

RECEIVED SEP 11 2020

# DEVERELL & LEMAICH

## LAWYERS

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September 8, 2020

The Corporation of the Township of Southgate  
185667 Grey County Road 9  
Dundalk, ON N0C 1B0

Attention: Committee of Adjustment  
(Clinton Stredwick, Municipal Planner)

*via Purolator Courier*

Dear Clint:

Re: Rawn Family Farm Request for Validation Certificate Under  
Section 57 of the Planning Act

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Further to our email correspondence of August 19 and May 28 this will confirm that we act for Reta Rawn and her four sons Beverley Lyle, Barry Robert, Harvey Scott and Keith Everett Rawn who are the registered owners of the easterly 70 acres more or less of vacant land in Lot 55, Concession 3 in the former Township of Egremont. We are requesting on their behalf that the Southgate Committee of Adjustment issue a Validation Certificate under Section 57 of the Planning Act to correct a technical contravention of the severance provisions of Section 50 of the Act by a deed in 1984 from Everett Rawn to his son Lyle Rawn and his wife Reta Rawn. This property has been in the Rawn family name since 1868 when the Crown patented Lot 55 to George Rawn and it went to Everett Rawn in 1922.

The Committee of Adjustment has power to do this under Section 57(1) and Sections 53 and 54(2.1) because council delegated its authority to give severance consents and also Validation Certificates to the Committee of Adjustment. The reason that the 1984 deed from Everett Rawn is only a technical breach of the severance laws is because it excepted and did not include a 17 foot physical widening of Grey County Road 106 even though the County did not have an actual deed for the widening. The exception in the 1984 deed was there because in 1978 Grey County had put a survey on the title to Lot 55 showing the 17 foot strip on it as Part 12 and the survey contains wording that the widening was partially fenced in 1971 and that the fencing was completed before the survey was done and put on title in 1978.

Then in 2003 the county downloaded by By-law 4006-03 County Road 106 at Lot 55 to the Township of Southgate. Southgate Public Works Manager Jim Ellis confirmed to me on June 3, 2020 and June 5, 2020 that the 17 foot strip shown on the 1978 survey is physically part of Southgate Sideroad 41 and the Township maintains it all year round for all road maintenance operations such as grass cutting, weed spraying, gravel shouldering and tree maintenance if required and further that there are approximately 54 feet from the centre of Road 41 to the existing fence line in Lot 55.

We enclose a copy of the part of the survey plan 17R984 showing that it was put on title on July 18, 1978 as required by J.D. Hubbell (P.Eng.) Grey County Engineer on June 7, 1978, and a copy of the part of the survey showing the Part 12 17 feet out of Lot 55 with the wording "Post and Wire Fence on Line Existing June 1971" and the "New Post and Wire Fence". Also enclosed is a copy of the Service Ontario Property Index Map dated October 1, 2019 containing a sketch of the 1984 deed property with the number 0143 and also the road widening strip with the number 0152.

Regulation 144/95 under the Planning Act sets out the criteria for a Validation Certificate which are similar to a severance application to create a new lot although in this case the 70 acres more or less have been the same as in 1978 when Grey County's survey went on title.

Please let us know whether you have questions with respect to this request.

Yours very truly,

**DEVERELL & LEMAICH**

o/b G.W. Deverell, Q.C., Professional Corporation

Guildford W. Deverell, BA, LLB, QC

GWD/dgd

Encl.

E. G. R.

III

LOT

INSTRUMENT

55

11820

LOT

INSTRUMENT

PART 13

PART 14

EXISTING LOT LINE  
Irregular Post and Wire Fence

North East Angle  
Lot 55, Conc. III E.G.R.

N80°23'20"E  
17.00'

N9°25'20"W

N9°25'20"W

N9°25'20"W  
N9°25'20"W

N9°17'40"W

821.08'

821.24'

821.54'  
880.65'

882.19'

PART 12

EXISTING LOT LINE  
Irregular Post and Wire Fence

North East Angle  
Lot 56 Conc. III E.G.R.

N80°54'40"E  
17.00'

N9°25'20"W

N9°25'20"W

N9°25'20"W  
N9°25'20"W

N9°25'20"W

N82°20'40"E  
17.00'

N9°25'20"W

New Post and Wire Fence

CONC.	OWNER	INSTRUMENT	AREA
VI	T.D. SMITH LTD.	85428	0.505 ac.
VII	WALTER & VIOLA NELSON (J.T.)	26361	0.783 ac.
VIII	RUSSELL ELLIS	15160	0.169 ac.
IX	WALTER BYE	37667	0.332 ac.
X	CLARENCE McROBB	14740	0.556 ac.
	MARTIN WALTER BYE	44559	0.338 ac. 0.337 ac.
	GEORGE DAVIS HUNT	62280	0.321 ac.
	HARRY BYE	51337	1.262 ac.
	HENRY WALTER HOFFMAN	38469	0.342 ac.
	RUTH NAOMI RAWN	66191	0.327 ac.
	EVERETT ELWIN RAWN	11820	0.320 ac.
	G. MURRAY AITKEN	25533	0.351 ac.
	HARRY BERNARD WEBERS	59887	0.700 ac.
	CLIFFORD & BEATRICE DONNELLY (J.T.)	59400	0.115 ac.
	MURRAY JAMES CALDER	73699	0.319 ac.
	HARRY BERNARD WEBERS	59887	0.630 ac.
	EARL D. HUNT	14353	0.333 ac.
	GEORGE ALBERT LONG	14520	0.408 ac.
	AGRICULTURAL REHABILITATION AND DEVELOPMENT DIRECTORATE OF ONTARIO	78533	0.366 ac.
	JOHAN & MARYBELLE NANNINGA (J.T.)	65016	0.891 ac.

RECEIVED AND DEPOSITED AS  
**PLAN 17R- 984**

18 July 1978  
DATE

B. Whitmore  
BERNICE WHITMORE  
ACTING LAND REGISTRAR  
FOR THE REGISTRY DIVISION OF  
GREY SOUTH (17)

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

June 7, 1978  
DATE

H. J. Parker  
J.D. HUBBELL (P.ENG.)  
GREY COUNTY ENGINEER

**PLAN OF SURVEY OF  
OF LOTS 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, AND 63  
CONCESSION III EAST OF THE GARAFRAXA ROAD  
PART OF LOT "A", CONCESSIONS VII, VIII, IX, AND X  
TOWNSHIP OF EGREMONT  
COUNTY OF GREY**

SCALE: 1 INCH = 100 FEET

ZUBEK AND EMO LTD.

1978

**CAUTION** THIS PLAN IS NOT A PLAN OF SUBDIVISION  
WITHIN THE MEANING OF SECTIONS 29, 32 OR 33 OF THE PLANNING ACT.

ES  
RINGS HEREON ARE ASTRONOMIC AND ARE  
ARRIED TO THE BEARING OF THE CENTRE  
OF THE ROAD ALLOWANCE BETWEEN  
CONCESSIONS III E.G.R. AND VIII ACROSS LOT  
CONCESSION III ASSUMED TO BE N9°15'20"W,  
ACCORDANCE WITH 17R-654.  
HANGING LINES HAVE BEEN VERIFIED.  
DENOTES 1"x1"x48" IRON SURVEY BAR  
DENOTES 5/8"x5/8"x24" IRON SURVEY BAR  
DENOTES 5/8" DIAM. x24" IRON SURVEY BAR  
DENOTES EAST OF THE GARAFRAXA ROAD

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND  
IN ACCORDANCE WITH THE SURVEYS ACT, THE  
REGISTRY ACT AND THE REGULATIONS MADE  
THEREUNDER.  
2. THE SURVEY WAS COMPLETED JULY 4, 1978

JULY 4, 1978

Ronald J. EMO O.L.S.  
RONALD J. EMO  
ONTARIO LAND SURVEYOR  
COLLINGWOOD

17R-984



