

Committee of Adjustment Application to Planning Department

Complete Application

A complete Committee of Adjustment application consists of the following:

1. A properly completed and signed application form (signature must on original version);
2. Supporting information adequate to illustrate your proposal as listed in **Section H** of this application form (plans are required in paper copy and digital PDF format);
3. Written authorization from all registered owners of the subject lands where the applicant is not the owner as per Section N; and,
4. Cash, debit or cheque payable to Norfolk County in the amount set out in the Norfolk County User Fees By-Law.

Planning application development fees are not required with the submission of your completed and signed development application. Your planning application fee will be determined by the planner when your application has been verified and deemed complete. Prepayments will not be accepted.

5. Completed applications are to be mailed to the attention of **Secretary Treasurer – Committee of Adjustment**: 185 Robinson Street, Suite 200, Simcoe, ON N3Y 5L6 or email your application committee.of.adjustment@norfolkcounty.ca. Make sure submissions are clearly labelled including address, name, and application type. Failure to do so may impact the timing of your application.

The above listed items are required to ensure that your application is given full consideration. An incomplete or improperly prepared application will not be accepted and may result in delays during the processing of the application. This application must be typed or printed in ink and completed in full.

Please review all of the important information summarised below.

Before your Application is Submitted

A pre-consultation meeting is not usually required for Committee of Adjustment applications; however, discussion with Planning Department staff prior to the submission of an application is **strongly encouraged**. The purpose of communicating with a planner **before** you submit your application is: to review your proposal / application, to discuss potential issues; and to determine the required supporting information and materials to be submitted with your application before it can be considered complete by staff. You might find it helpful to retain the services of an independent professional (such as a registered professional planner) to help you with your application. Information about the Official Plan and Zoning By-law can be found on the County website: www.norfolkcounty.ca/planning

After Your Application is Submitted

Once your payment has been received and the application submitted, in order for your application to be deemed complete all of the components noted above are required.

Incomplete applications will be identified and returned to the applicant. The *Planning Act* permits up to 30 days to review and deem an application complete.

Once your application has been deemed complete by the Planning Department, it is then circulated to public agencies and County departments for review and comment. A sign is also provided that is required to be posted on the subject lands that summarizes the application and identifies the committee meeting date. The comments received from members of the community will be included in the planning report and will inform any recommendations in relation to the application.

If the subject lands are located in an area that is regulated by either the Long Point Region Conservation Authority or by the Grand River Conservation Authority an additional fee will be required if review by the applicable agency is deemed necessary. A separate cheque payable to the Long Point Region Conservation Authority or the Grand River Conservation Authority is required in accordance with their fee schedule at the same time your application is submitted.

Additional studies required as part of the complete application shall be at the sole expense of the applicant. In some instances peer reviews may be necessary to review particular studies and that the cost shall be at the expense of the applicant. The company to complete the peer review shall be selected by the County.

If the application is withdrawn prior to the circulation to commenting agencies, the entire original fee will be refunded. If withdrawn after the circulation to agencies, half the original fee will be refunded. No refund is available after the public meeting and/or approval of application.

Notification Sign Requirements

Planning Department staff may post a notification sign on your property in advance of the public meeting on your behalf. Please keep this sign posted until you have received a notice in the mail indicating that the Secretary Treasurer received no appeals. However, it is the applicant's responsibility to ensure that the sign is correctly posted within the statutory timeframes, according to the *Planning Act*. Failure to post a sign in advance of the public meeting in accordance with statutory requirements will impact the timing of your application at the Committee of Adjustment meeting. Applicants are responsible for removal of the sign following the appeal period. The signs are recyclable and can be placed in your blue box.

Contact Us

For additional information or assistance in completing this application, please contact a planner at 519-426-5870 ext. 1842 or Committee.of.Adjustment@NorfolkCounty.ca



For Office Use Only:

File Number	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Pre-consultation Meeting	_____	Well & Septic Info Provided	_____
Application Submitted	_____	Planner	_____
Complete Application	_____	Public Notice Sign	_____

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: TWN CON 5 PT LOT 9 PT LOT 10 Townsend Township

A. Applicant Information

Name of Owner Skye Bowen

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 118 Angling Rd
Town and Postal Code Waterford, Ontario N0E-1Y0
Phone Number _____
Cell Number 519-550-0709
Email skye_bowen@yahoo.com

Name of Applicant _____

Address 118 Angling Rd
Town and Postal Code Waterford, Ontario N0E-1Y0
Phone Number _____
Cell Number 519-550-0709
Email skye_bowen@yahoo.com

Name of Agent _____
Address _____
Town and Postal Code _____
Phone Number _____
Cell Number _____
Email _____

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:

FARM CREDIT CANADA 1800 Hamilton St. PO Box 4320
Regina, SK S4P-4L3

B. Location, Legal Description and Property Information

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

TWN CON 5 PT LOT 9 PT LOT 10

Townsend Township

Municipal Civic Address: 118 Angling Rd Waterford, Ontario

Present Official Plan Designation(s): Agricultural

Present Zoning: Not applicable (See attached Schedule A. Sections 1 and 2)

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

☐ Yes ☒ No If yes, please specify:

Not applicable (See attached Schedule A. Sections 1 and 2)

3. Present use of the subject lands:

Agricultural / Woodlands

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 ~5M x 10M – retained ~150M setback from Angling Rd 400M+ from proposed severance
Barn ~10M x 35M – retained ~150M setback from Angling Rd 400M+ from proposed severance., currently contains hay, and some materials left by former owner. used for storage. No livestock housed
Garage ~6M x 10M – retained ~150M setback from Angling Rd 400M+ from proposed severance

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.

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:

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:

223 Years

9. Existing use of abutting properties:

Woodland / Agricultural

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	311.403 M			250.443 M	
Lot depth	507 M			446.04	
Lot width	847 M			847 M	
Lot area	301976.43 M2			298266.13 M2	
Lot coverage					
Front yard					
Rear yard					
Height					
Left Interior side yard					
Right Interior side yard					
Exterior side yard (corner lot)					
Parking Spaces (number)					
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:

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

Frontage: 60.950 Meters

Depth: 60.950 Meters

Width: 60.950 Meters

Lot Area: 3710.3 Meters/sq

Present Use: Woodlands

Proposed Use: Woodlands

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: _____

Description of land intended to be retained in metric units:

Frontage: 250.443 M

Depth: 446.04 M

Width: 847 M

Lot Area: 297929.57 M2

Present Use: Woodlands/ Agricultural

Proposed Use: Woodlands/ Agricultural

Buildings on retained land: House, Barn, Garage

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

Frontage: _____

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:

Declaration by previous owners – Helena Maslach - when I purchased the property.

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:

The Planning Act not applicable, violation of Real Property Limitations Act (See attached Schedule A)

The Planning Act not applicable, due to pre-existing Crown Patent and Letters Patent Act (See attached Schedule D)

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:

Not applicable. (See attached Schedule B)

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:

No alterations are planned.

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

☒ 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 type="checkbox"/> Individual wells | <input type="checkbox"/> Other (describe below) |
-

Sewage Treatment

- | | |
|---|---|
| <input type="checkbox"/> Municipal sewers | <input type="checkbox"/> Communal system |
| <input 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 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:

Concession Rd 6, Townsend

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?

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.

Official Plan bylaw, and scope / jurisdiction of corporations (See attached Schedule C)

The Crown and its authority. The responsibility of public servants, and their oath. (See attached schedule D)

Municipal Plan bylaw exemption by virtue of Letters Patent, per Municipal Act (See attached Schedule E)

Definition of Letters Patent per Encyclopedia Britannica. (See attached schedule F)

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

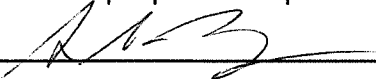
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that 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. With 24 hours notice by phone or text.

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

2024 - 11 - 15

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 _____ 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.

Owner

Date

Owner

Date

***Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.

K. Declaration

I, _____ of _____

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:

Owner/Applicant/Agent Signature

In _____

This _____ day of _____

A.D., 20____

A Commissioner, etc.

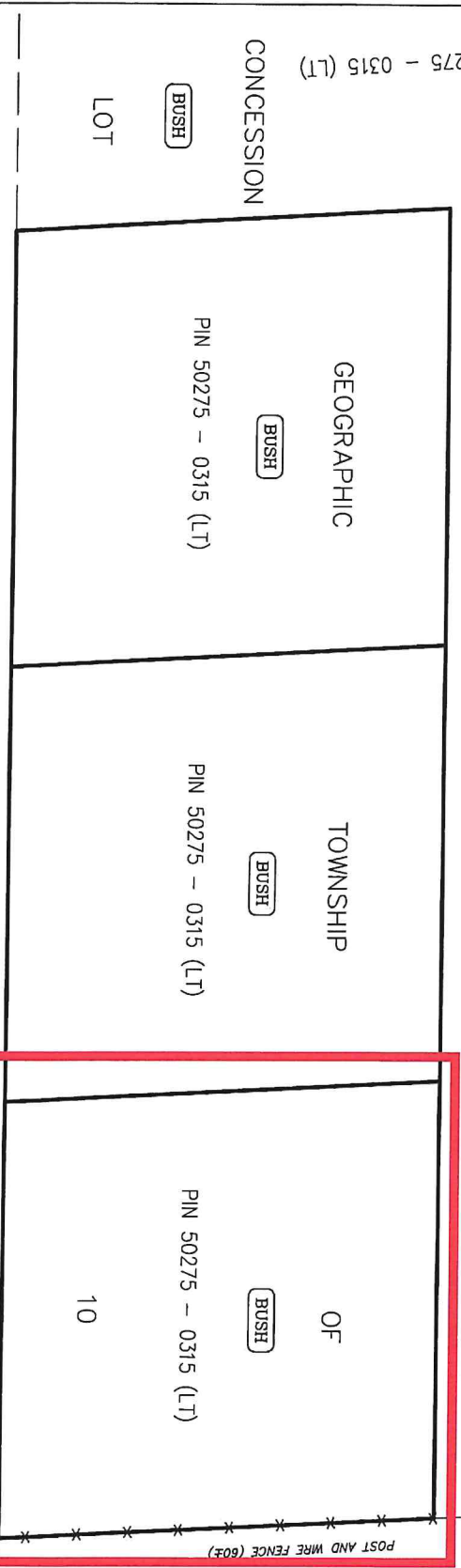
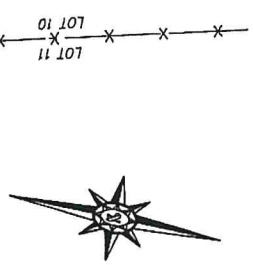
PROPOSED SEVERANCE SKETCH

FOR:
SKYE BOWEN
118 ANGLING ROAD

SCALE: 1 : 750
DECEMBER 5, 2023
METRES
7.5 0 30
PIN 50275 - 0315 (LT)

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR PURPOSES OTHER THAN THE PURPOSE INDICATED IN THE TITLE BLOCK.

- NOTES**
- AREA OF PART 1 = 3710.3 SQUARE METRES
 - AREA OF PART 2 = 3710.3 SQUARE METRES
 - AREA OF PART 3 = 3710.3 SQUARE METRES
 - DWELLING AREA, GARAGE & PORCH = 0 SQM (ALL PARTS)
 - DWELLING COVERAGE = 0.0% (ALL PARTS)

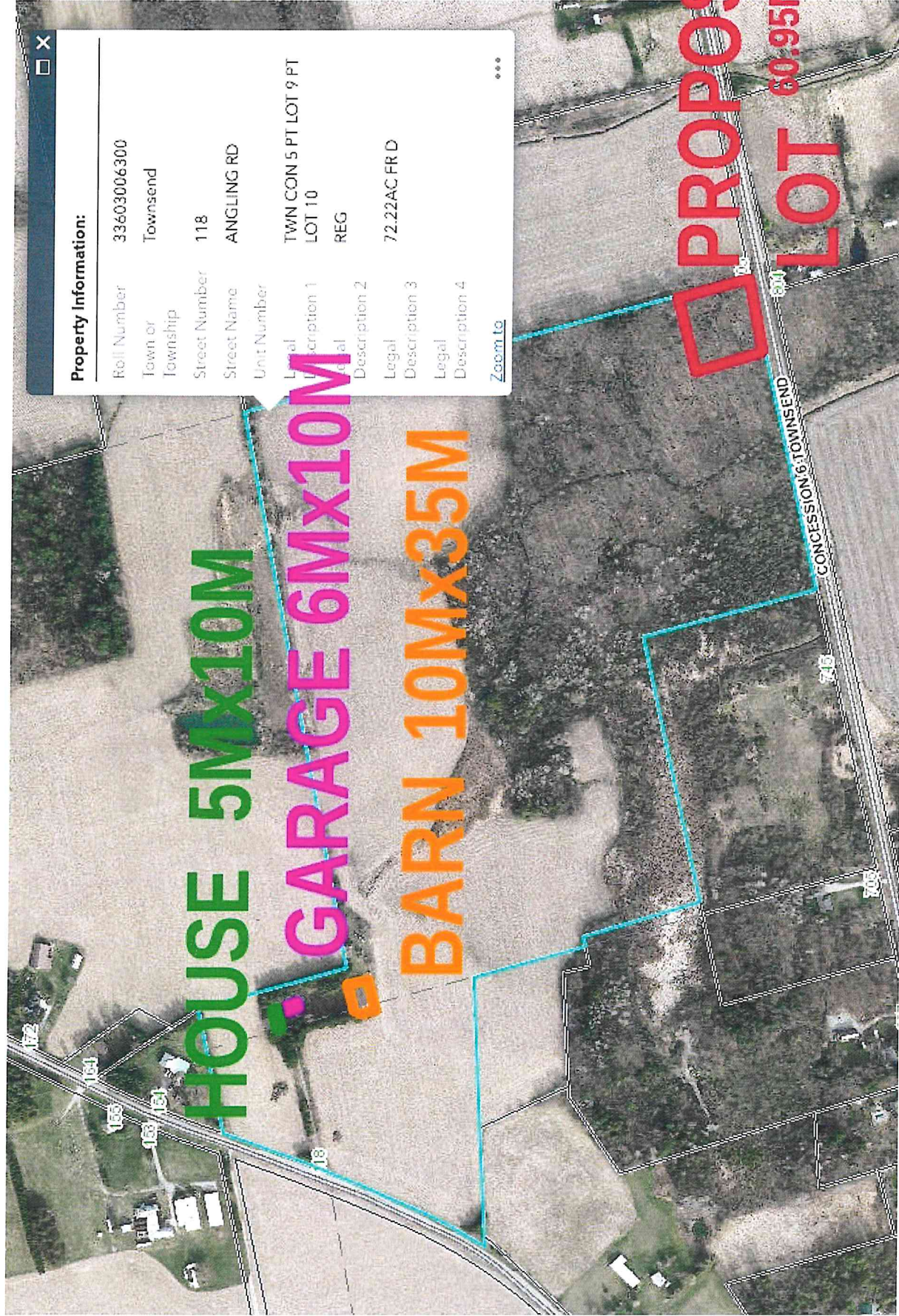


PROPERTY DESCRIPTION:
PART OF LOT 10, CONCESSION 5
GEOGRAPHIC TOWNSHIP OF TOWNSEND

GEOGRAPHIC TOWNSHIP OF TOWNSEND
CONCESSION 6
LOT 10

JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS
650 IRELAND ROAD
SIMCOE, ONTARIO, N3Y 4K2
PHONE: (519) 426-0842
E-mail: info@jewittanddixon.com

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Property Information:

Roll Number	33603006300
Town or Township	Townsend
Street Number	118
Street Name	ANGLING RD
Unit Number	
Legal Description 1	TWN CON 5 PT LOT 9 PT
Legal Description 2	LOT 10
Legal Description 3	REG
Legal Description 4	72.22ACFRD

Zoom to

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SCHEDULE "A"

The Planning Act is not applicable to severance of private property. The Planning Act only applies to property owned by the Corporation of the Province of Ontario, or property for which a valid agreement or contract exists.

The Real Property Limitations Act clearly lies out the definition of "land" and what it includes. Sec 3 of this Act states: "no entry, distress, or ACTION shall be made on behalf of Her Majesty (the province) for the recovery of any land until AFTER it has been accrued." The provincial designations are an "action" and "distress" preventing changes to be made by the owner, to their property

From the Real Property Limitations Act

"3 (1) No entry, distress, or action shall be made or brought on behalf of Her Majesty against any person for the recovery of or respecting any land or rent, or of land or for or concerning any revenues, rents, issues or profits, but within sixty years next after the right to make such entry or distress or to bring such action has first accrued to Her Majesty. R.S.O. 1990, c. L.15, s. 3 (1)."

Any attempt to enforce the Planning Act without agreement, or valid contract from the landowners, is constructive expropriation.

In addition the Criminal Code Act lays out the consequences for anyone who attempts to obstruct, interfere, or interrupt the lawful use, and enjoyment of property.

From the Criminal Code Act

"430 (1) Every one commits mischief who wilfully

- **(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or**
- **(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.**

Punishment

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and liable to imprisonment for life.

- **Marginal note: Punishment**

(3) Every one who commits mischief in relation to property that is a testamentary instrument or the value of which exceeds five thousand dollars

- **(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or**
- **(b) is guilty of an offence punishable on summary conviction.**
- **Marginal note: Idem**

(4) Every one who commits mischief in relation to property, other than property described in subsection (3),

- **(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or**
- **(b) is guilty of an offence punishable on summary conviction."**

SCHEDULE "B"

The Endangered Species Act is not applicable to severance of private property. The Endangered Species Act only applies to property owned by the Corporation of the Province of Ontario

The Real Property Limitations Act clearly lies out the definition of "land" and what it includes. Sec 3 of this Act states: "no entry, distress, or ACTION shall be made on behalf of Her Majesty (the province) for the recovery of any land until AFTER it has been accrued." The provincial designations are an "action" and "distress" preventing changes to be made by the owner, to their property, without paying thousands of dollars for fees, and studies.

From the Real Property Limitations Act

"3 (1) No entry, distress, or action shall be made or brought on behalf of Her Majesty against any person for the recovery of or respecting any land or rent, or of land or for or concerning any revenues, rents, issues or profits, but within sixty years next after the right to make such entry or distress or to bring such action has first accrued to Her Majesty. R.S.O. 1990, c. L.15, s. 3 (1)."

Any attempt to enforce the Endangered Species Act without agreement, or valid contract from the landowners, is constructive expropriation.

In addition the Criminal Code Act lays out the consequences for anyone who attempts to obstruct, interfere, or interrupt the lawful use, and enjoyment of property.

From the Criminal Code Act

"430 (1) Every one commits mischief who wilfully

- **(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or**
- **(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.**

Punishment

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and liable to imprisonment for life.

- **Marginal note: Punishment**

(3) Every one who commits mischief in relation to property that is a testamentary instrument or the value of which exceeds five thousand dollars

- **(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or**
- **(b) is guilty of an offence punishable on summary conviction.**
- **Marginal note: Idem**

(4) Every one who commits mischief in relation to property, other than property described in subsection (3),

- **(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or**
- **(b) is guilty of an offence punishable on summary conviction.**

SCHEDULE "C"

The Corporation of Norfolk County is a corporation incorporated under the Municipal Act.

The Official Plan is a corporate bylaw passed by the Corporation of Norfolk County. Corporate bylaws have no effect outside of areas in which the corporation has interest / jurisdiction. 118 Angling Rd is private property. Without a valid contract, the Corporation of Norfolk County has no authority, interest, or jurisdiction over 118 Angling Rd and the Official Plan is of no effect.

The Real Property Limitations Act clearly lays out the definition of "land" and what it includes. Sec 3 of this Act states: "no entry, distress, or ACTION shall be made on behalf of Her Majesty (the province) for the recovery of any land until AFTER it has been accrued." The provincial designations are an "action" and "distress" preventing changes to be made by the owner, to their property, without paying thousands of dollars for fees, and studies.

Any attempt to enforce the Official Plan without agreement from the landowners, is constructive expropriation. The Corporation of Norfolk County does not have that authority.

Councillors are required to read and understand the entire Municipal Act before approving any bylaw, including the Official Plan.

The Criminal Code Act

"430 (1) Every one commits mischief who wilfully

- **(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or**
- **(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.**

Punishment

(2) Every one who commits mischief that causes actual danger to life is guilty of an indictable offence and liable to imprisonment for life.

- **Marginal note: Punishment**

(3) Every one who commits mischief in relation to property that is a testamentary instrument or the value of which exceeds five thousand dollars

- **(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or**
- **(b) is guilty of an offence punishable on summary conviction.**
- **Marginal note: Idem**

(4) Every one who commits mischief in relation to property, other than property described in subsection (3),

- **(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or**
- **(b) is guilty of an offence punishable on summary conviction.**

SCHEDULE "C"

The Municipal Act states the following:

- "14 (1) A by-law is without effect to the extent of any conflict with,**
(a) a provincial or federal Act or a regulation made under such an Act; or
(b) an instrument of a legislative nature, including an order, licence or approval,
made or issued under a provincial or federal Act or regulation. 2001, c. 25, s. 14.

Same

- (2) Without restricting the generality of subsection (1), there is a conflict between a by-law of a municipality and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 32, Sched. A, s. 10."**

A Crown Patent is a form of Letters Patent, an Imperial Act, and by all reasoning is superior to a legislative instrument.

The Official Plan contravenes my Crown Patent, and according to the Municipal Act, it is of no effect.

SCHEDULE "E"

The Municipal Act states the following:

- "14 (1) A by-law is without effect to the extent of any conflict with,**
(a) a provincial or federal Act or a regulation made under such an Act; or
(b) an instrument of a legislative nature, including an order, licence or approval,
made or issued under a provincial or federal Act or regulation. 2001, c. 25, s. 14.

Same

- (2) Without restricting the generality of subsection (1), there is a conflict between a by-law of a municipality and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 32, Sched. A, s. 10."**

A Crown Patent is a form of Letters Patent, an Imperial Act, and by all reasoning is superior to a legislative instrument.

The Official Plan contravenes my Crown Patent, and according to the Municipal Act, it is without effect.

SCHEDULE F

“Letters Patent” as defined by Britannica – October 30, 2024

“**letters patent**, a form of grant by the British sovereign to the patentee of some dignity, office, privilege, franchise, or monopoly, including monopoly rights in an invention.

Letters patent derive their name from the fact that, as Sir William Blackstone said, “they are not sealed up, but exposed to view, with the great seal pendant at the bottom, and are usually addressed by the sovereign to all the subjects of the realm.” They derive their authority from being issued under the great seal, except in those cases (which include patents for inventions) where they are issued under some other seal. Historically, letters patent were recorded in the patent rolls in the Record Office or the Chancery Enrollment Office, so that all subjects of the realm could read and be bound by their contents. In this respect they differ from certain other letters of the sovereign directed to particular persons and for particular purposes, which, not being proper for public inspection, are closed up and sealed on the outside, and are thereupon called writs close (*litterae clausae*) and are recorded in the close rolls.

Letters patent are used to put into commission various powers inherent in the crown: legislative powers, as when the sovereign entrusts to others the duty of opening Parliament or assenting to bills; judicial powers, such as delivering prisoners from jail to trial; and executive powers, as when the duties of treasurer are assigned to the prime minister. Letters patent are also used to incorporate bodies by charter, to grant a congé d’élire (“permission to elect”) for the election of a bishop, and to confer certain offices and dignities.

No exemption from income tax can be effectively granted by letters patent to any city, borough, or town. Among grants of offices made by letters patent are: offices in the Heralds’ College; the dignities of a peer, baronet, and some knights bachelor; and the appointments of *custos rotulorum* (“keeper of the rolls”) of counties. The fees payable in respect of the grant of various forms of letters patent are fixed by orders of the lord chancellor. In the colonial era, each colonial governor was appointed and commissioned by letters patent under the great seal of the United Kingdom. After 1875 the practice was to create the office of governor or governor-general in each colony or dominion by letters patent and then to make each appointment to the office by commission under the Royal Sign manual and to give to the governor so appointed instructions in a uniform shape under the manual. The letters patent, commission, and instructions are commonly described as the governor’s commission. Colonial officers and judges holding offices by patent for life or for a specified term are removable by a special procedure—*amotion*—by the governor and council, subject to a right of appeal to the sovereign in council.

The construction of letters patent differs from that of other grants in certain particulars: (1) Letters patent, contrary to the ordinary rule, are construed in a sense favourable to the grantor (the crown) rather than to the grantee, although this rule is said not to apply so strictly where the grant is made for consideration or where it purports to be made *ex certa scientia et mero motu* (“out of sure knowledge and of its own volition”). (2) When it appears from the face of the grant that the sovereign has been mistaken or deceived, either in matter of fact or in matter of law, or if the grant is contrary to law or uncertain, the letters patent are void. They may be canceled by the procedure known as *scire facias*, an action brought against the patentee in the name of the crown with the fiat of the attorney general.”

P. Hunter M. H. 1844. PROVINCE OF UPPER-CANADA.

GEORGE the THIRD by the grace of GOD of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth.

To all to whom these Presents shall come,—GREETING:

Know Ye, that by our special grace, certain knowledge, and mere motion have Given and Granted, and by these presents DO GIVE and GRANT unto *Ed. Light of the Township of Townsend in the County of Norfolk in the District of Niagara of his Majesty's Province of Ontario* —

As of 1844
his heirs and assigns forever; ALL that parcel or tract of land situate *in the Township of Townsend in the County of Norfolk in the District of Niagara* in our said Province, containing by admeasurement *the same more or less* being

the number ten in the fifth concession of the said Township of

Registered 4 Dec 1845
together with all the Woods and Waters thereon lying, and being under the reservations, limitations and conditions herein after expressed; which said *has been* ~~been~~ *as follows: that is to say* ~~as follows: that is to say~~ *Commencing where a post has been planted in the front of said*

Concession marked thus: viz. — then north twenty eight degrees thirty minutes east twenty nine chains eighty links — then south fifteen degrees forty minutes east sixty seven chains fifty links — then south seventy eight degrees thirty minutes west twenty nine chains eighty links — then north seventy eight degrees forty minutes west sixty seven chains fifty links to the place of beginning —

TO HAVE AND TO HOLD the said parcel or tract of land hereby given and granted to *him the said Ed. Light* his heirs and assigns for ever; having nevertheless to us, our heirs and successors, all mines of Gold and Silver, that shall or may be hereafter found on any part of the said parcel or tract of land hereby given and granted as aforesaid; and reserving to us, our heirs and successors, all white Pine Trees that shall, or may now, or hereafter grow, or be growing on any part of the said parcel or tract of land hereby granted as aforesaid.

Provided always, that no part of the parcel or tract of land hereby given and granted to the said *Ed. Light* and his heirs, be within any reservation heretofore made, and marked for us, our heirs and successors by our Surveyor-General of Woods, or his lawful Deputy; in which case, this our Grant for such part of the land hereby given and granted to the said *Ed. Light* and his heirs as for ever as aforesaid, and which shall upon a survey thereof being made, be found within any such reservation, shall be null and void, and of none effect, any thing herein contained to the contrary notwithstanding.

Provided also, that the said *Ed. Light* his heirs or assigns shall and do within three years next and build, or cause to be erected and built, in and upon some part of the said parcel or tract of land a good and sufficient dwelling-house (*the said Ed. Light* his heirs or assigns not having built, or not being in or their own right lawfully possessed of an house in our said province) and be therein, or cause some person to be therein resident for and during the space of one year, thence next ensuing the building of the same.

Provided also, that if at any time or times hereafter, the land so hereby given and granted to the said *Ed. Light* and his heirs, shall come into the possession and tenure of any person or persons whomsoever, either by virtue of any deed

of sale, conveyance, encroachment or exchange, or by gift, inheritance, descent, devise or marriage, such person or persons shall within twelve months next after his, her, or their entry in to, and possession of the same, take the oaths prescribed by law, before some one of the Magistrates of our said Province, and a certificate of such oaths having been so taken shall cause to be recorded in the Secretary's Office of the said province.

In default of all, or any of which conditions, limitations, and restrictions, this said Grant, and every thing herein contained, shall be, and we hereby declare the same to be null and void, to all intents and purposes whatsoever, and the land hereby granted, and every part and parcel thereof, shall revert to, and become vested in us, our heirs and successors in like manner as if the same had never been granted; any thing herein contained to the contrary in any wise notwithstanding.

AND WHEREAS, by an act of the Parliament of Great-Britain, passed in the thirty-first year of his Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the Fourteenth year of his Majesty's reign, entitled, "An act for making more effectual provision for the Government of the Province of Quebec, in North-America," and to make further provision for the Government of the said Province," it is declared, "That no grant of lands hereafter made shall be valid or effectual unless the same shall contain a specification of the lands to be allotted and appropriated solely to the maintenance of a protestant clergy within the said Province;" in respect of the lands to be

thereby granted; Now know ye, that we have caused an allotment, or appropriation of *Twenty eight acres and four sixteenths* to be made in lot number three in the second concession of the said Township

GIVEN under the Great Seal of our Province of Upper Canada: Witness our truly and well-beloved *Arthur Hamilton Esquire Secy*
Robert Hamilton Esquire Secy in the year of our Lord one thousand *Eight hundred* and *Twelve* this *fourth* day of *September*

By Command of his Excellency — in Council,

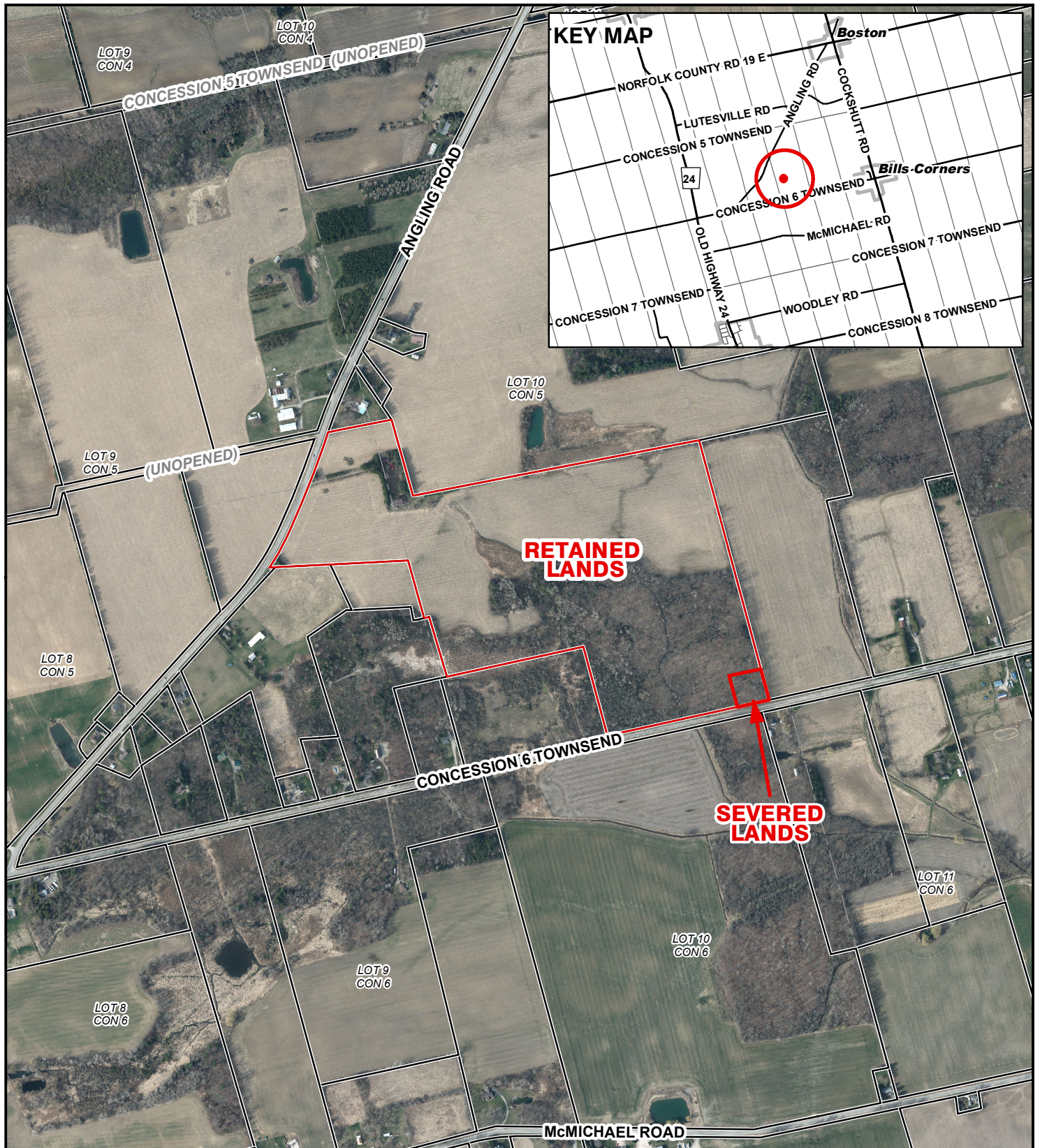
Wm. Patterson

Entered with the Assessor
17 September 1812
Arthur Hamilton Secy

Examined
Arthur Hamilton
Secy

CONTEXT MAP

Geographic Township of TOWNSEND

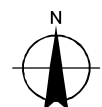


Legend

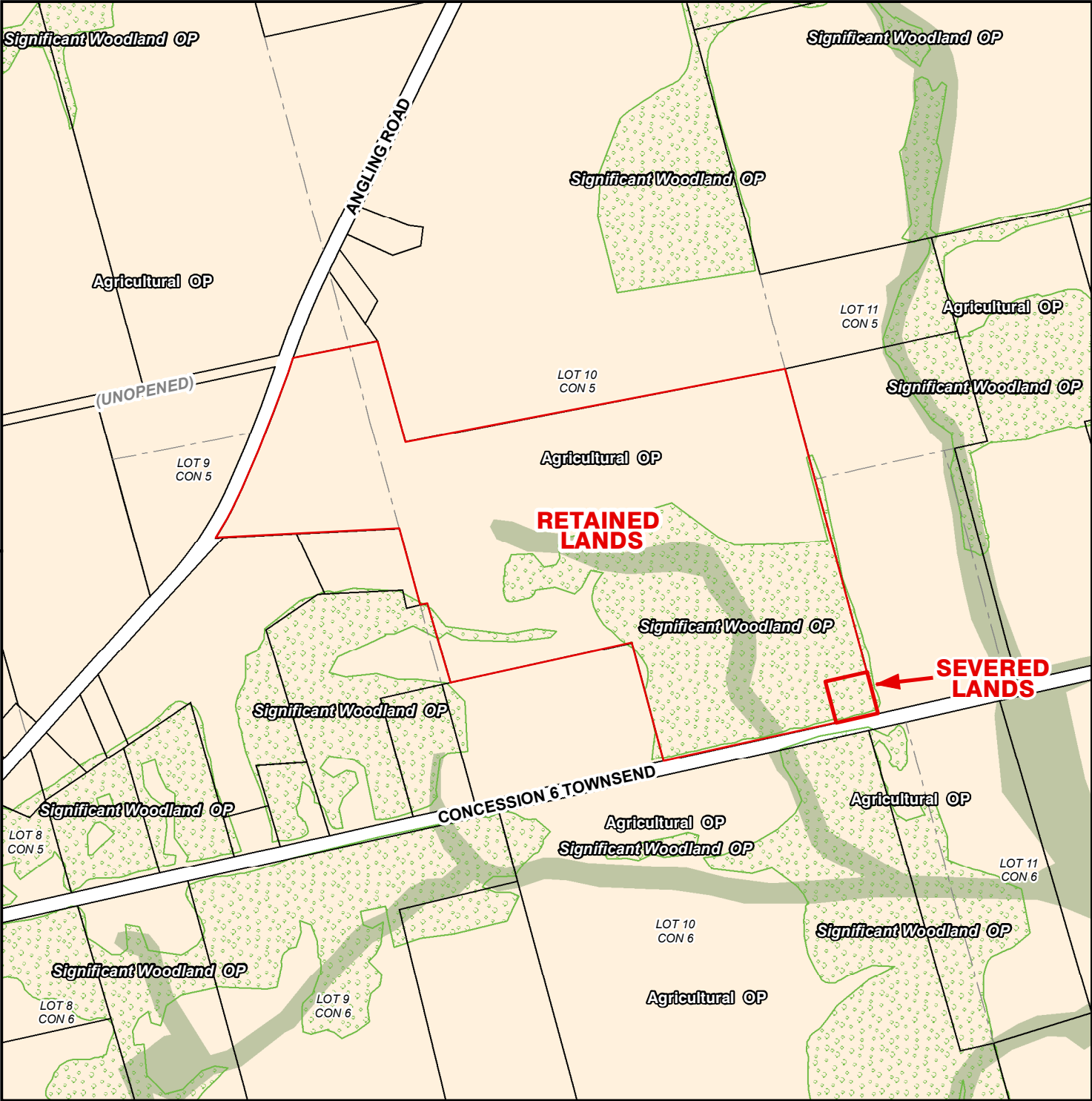
- Subject Lands
- Lands Owned

2020 Air Photo

12/24/2024



80 40 0 80 160 240 320 Meters



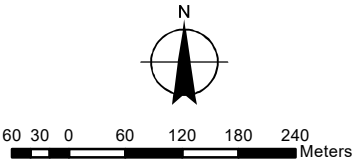
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

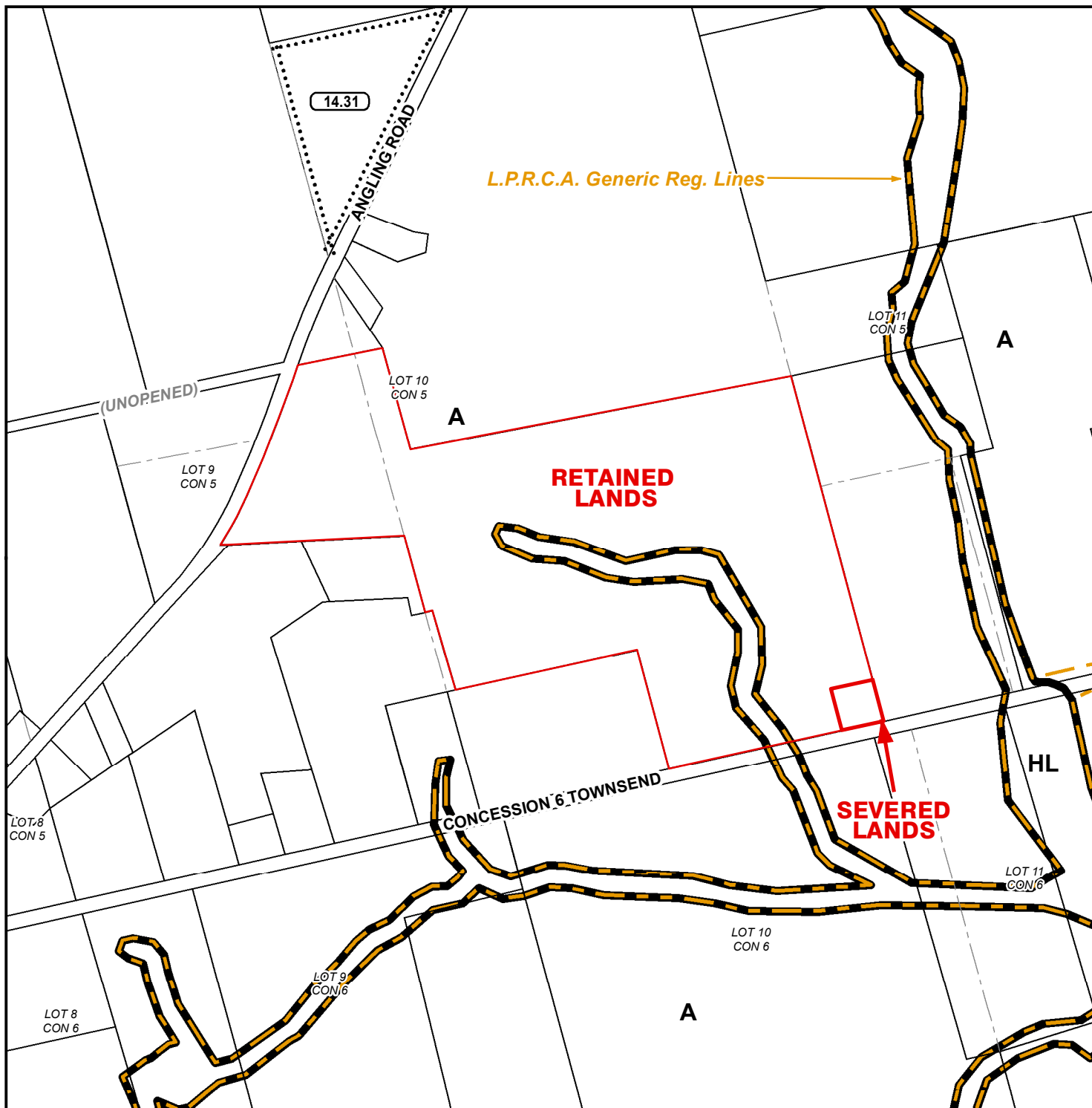
- Agricultural
- Hazard Lands
- Significant Woodland

12/24/2024






MAP C
ZONING BY-LAW MAP
Geographic Township of TOWNSEND

BNPL2024057



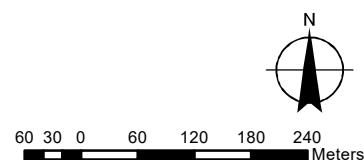
LEGEND

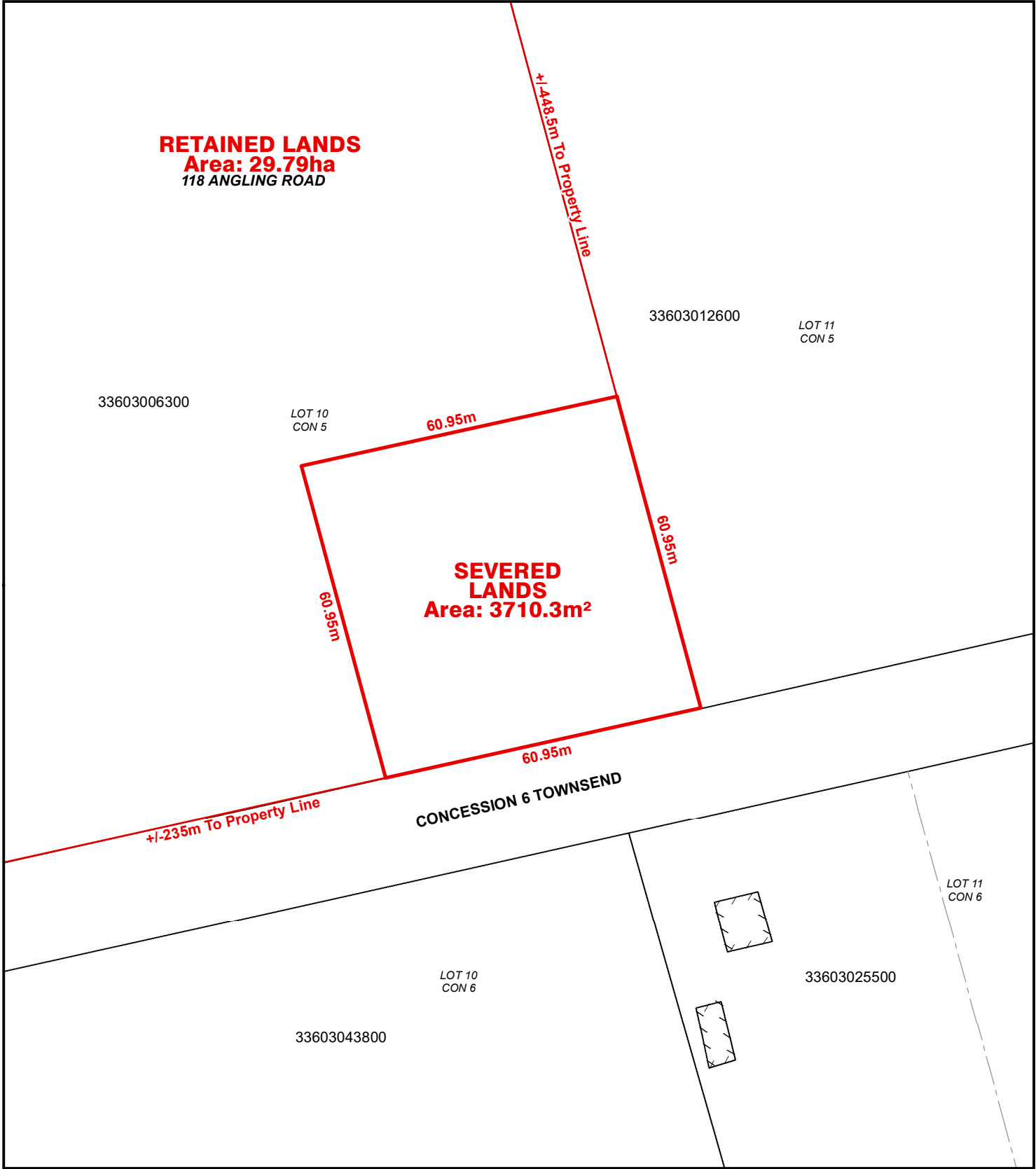
-  Subject Lands
-  Lands Owned
-  LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014


12/24/2024

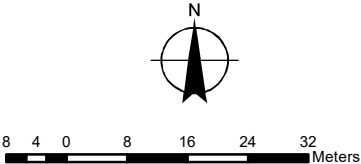
- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone





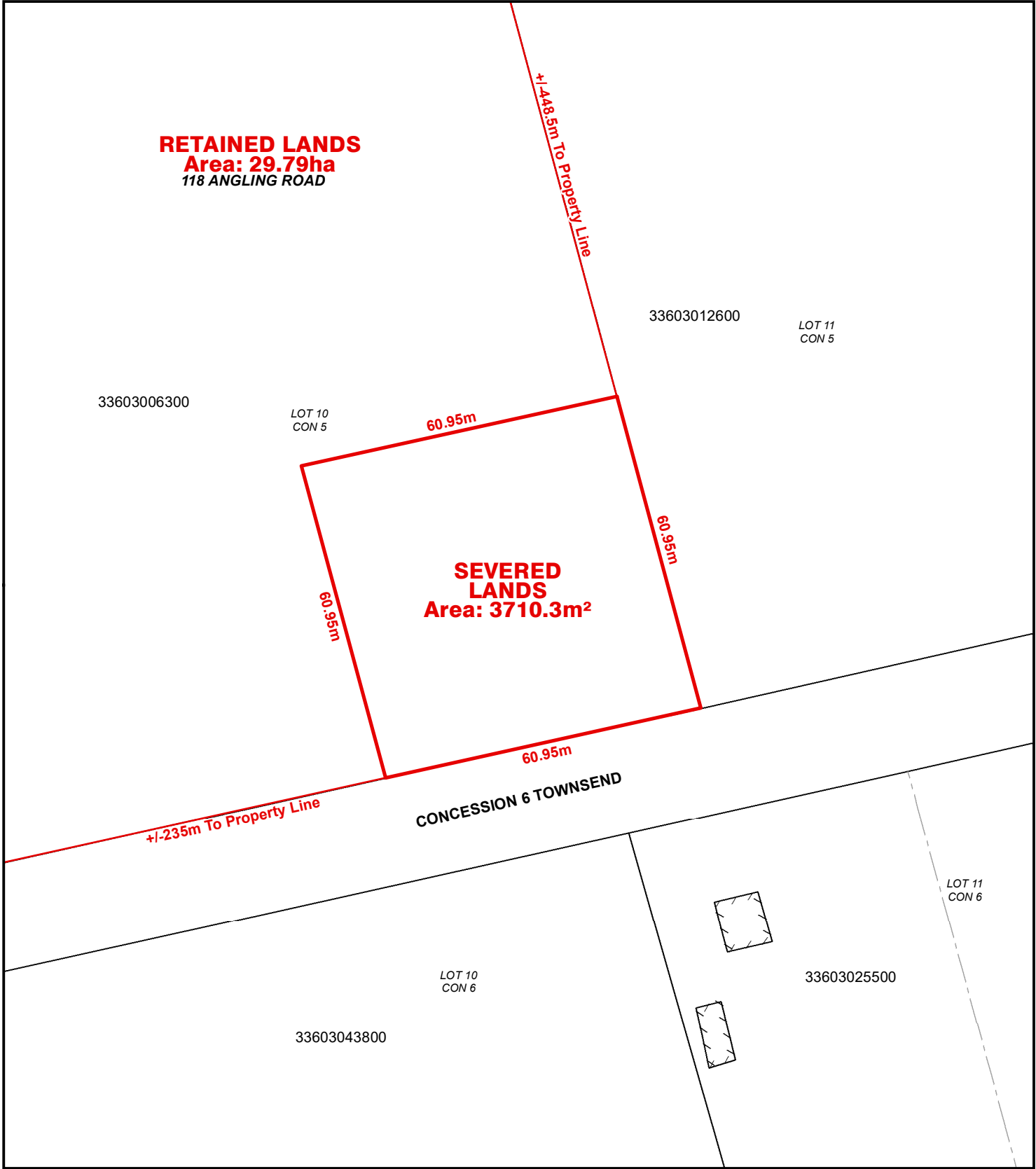
Legend

-  Subject Lands
-  Lands Owned




CONCEPTUAL PLAN

Geographic Township of TOWNSEND



Legend

-  Subject Lands
-  Lands Owned

12/24/2024

