. to \$1.75 per sq. ft.
  - Council approved a valuation of \$1.25 per sq. ft. (\$54,450 per acre) – being more reflective of current market values
- c. Unique locations and/or situations (i.e. waterfront area, etc.)
  - With unique properties or situations, located within rural or urban locations, the County would reserve the right to review each road allowance, street, lane and alley sale request on a case by case basis in regards to the valuation to be applied, and seek an appraisal where it is deemed necessary. The cost of the appraisal would be the responsibility of the applicant(s).

The table below illustrates the proposed property valuations for Council's consideration.

Property Owner	Parcel Size (Acres)	Rural Valuation \$10,000 per acre
<b>Moeyaert Holdings Inc.</b>	3.09 acres	\$30,900.00
<b>Paul &amp; Denise Moeyaert</b>	0.17 acres	\$ 1,700.00
<b>Total</b>		<b>\$32,600.00</b>

To remain consistent with the Council approved valuation for the sale of portions of unopened road allowances for applications received prior to January 1, 2022, staff are recommending these lands be sold at the Council approved valuation as noted above. The exact area (and cost) will be determined by way of a deposited Reference Plan on title to the road allowance.

In addition to the cost of the land, the property owners have been advised that they will be required to pay all additional costs associated with the closure and conveyance of the road allowance. These costs are to be shared by the property owners on a proportionate basis, where applicable.

## Adjacent Owner

Staff did reach out to the other adjacent property owner to the south-east of the road allowance as there is a small portion of the road allowance that is adjacent to his property. Realty Services received written confirmation from him that he is not interested in purchasing any portion of the road allowance adjacent to his property and further that he has no objection to the Moeyaert's purchasing that portion as well, thereby allowing the entirety of the road allowance to be closed and conveyed to the Moeyaerts and their corporation.

### Financial Services Comments:

If Council elects to move forward with the sale of the subject property, once the sale is finalized, all related revenues and costs are recorded as net proceeds within the net levy at the time of sale. Staff recommend that these net proceeds be transferred to the Property Management Services Reserve. As described above, the applicant will cover all the costs incurred by the County resulting from the sale of land, therefore, there is no net levy impact anticipated as a result of this transaction.

This one-time revenue source will increase the balance of the reserves. Additionally, as the subject properties are currently exempt from taxation, upon transfer and consolidation with the purchaser's existing property, the land would generate additional tax revenue as determined by MPAC assessment values.

### Interdepartmental Implications:

N/A

### Consultation(s):

Chief Administrative Office  
General Manager, Corporate Services  
Treasurer/Director, Financial Management and Planning

### Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Building Norfolk - Develop the infrastructure and supports needed to ensure complete communities.

Explanation: The direction that Council provides with respect to the requested closure and conveyance of the road allowance will assist Council in meeting its priority initiatives in "Building Norfolk" by divesting assets that are no longer strategic for the County's long-term needs and further improve the County's finances to ensure it has all of the hard infrastructure for current and future needs.

**Conclusion:**

Declaring the portion of Part Road Allowance Between Concessions 4 and 5, Houghton, Norfolk County surplus to municipal needs and authorizing the closure and conveyance of same to the adjacent property owners will allow the County to divest itself of lands that are of no significance to the County's present or future needs.

**Attachment(s):**

- GIS Mapping

**Approval:**

Approved By:  
Heidy VanDyk  
General Manager, Corporate Services

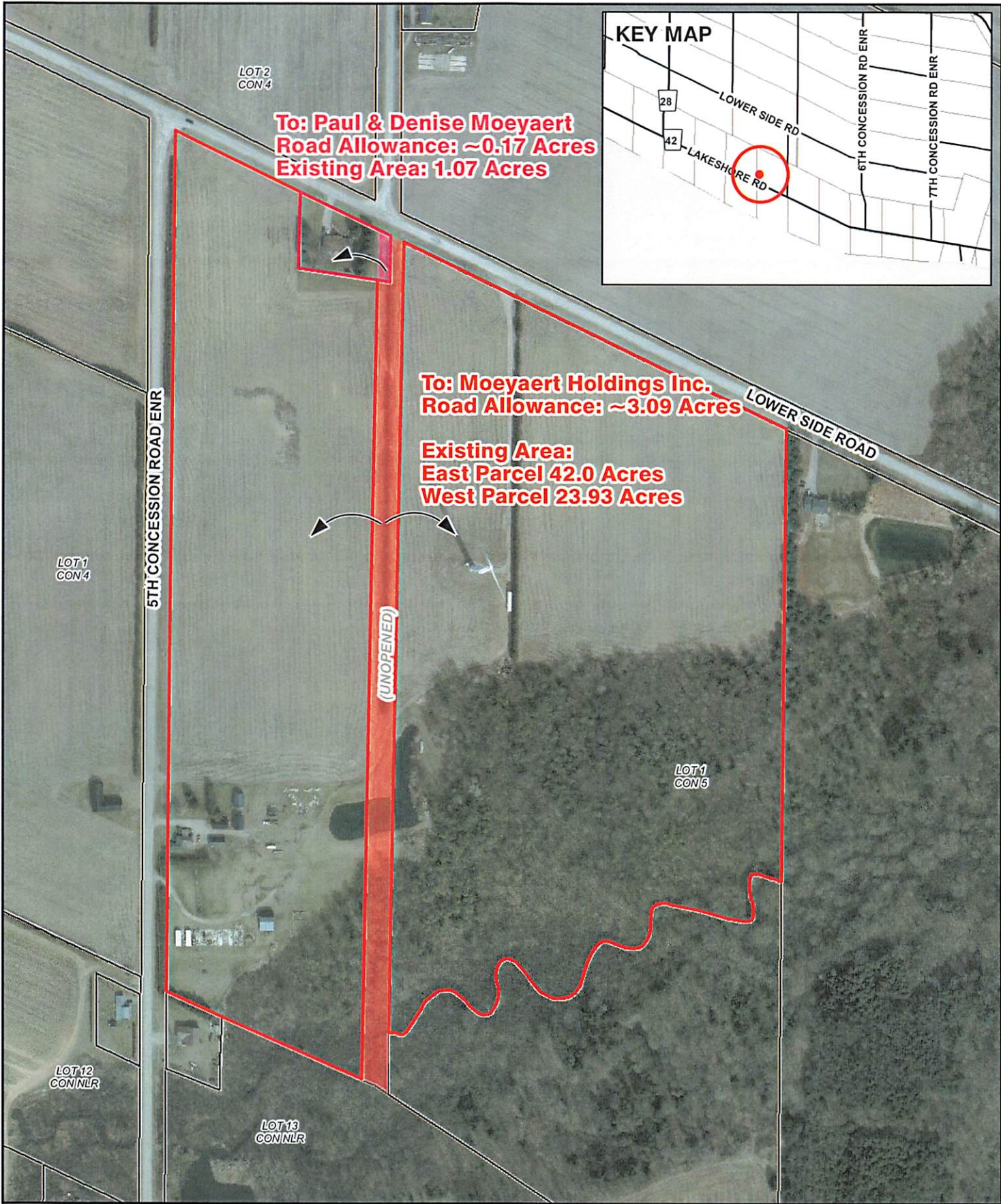
Reviewed By:  
Kelly Darbshire  
Specialist, Realty Services

Prepared By:  
Karen Lambrecht  
Corporate Services Generalist, Realty Services



Proposed Closure & Conveyance of Road Allowance

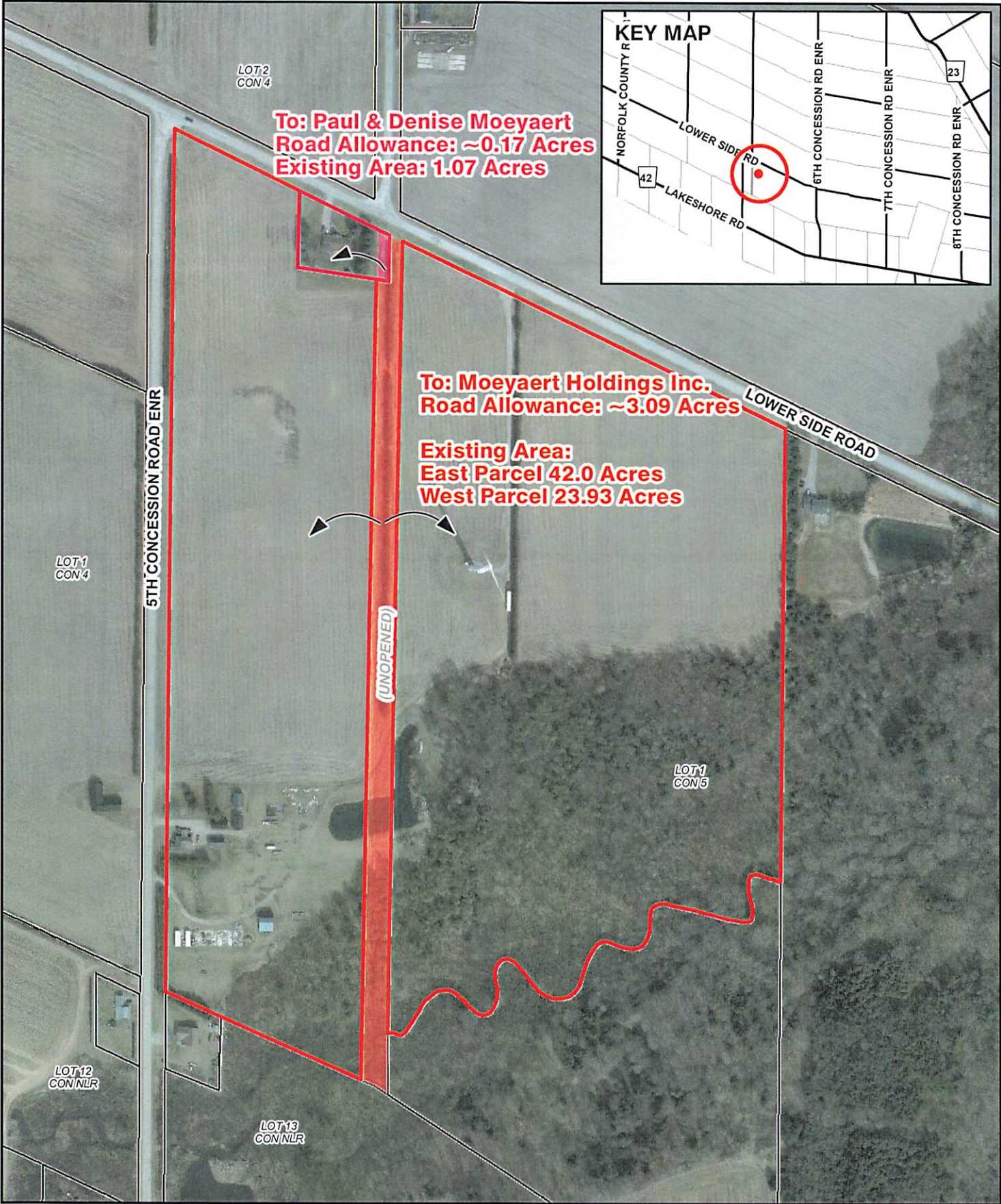
Geographic Township of HOUGHTON





# Proposed Closure & Conveyance of Road Allowance

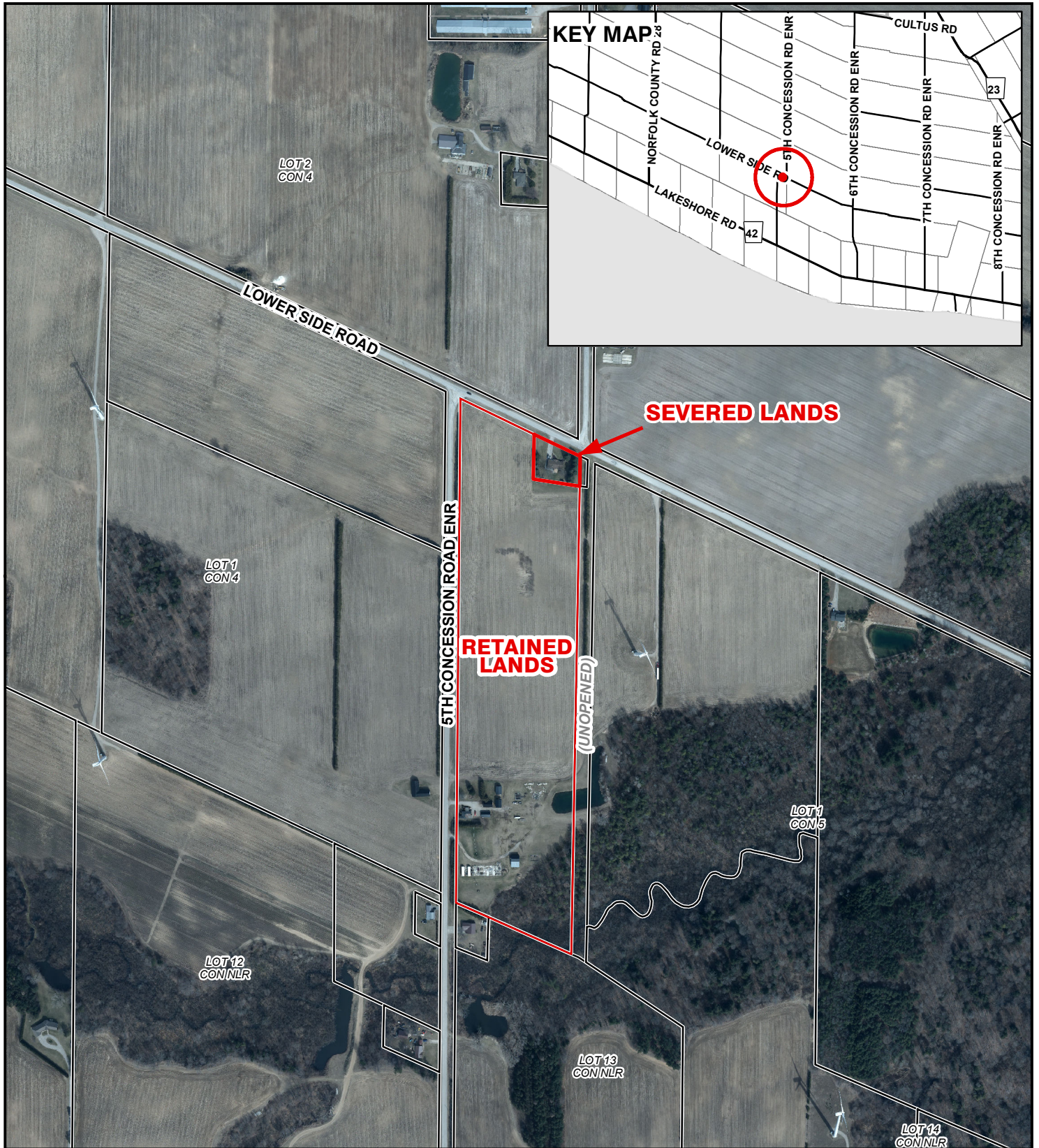
Geographic Township of HOUGHTON





**MAP A**  
**CONTEXT MAP**  
 Geographic Township of HOUGHTON

BNPL2023341

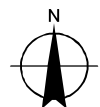


**Legend**

- Subject Lands
- Lands Owned

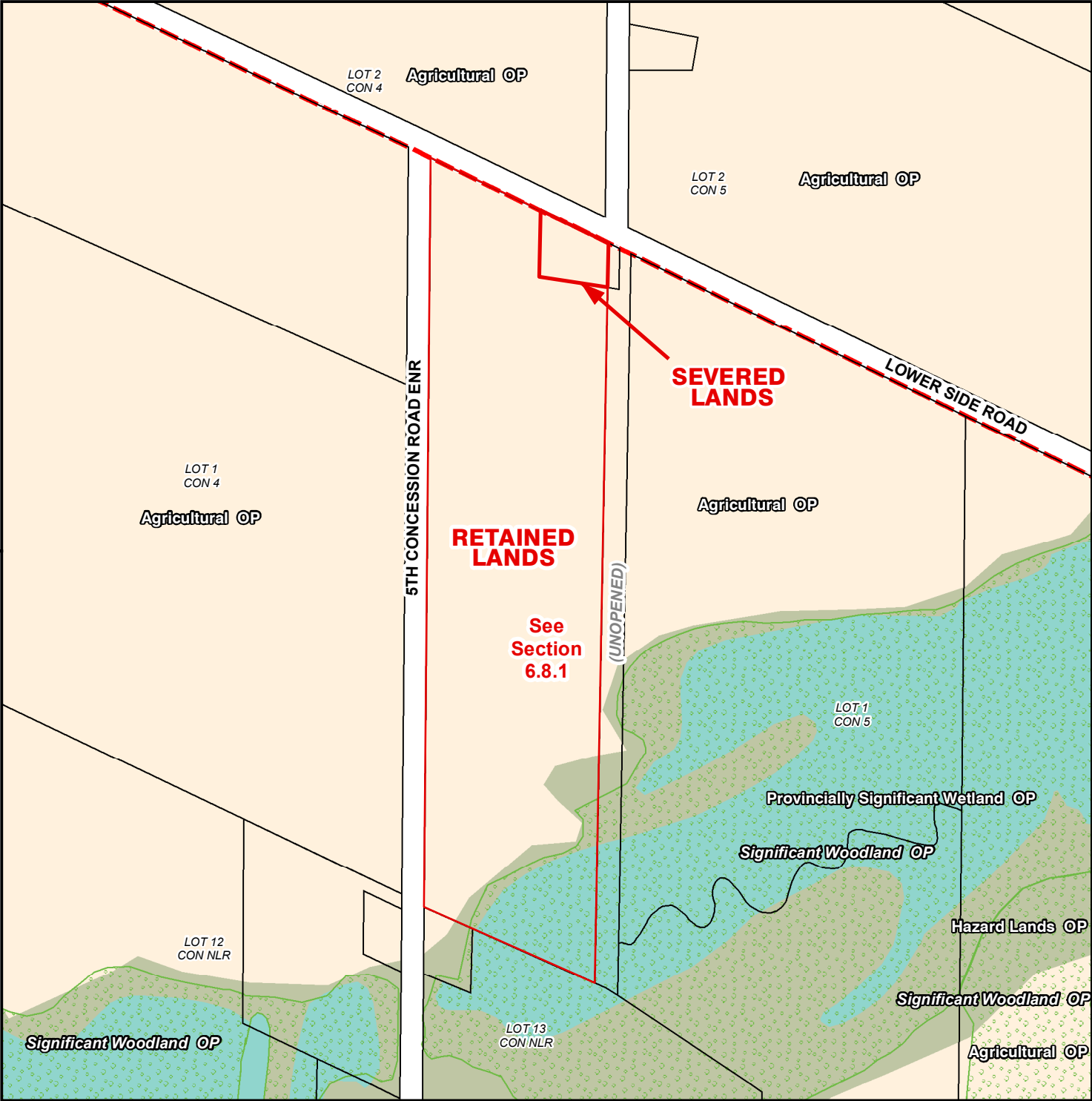
2020 Air Photo

11/27/2023



50 25 0 50 100 150 200 Meters





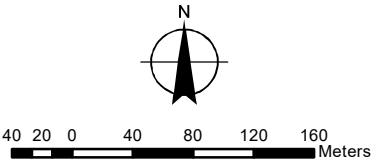
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

- Agricultural
- Hazard Lands
- Provincially Significant Wetland
- Special Policy Area
- Significant Woodland

11/27/2023

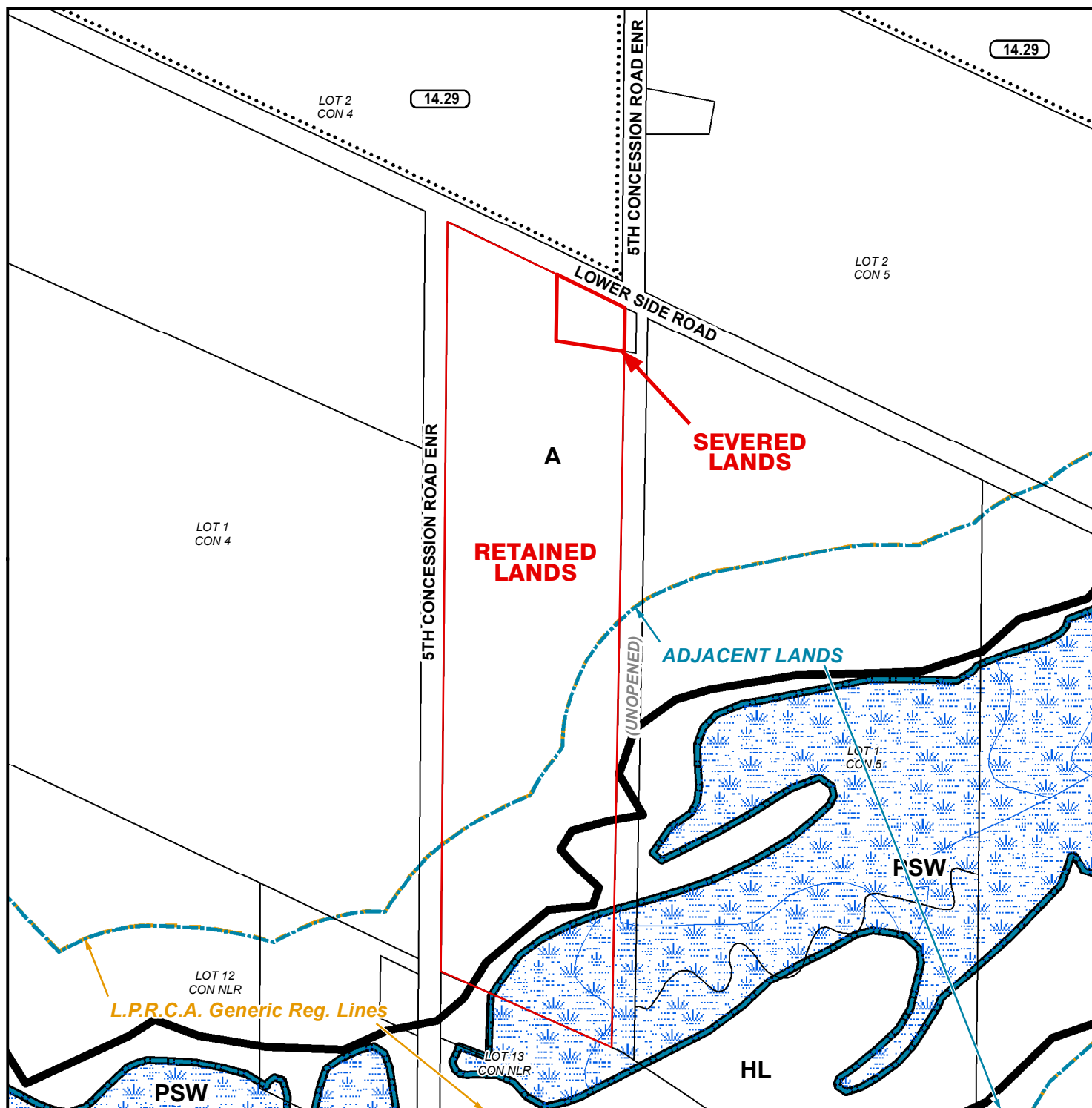


# MAP C

## ZONING BY-LAW MAP

Geographic Township of HOUGHTON

BNPL2023341



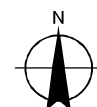
### LEGEND

- Subject Lands
- Lands Owned
- Adjacent Lands
- Wetland
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone
- PSW - Provincially Significant Wetland Zone

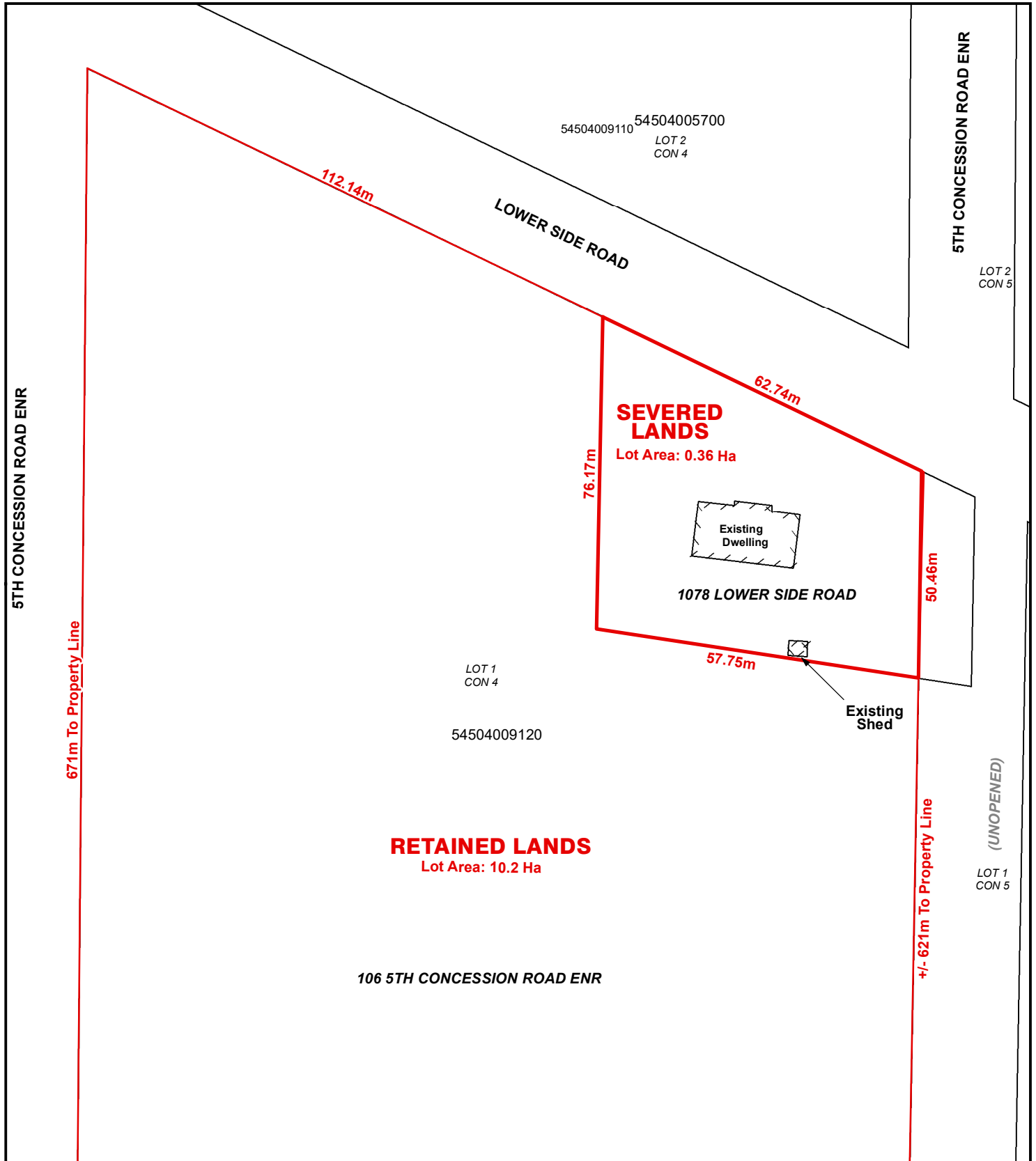
11/27/2023



40 20 0 40 80 120 160 Meters

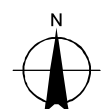
**CONCEPTUAL PLAN**

Geographic Township of HOUGHTON

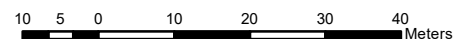


**Legend**

- Subject Lands
- Lands Owned



11/27/2023

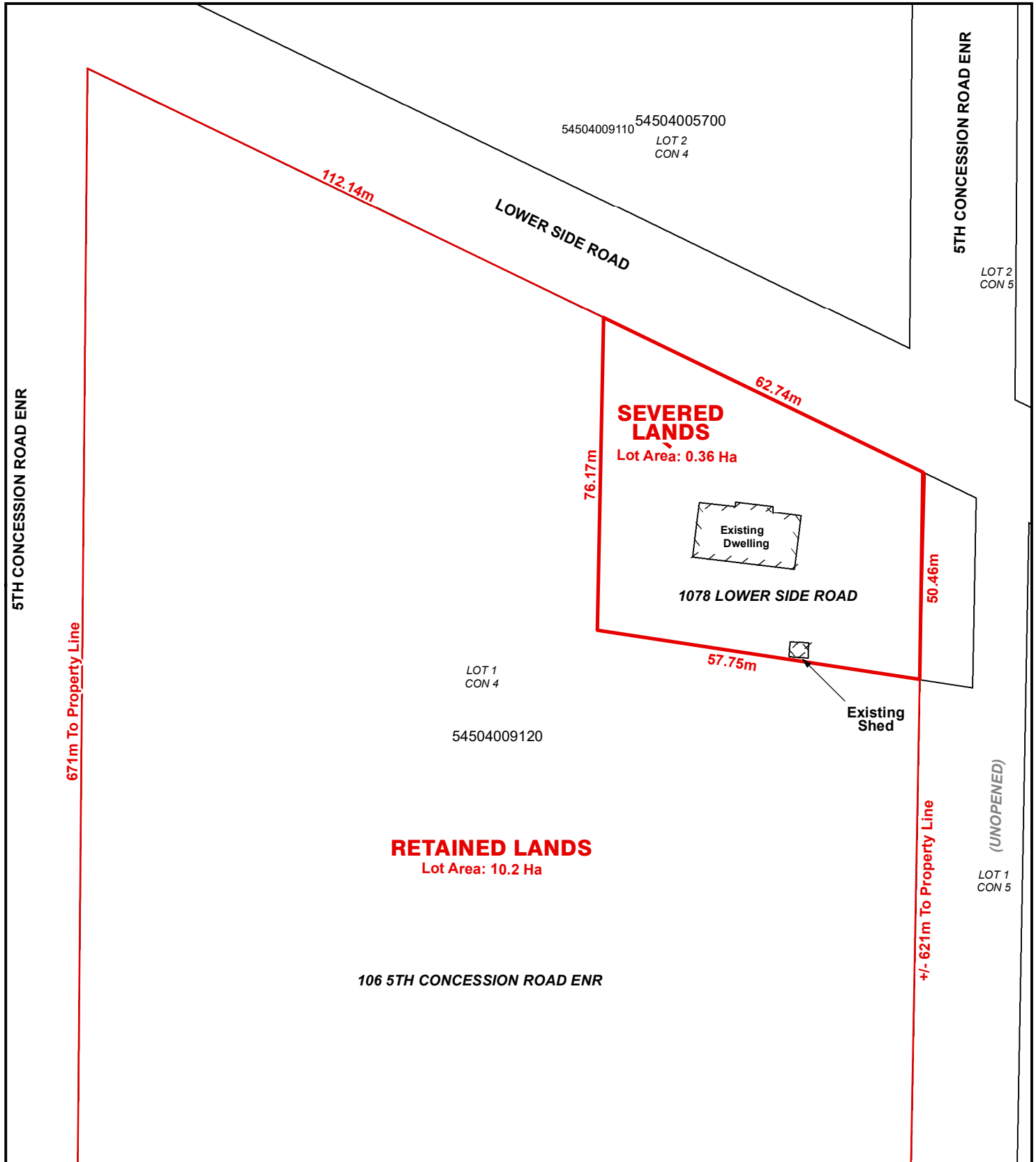


# LOCATION OF LANDS AFFECTED

BNPL2023341

## CONCEPTUAL PLAN

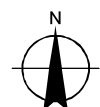
Geographic Township of HOUGHTON



### Legend

-  Subject Lands
-  Lands Owned

11/27/2023



10 5 0 10 20 30 40 Meters