



# Corporation of the Township of Alberton

## Committee of Adjustment

### Consent Notice of Decision

The Township of Alberton Committee of Adjustment has made a decision regarding an application for consent. The consent has been considered under the requirements of the Planning Act RSO 1990 c.P.13 and applicable regulations. The purpose of this notice is to provide you with a copy of the decision.

#### The Decision:

Date of Decision: Tuesday, April 22, 2025

Last Date of Appeal: Thursday, May 15, 2025

#### The Proposal:

File # C2-2025

The subject application concerns lands legally described as Parcel 16038 SEC Rainy River, E ½ of SE ¼ Section 23, Crozier, except SLT68156, SLT68443; Alberton as in PIN 56021-0073.

The purpose of the application is to sever one commercial lot.

Proposed Severed Lot: approximately 1.28 acres in size with an irregular 43 metre frontage and 120.7 metres in depth.

Retained Lot: approximately 2.317 acres in size with an irregular 77.7 metre frontage and 120.7 metres in depth.

#### Your Rights to Appeal:

The last date for filing a notice of appeal of a decision of the Committee of Adjustment shall be no later than 20 days after the giving of notice of decision.

The applicant, the Minister or a specified person or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee. The notice of appeal must be filed with the Township Secretary-Treasurer via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario account) at <https://olt.gov.on.ca/e-file-service> and by selecting Alberton as the Approval Authority, or by mail or personal delivery to: The Secretary-Treasurer for the Committee of Adjustment, Township of Alberton, RR#1-B2, Fort Frances, Ontario P9A 3M2.

You will be entitled to receive notice of any changes to the condition of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

#### For More Information:

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>.

There are several ways to find more information about this application.

Visit our website: [www.alberton.ca](http://www.alberton.ca) Contact the Committee Secretary-Treasurer: Lisa Sheppard  
807-274-6053

Visit the Township Office : RR#1 – B2, 3 on Highway 611 South,  
Fort Frances, Ontario P9A 3M2  
Monday to Friday 9 :00 am to 5:00 pm

If you have specific accessibility needs and would like another format or other accommodations, the Township of Alberton will work to meet your needs. Please call the Township Office at 807-274-6053.

Notice Dated: APR 25 2025 



**DECISION OF APPROVAL AUTHORITY  
WITH REASONS  
RE: APPLICATION FOR CONSENT**

File No.

C2025 -02

**NOTICE: The last day for appealing this decision is: May 15, 2025**

<b>Name of Approval Authority:</b>	COMMITTEE OF ADJUSTMENT FOR THE CORPORATION OF THE TOWNSHIP OF ALBERTON
<b>Re: An Application by:</b>	<b>Applicant:</b> Melvin DeGagne Agent/Owner for 733525 Ontario Inc, 406 Highway 11/17, P.O. Box 652, Fort Frances, Ontario P9A 3M9
<b>Location of Property (brief legal description):</b>	Parcel 16038 SEC Rainy River, E 1/2 of SE 1/4 Section 23 Crozier, except SLT68156, SLT68443; Alberton Roll #59-11-000-000-27600-0000
<b>Purpose of application (set out brief explanation):</b>	The purpose of this application is to create one new commercial lot and one retained commercial lot within the Business Park Zone, with the retained lot having an approximate frontage of 77.7 metres, and consisting of approximately 2.317 acres and the proposed new lot having an approximate frontage of 43 metres, and consisting of approximately 1.28 acres.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 50(4) of the *Planning Act*, 1983 and having considered whether a plan of subdivision of the land in accordance with Section 49 of the said *Act* is necessary for the proper and orderly development of the municipality, and confirm that regard has been had for all written and oral submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 5.0 of Report No 2025-2,


**CONCUR in this decision made April 22, 2025, for the reasons set out on page 2 attached**


**DECISION:** The above application is:

Approved  - for the reasons and subject to the conditions set out on PAGE 2 of this decision

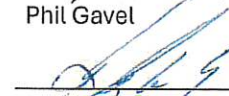
Refused  - for the reasons set out on PAGE 2 of this decision.

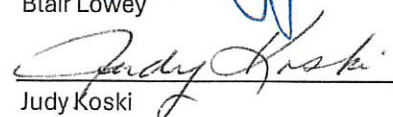
**CONCURRING MEMBERS:**

  
\_\_\_\_\_  
Mike Ford (Chair)

  
\_\_\_\_\_  
Phil Gavel

  
\_\_\_\_\_  
Blair Lowey

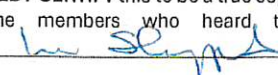
  
\_\_\_\_\_  
George Glowasky

  
\_\_\_\_\_  
Judy Koski

**CERTIFICATION**

*Planning Act, R.S.O. 1990*

I HEREBY CERTIFY this to be a true copy of the decision of the Committee of Adjustment and that this decision was concurred in by a majority of the members who heard this Application. **THE FINAL DATE FOR FILING AN APPEAL IS:** May 15, 2025.

  
\_\_\_\_\_  
Lisa Sheppard, Secretary-Treasurer for Committee of Adjustment

## SCHEDULE "A"

### REASONS AND CONDITIONS OF APPROVAL

**File Number:** C2025-02  
**Applicant:** Mel DeGagne Agent/Owner for 733525 Ontario Inc.  
**Property:** Parcel 16038 SEC Rainy River, E ½ of SE ¼ Section 23 Crozier, except SLT68156, SLT68443; Alberton as currently contained in Roll #59-11-000-000-27600-0000, PIN 56021-10073  
**Date of Decision:** April 22, 2025

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#### **REASONS FOR DECISION:**

The reasons for this decision are as follows:

1. The application supports and maintains the intent of development policy of the *Official Plan and Zoning By-Law*;
2. Appropriate conditions will be imposed to address deficiencies or noncompliant issues of the severed and retained lots with applicable zoning regulations;
3. The application supports the goals and objectives of the Township's *Strategic Plan*;
4. No inconsistencies have been identified with the *Provincial Policy Statement*;
5. No objections to the application have been raised by the public, either prior to or at the public meeting;
6. No objections to the application have been raised by any entity to whom the application was circulated;

#### **CONDITIONS OF APPROVAL:**

Approval of Consent (File C2025-02) is provisional upon the following conditions being fulfilled within two years from the date of the Notice of Decision, as required by Section 53(41) of the Planning Act. These conditions must be fulfilled prior to a Certificate of Official endorsement of consent on any instrument for the lands to be severed.

Provisional approval relates to the creation of one severed lot having frontage of approximately 43 metres and an area of approximately 1.28 acres and one retained lot having frontage of approximately 77.7 metres and an area of approximately 2.317 acres in size.

1. That the applicant meets all the requirements, financial or otherwise of the Municipality, with any monies owing to the Township of Alberton for municipal taxes or otherwise are paid in full to date of consent endorsement.
2. It is acknowledged that the applicant has already provided the Township of Alberton with a Consent Report from the Northwestern Health Unit to confirm adequate space for a septic system to be installed/replaced when needed on the severed lot.
3. That the applicant meets all requirements of the Ministry of Transportation (MTO) as set out in MTO comment letter dated April 17, 2025, attached herewith; and itemized below:
  - i. The retained portion of PIN 56021-10073 will require an easement for right of passage in perpetuity over PIN 56021-10728 to the unopened road allowance known as Watson Road. Where the easement intersects the road allowance, the easement must be set back at least 45 metres from the property line abutting the highway right of way and must be 5 metres wide.
  - ii. A draft easement and draft plan must be submitted to MTO for review prior to registering them on title.
  - iii. All accesses are to be obtained off Watson Road for the newly created three parcels and an easement is registered on title for PIN 56021-10073 to directly access Watson Road.



No direct access to Highway 11 will be granted by MTO in the future for any of the properties.

- iv. One commercial entrance permit application will be required for all parties. One commercial entrance permit application is to be submitted at [www.hcms.mto.gov.on.ca](http://www.hcms.mto.gov.on.ca) for all property owners that use the unopened road allowance known as Watson Road. The property owner submitting the application will also need to submit written authorization from each property owner to make application on their behalf. Written permission from the Township of Alberton is to be obtained for each property owner accessing Watson Road and must be submitted within the application along with proof of property easement.
4. The Applicant or their Solicitor provides to the Secretary for the Committee of Adjustment for the Township of Alberton: Two (2) white prints of a registered deposited reference plan of survey and one (1) electronic copy, showing the subject land substantially conforms with the application submitted, and which shows the dimensions and areas of each part shown on the plan; with a draft of the plan to be provided to the Township of Alberton for review prior to it being deposited, or a Letter of Exemption provided by the Land Registrar.
5. The Secretary for the Committee of Adjustment must be provided a letter from the applicant's solicitor confirming the legal description of the subject lands, sufficient for registration purposes. Upon being satisfied, the Secretary shall provide a Certificate of Official to the applicant in accordance with Section 53(42) of the Planning Act, R.S.O. 1990, as amended.
  - (i) where the severed lot approved in respect of this Application for Consent to Sever is identified as being comprised of more than one part on a reference plan or plans, all such parts which describe the entirety of the lot approved, and exceptions thereto, and shall be registered such that same are contained in one PIN number.
  - (ii) where any single part described on a reference plan does not constitute the entirety of a lot approved through the consent process, including a retained lot, registration of such part or parts into separate PIN numbers is prohibited, and each approved lot, whether severed or retained, shall be contained in only one PIN number.
6. The Secretary for the Committee of Adjustment must be provided a copy of the draft easement and draft plan prior to registering them on title.
7. The Applicant or their Solicitor, provide the Township of Alberton with a copy of updated parcel registers for the severed lot and for the retained lot, after all transfer documentation related to this application is registered and recorded on such parcel registers.

**The final date for satisfying the above conditions is April 22, 2027.**

**The following is included for your reference and information:**

- Owners can apply for Entrance Permits for Provincial roadways to the Ministry of Transportation, Highway Corridor Management at: <https://www.hcms.mto.gov.on.ca>
- Please refer to Ontario Regulation 903 of the Wells Regulation made under the Ontario Water Resources Act, in the event that there are any abandoned wells on the property and the technical bulletins for person(s) who own a water supply well.