



**TOWNSHIP OF MELANCTHON - ELECTRONIC MEETING  
COMMITTEE OF ADJUSTMENT - THURSDAY, NOVEMBER 19, 2020 - 6:00 P.M.**

*(For information on how to join the meeting, please go to the Council Meetings page on the Township Website to find the link, meeting code and password)*

**1. APPROVAL OF MINUTES - October 15, 2020**

***Motion - that the minutes of the Committee of Adjustment Meeting held on October 15, 2020 be approved as circulated.***

**2. BUSINESS ARISING FROM MINUTES**

**3. APPLICATION FOR CONSENT**

**4. APPLICATION FOR MINOR VARIANCE**

**5. APPLICATION FOR VALIDATION OF TITLE**

1. Allen Clark - Part of East Part of Lot 2, Concession 1 O.S., Part 1, RP 7R-6636

**6. APPLICATIONS ON FILE**

1. B1/19 & B2/19 - Angelo Carnevale - Applications for Consent - Part of the East Part Lot 13, Concession 2 O.S. & East Part Lot 13, Concession 2 O.S.
2. B5/20 - Allen Clark - Application for Consent - Part of East Part of Lot 2, Concession 1 O.S., Part 1, RP 7R-6636

**7. DELEGATES**

**8. CORRESPONDENCE**

**9. ADJOURNMENT**

***Motion - That we adjourn Committee of Adjustment at \_\_\_\_\_ p.m. to meet again on Thursday, December 10, 2020 at 11:00 a.m. or at the call of the Chair.***

Ph: (519) 925-5525  
Fax: (519) 925-1110

**TOWNSHIP OF MELANCTHON  
Committee of Adjustment**

157101 Highway 10  
Melancthon, Ontario  
L9V 2E6

**NOTICE OF PUBLIC MEETING  
Application for Validation of Title**

File No. **B5/20**

Date of Meeting: **November 19, 2020** Time: **6:00 p.m.**

Name of Owner/Applicant: **Allen Clark**

Location of Public Meeting: **157101 Highway 10, Melancthon Office (Virtual Meeting - see note below)**

**NOTE:** If the Provincial State of Emergency is not lifted prior to the date of the public meeting, this will be a virtual meeting. If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

**LANDS SUBJECT TO REQUEST FOR VALIDATION OF TILE :**

**Part of East Part of Lot 2, Concession 1 O.S., Part 1, RP 7R-6636**

Existing Use: **Rural Residential**

Proposed Use: **Rural Residential**

Road Frontage: **152.4 m**

Depth: **240.83 m**

Area: **36,519 m<sup>2</sup>**

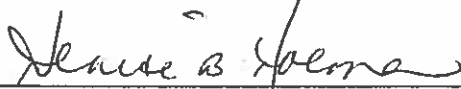
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The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.



Denise B. Holmes, Secretary-Treasurer

#5  
NOV 19 2020

INTEGRATION DATA		
UNSTRAIDED REFERENCE POINTS (ORIP): UTM ZONE 17, NAD83 (CSRS) (2011.0)		
COORDINATES TO UNRAID ACCURACY PER SECTION 14 (3) OF REG 216/13		
POINT ID	EASTING	NORTHING
ORIP (A)	566145.54	4882508.17
ORIP (B)	566088.21	4882751.31
COORDINATES (AMND) IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR PERIMETERS SHOWN ON THIS PLAN.		

**NOTES**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2011.0).  
 DISTANCES ARE OBTAINED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999983.

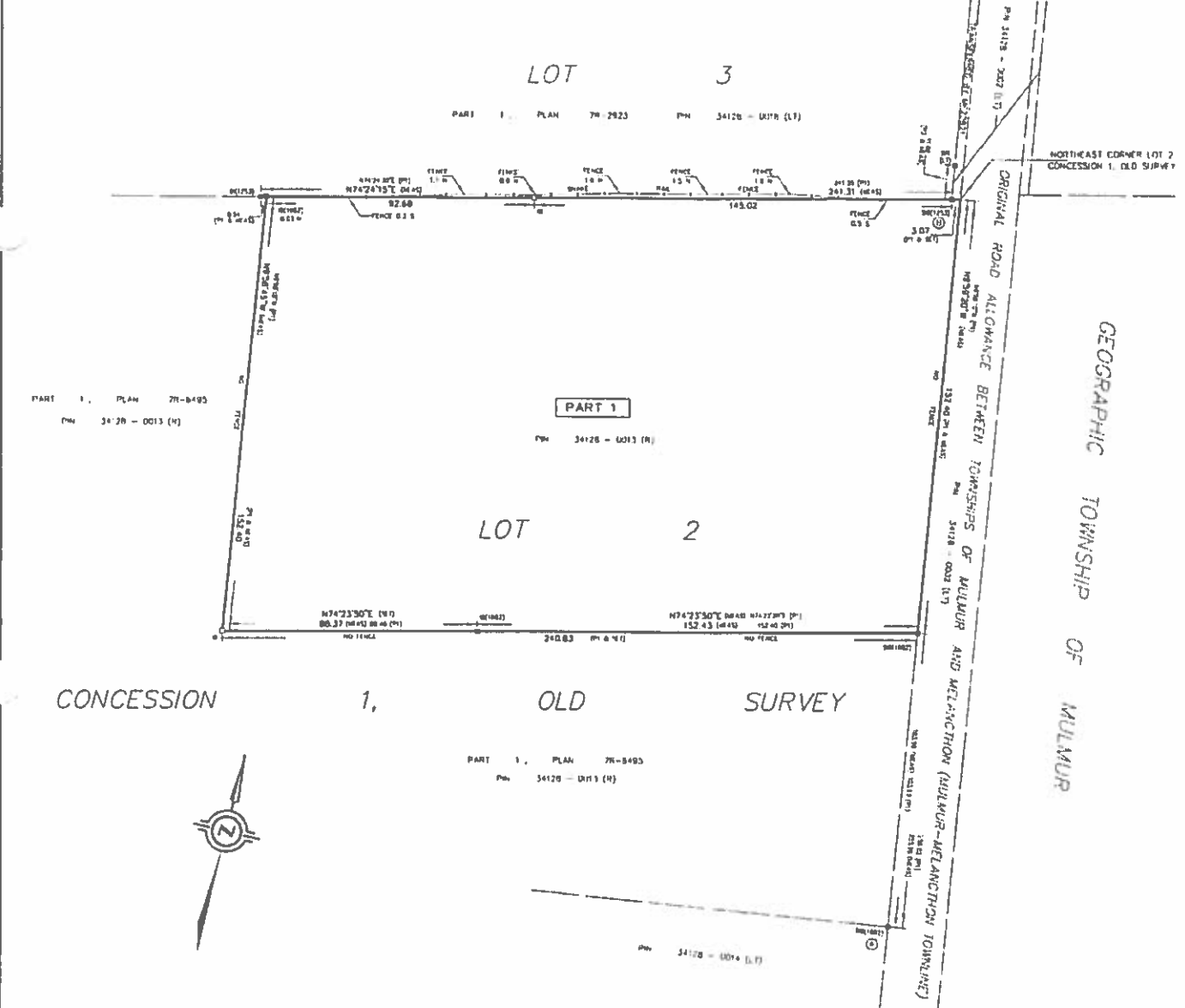
SCHEDULE				
PART	LOT	CONCESSION	PMN	AREA
1	PART OF 2	1, OLD SURVEY	34128 0013 (N)	36218 m <sup>2</sup>

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE May 29 - 2020 DATE June 2, 2020

*[Signature]*  
 LEO LIU  
 ONTARIO LAND SURVEYOR

*[Signature]*  
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE REGISTRY DIVISION OF DUFFERIN (No. 7)



**PLAN OF SURVEY**  
 OF PART OF  
**LOT 2, CONCESSION 1**  
**OLD SURVEY**  
**TOWNSHIP OF MELANCTHON**  
**COUNTY OF DUFFERIN**

Black Shoemaker Robinson and Dandison Ltd.  
 Ontario Land Surveyor 2020



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

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SD DENOTES STANDARD IRON BAR
- SDS DENOTES SHORT STANDARD IRON BAR
- W DENOTES IRON BAR
- W1 DENOTES WITNESS
- MEAS DENOTES MEASURED
- ASB DENOTES 3/8" BARNES SPLIT
- 1882 DENOTES M/F SURVEYING SERVICES
- 1223 DENOTES D J CULLER, O.L.S.
- LT DENOTES L. THOMPSON, O.L.S.
- P1 DENOTES DEPOSITED PLAN 7R-8495
- P2 DENOTES DEPOSITED PLAN 7R-2923

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM
  - THE SURVEY WAS COMPLETED ON 18th DAY OF MAY, 2020

DATE May 29 - 2020 *[Signature]*  
 LEO LIU  
 ONTARIO LAND SURVEYOR

**BSR&D** ONTARIO LAND SURVEYORS, URBAN & RURAL PLANNERS

257 WOODLAWN ROAD WEST #101, CUPERTON ON N1H 1A7  
 T (519) 822-4611 F (519) 822-1224 www.bsrmd.com

PREPARED BY: AS CHECKED BY: LL REFERENCE NO: 20 14 149 (M) A  
 FILE: 20-14-149/10/20/way/201414924.dwg DATED: MAY 29, 2020

**MEMORANDUM**

**To:** Mayor White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** November 13, 2020  
**Re:** Application for Validation Certificate - B5/20 (Clark)

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**BACKGROUND**

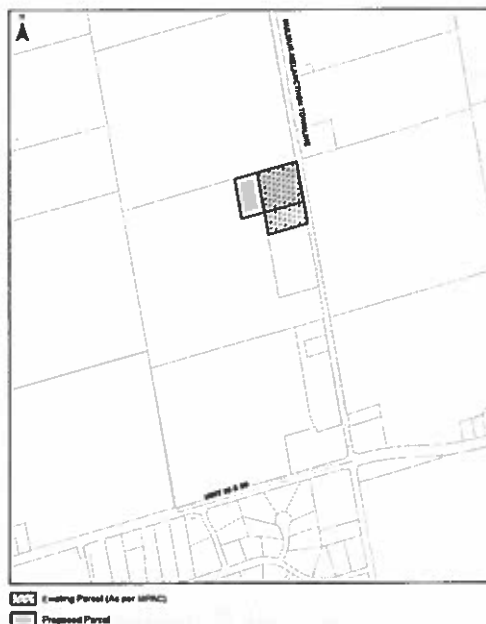
The Township is in receipt of an application to validate the title of a lot on lands located in Part of the East Half of Lot 2, Concession 1 O.S. with frontage on the Mulmur-Melancthon Townline.

Validation of title is an authority established in Section 57 of the Planning Act. The purpose of a "validation certificate" is to address discrepancies in the chain of title.

In this case the applicant/owner of the subject lands has discovered that an improper legal description has encumbered his title as well his ability to convey the lot.

An illustration of the effect of the improper legal description is provided in Figure 1:

**Figure 1 – Illustration of Improper Legal Description**



The applicant's lot, as it is proposed to be validated, will conform with the Township's Rural land use designation, and furthermore, the Town of Shelburne has confirmed they support the validation as required by Section 3.10 (f) of the Official Plan.

The subject lands were also the subject of a zoning by-law amendment on November 5, 2020 so that this validation request would adhere with the requirements of O. Reg. 144/95.

**SUMMARY OF TITLE DISCREPANCIES**

Attached to this memo is a historic summary of the issues that have clouded or encumbered the title of the subject lot prepared by the applicant's agent.

**ANALYSIS**

The consideration of the validation request has been deliberated with the Township solicitor and collectively we are of the view this is the appropriate way to remedy the legal description and ensure proper title to the applicant's lot in Land Titles. On this basis it is recommended that the Validation Certificate be authorized by Committee.

**RECOMMENDATION**

It is recommended that the attached Validation Certificate be authorized by Committee.



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Chris Jones MCIP, RPP

**MEMO**

**To: Chris Jones and Steve Christie**

**From: Wade Mills**

**RE: Consent Application B5/20 (Clark)**

**Date: August 13, 2020**

In reviewing the search of this property, it appears as though two issues (Planning Act and description) were present when the lot was created in 1971. There have been various attempts over the years to correct these issues but it appears as though those attempts were not properly coordinated and did not address *both* issues simultaneously. Therefore, a Planning Act issue still exists and the property cannot be converted to Land Titles until such issue is resolved.

The balance of this memo will attempt to provide the background (in chronological order) to demonstrate how we have arrived where we are.

1. On December 29, 1971, a Deed was registered as MF46400 which transferred a 10-acre parcel from Chester and Mary Patton to their son Edwin Patton. This Deed is attached along with a sketch (labelled as "Sketch #1") showing the physical configuration of the description that was used in the Deed. No Planning Act Consent was attached to this Deed (Problem #1)
2. On July 17, 1972, a new Deed (same parties) was registered as MF49245 which was clearly intended to address the omission of the Planning Act Consent in the original Deed (MF46400). This new Deed uses the same description but this time it contains the Consent of the Minister of Municipal Affairs. (The Consent stamp is very light and difficult to see). This Deed corrected Problem #1.
3. On May 17, 1984, a third Deed (still the same parties) was registered as MF124067. By this point, it seems as though an upcoming sale of the property led someone to realize that the frontage and depth measurements that were used to describe the lot in both prior Deeds (MF46400 and MF49245) were opposite to what had been originally intended by the Pattons. This resulted in the lot being oriented in the wrong direction. (Problem #2) This Deed attempts to re-describe the lot in the intended orientation which is reflected on the attached sketch (labelled as "Sketch #2"). While this Deed theoretically corrects Problem #2, there is no Planning Act Consent attached which revives Problem #1 again. From this point on however, the property is transferred twice more, using the new description but nobody seems to have noted the Planning Act issue.
4. On May 18, 1984 (a day after the above-noted Deed), a Deed was registered as MF124089 which transferred the lot from Edwin Patton to Mureen Eisen. This Deed uses the new description that was established in MF124067 as set out in Sketch #2.

5. On September 29, 1998, Eisen sold the property to Clark (current owner) by a Deed registered as MF230207. Again, this Deed uses the "new" description that was established in MF124067 as set out in Sketch #2.
6. Finally, in 2017, Chester Patton sold the farmland surrounding this 10-acre lot to Lynch Ag. Ltd. As part of that transaction, the title issues were noted and attempted to be resolved by way of two Quit Claim Deeds being exchanged between Clark and Patton. The intention was that these two reciprocal Quit Claim Deeds would clear up any potential lingering overlap that may exist as a result of the previous mis-description (Problem #2).

#### **Additional Notes**

We now have two new Reference Plans that have been registered:

Plan 7R-6495 was deposited on September 19, 2017 and designates the farmland that Patton sold to Lynch Ag as Part 1 on that Plan and it excludes the 10-acre lot owned by Clark using the "new" description that was established in MF124067.

Plan 7R-6636 was deposited on June 2, 2020 and designates the 10-acre lot owned by Clark as Part 1 on that Plan and also uses the "new" description that was established in MF124067.

\*Both R-Plans are attached

#### **Conclusions:**

1. The original Deed (MF46400) that created this lot had two problems: 1) it did not have Planning Act Consent attached, and 2) it apparently described the lot in a way that was inconsistent with the parties' intended orientation.
2. The Planning Act problem was corrected by registering a new Deed (MF749245) with Consent attached. Unfortunately, at this point, nobody had yet noticed the fact that the description was "wrong".
3. The third Deed (MF124067) attempted to re-describe the lot in accordance with the originally intended orientation which it did. Unfortunately, this Deed did not have Planning Act Consent for the new/corrected description.
4. Every subsequent conveyance of the property has used this new/corrected description and it is therefore clear what the intended description now is. The only problem that seems to remain is the lack of Planning Act Consent to go along with that new/corrected description.

**Possible Solutions:**

Since everyone seems to be satisfied with the fact that the new/corrected description is what is intended (evidenced by the subsequent conveyances), it appears that we may simply have to validate that description. Therefore, presumably, a Validation Certificate could be issued to validate the Deed that created that new description (MF124067).

Given that we now have a new R-Plan with a nice clean description as Part 1, it would seem to make sense that we use that to our advantage. Therefore, as an alternate solution, could we not now obtain a Consent to a Transfer from Clark to himself using Part 1 on Plan 7R-6636 as the description?