



## **Staff Report CL2020-025**

**Title of Report:** CL2020-025-Approval to Waive Consent Application Fees  
**Department:** Clerks  
**Branch:** Planning Services  
**Council Date:** August 26, 2020

### **Recommendation:**

**Be it resolved that** the Committee of Adjustment receive Staff Report CL2020-025 as information; and

**That** the Committee waive the fees associated for the new application being submitted by H-Bye Construction Ltd.

### **Background:**

Plan 16R-8783 attached to this report as Attachment #1 is a registered survey in conjunction with a consent application that was approved by the Southgate Committee of Adjustment back in 2004, owned by H-Bye Construction Ltd. At that time, the purpose of the consent application was to merge Part 3 on the plan with Part 1. The owner has now reached out to staff to inquire about the application, as they have found that the consent was not properly merged and registered at the time.

### **Staff Comments:**

Staff have looked into the original consent application and can confirm that all conditions of the consent were met at the time and full payment for the application was received, but that our files did not show any evidence of a deed being stamped, therefore resulting in the likelihood of the consent not being properly registered. Staff then reached out to our Lawyers, who have confirmed that the parts were never legally merged. H-Bye Construction Ltd. owns both properties known as 411272 and 411280 Southgate Sideroad 41 shown on the below map:



In addition, the owner has expressed their interest in adding an additional 120 feet to the parcel. Staff confirmed with our lawyers, that the best course of action is for the owner to submit a new application with the revised plan and staff will ensure that the lots are properly merged and registered, following approval.

To date, the new application has been submitted to the Planner and staff are asking for the Committee to waive the fees associated with the new consent application.

**Financial Implications:**

Current fees associated with submitting a consent application total \$2,109.00 which includes the application fee, conservation authority fee and the completion and deed stamping fees. The owner would be responsible for completing a survey of the lands.

**Communications & Community Action Plan Impact:**

This report has been written and presented to Council to communicate accurate information to the public.

**Concluding Comments:**

That the Committee of Adjustment receive Staff Report CL2020-025 as information and that the Committee waive the fees associated for the new application being submitted by H-Bye Construction Ltd.

Respectfully Submitted,

**Dept. Head:** *Original Signed By*  
Lindsey Green, Clerk

**CAO Approval:** *Original Signed By*  
Dave Milliner, CAO

**Attachments #1** – Plan 16R-8783