



Corporation of the  
**Township of Tay**

450 PARK ST.  
P.O. BOX 100  
VICTORIA HARBOUR  
ONTARIO L0K 2A0

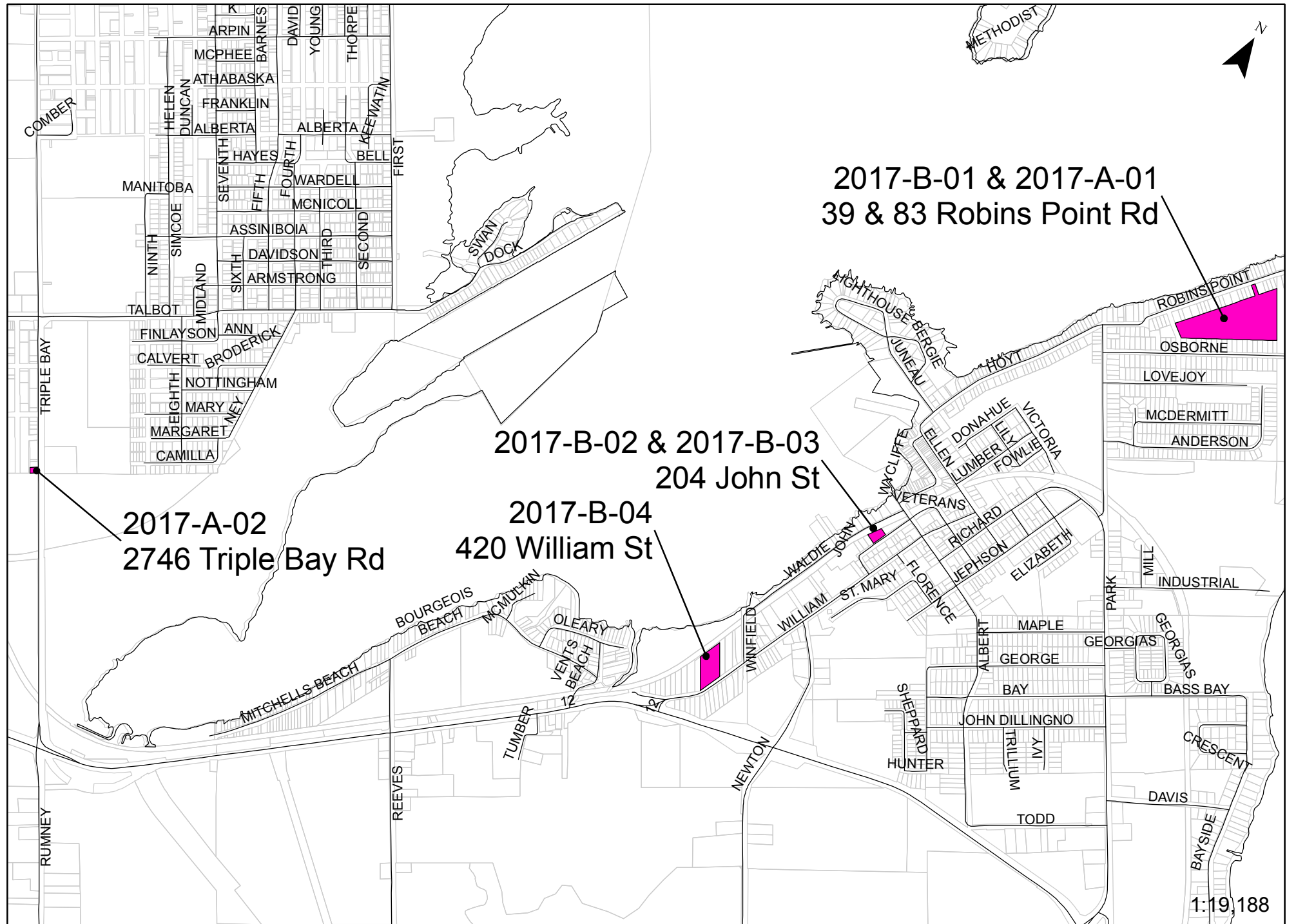
(705) 534-7248  
FAX (705) 534-4493

**COMMITTEE OF ADJUSTMENT  
AGENDA**

Wednesday, January 18, 2017 – 7:00 p.m.  
Township of Tay Municipal Building – Council Chamber  
450 Park Street, Victoria Harbour

1. OPENING ADDRESS FROM THE CHAIR
2. DECLARATION OF CONFLICT OF INTEREST
3. ADOPTION OF MINUTES FROM PREVIOUS MEETING
4. PUBLIC HEARING (\* Item 4.4 is a review and not a public hearing)
  - 4.1.1 Consent Application 2017-B-01, 39 & 83 Robins Point Road  
John Eplett and Leah Eplett – Applicant
  - 4.1.2 Minor Variance Application 2017-A-01, 39 & 83 Robins Point Road  
John Eplett and Leah Eplett – Applicant
  - 4.2 Consent Applications 2017-B-02 & 2017-B-03, 204 John Street  
Hayward Properties Ltd. (Kim Seeley) – Applicant  
Kevin Seeley - Agent
  - 4.3 Minor Variance Application 2017-A-02, 2746 Triple Bay Road  
Jeremy Shaw and Ashley Antonio – Applicant
  - 4.4\* Validation Application 2017-B-04, 420 William Street  
Debora Horton and Lawrence Horton – Applicant  
Peter Deacon of Deacon Taws - Agent
5. DECISIONS
6. OTHER BUSINESS
7. NEXT MEETING – February 15, 2017
8. ADJOURNMENT

# Committee of Adjustment Meeting - January 18, 2017





Corporation of the  
**Township of Tay**

450 PARK ST.  
P.O. BOX 100  
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ONTARIO L0K 2A0

(705) 534-7248  
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**COMMITTEE OF ADJUSTMENT  
NOTICE OF APPLICATION AND NOTICE OF PUBLIC HEARING**

CONSENT APPLICATION:      **2017-B-01**

ROLL NUMBER:      **040-005-49000**

**TAKE NOTICE** that pursuant to Section 53 of the Planning Act, R.S.O. 1990, c. P.13 as amended, an application has been submitted to the Committee of Adjustment by **John Michael Eplett and Leah Annette Eplett**, owner of land located at **39 & 83 Robins Point Road**, legally described as Plan 861, Lots 36 and 64, Township of Tay, County of Simcoe.

The purpose and effect of this application is: Applicant proposes to sever the subject land into the following parcels (see attached Key Map):

Lot (Consent Application)	Frontage (metres) (Robins Point Road)	Lot Area (square metres)
Retained Parcel	15.2 m	47,199 m <sup>2</sup>
Severed Parcel (2017-B-01)	67.5 m	5,299 m <sup>2</sup>

A key map showing the location of the lands, which are the subject of this application, is on the reverse of this notice. Additional information is available to the public for inspection at the Township Office, Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

The Township of Tay Committee of Adjustment will be holding a Public Hearing on this matter on **Wednesday, January 18<sup>th</sup>, 2017 at 7:00 p.m.**, in the Council Chamber at the Township Office, located at 450 Park Street, Victoria Harbour, Ontario.

If you or your agent do not attend at the Hearing, it may proceed in your absence and except as otherwise prescribed by regulation, you will not be entitled to any further notice in the proceedings.

This item is scheduled for 7:00 p.m. You should be there at that time if you wish to attend the meeting. However, be advised that the Committee has scheduled several applications for the public hearing and as such this matter could be delayed until its turn comes up on the agenda.

Those persons or public bodies that have received a copy of the above noted application with this notice are requested to make written comments to the Township of Tay Committee of Adjustment.

Any owner of land that contains seven (7) or more residential units, who receives this notice, is requested to post this notice in a location that is visible to all of the residents.

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

The land subject to this consent application is also subject to the following applications under the Planning Act: **Minor Variance Application 2017-A-01**.

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 Township of Tay  
Committee of Adjustment  
P. O. Box 100  
VICTORIA HARBOUR, Ontario  
LOK 2A0**

For more information about this matter, contact the undersigned at [thuguenin@tay.ca](mailto:thuguenin@tay.ca) or at the above mailing address.

Tony Huguenin, ACST  
Secretary-Treasurer  
Committee of Adjustment

Dated: January 4<sup>th</sup>, 2017



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**COMMITTEE OF ADJUSTMENT  
NOTICE OF APPLICATION AND NOTICE OF PUBLIC HEARING**

CONSENT APPLICATION:      **2017-A-01**

ROLL NUMBER:      **040-005-49000**

**TAKE NOTICE** that pursuant to Section 45 of the Planning Act, R.S.O. 1990, c. P.13 as amended, an application has been submitted to the Committee of Adjustment by **John Michael Eplett and Leah Annette Eplett**, owner of land located at **39 & 83 Robins Point Road**, legally described as Plan 861, Lots 36 and 64, Township of Tay, County of Simcoe.

The purpose of the proposed minor variance is to allow for the retained lands as a result of Consent Application 2017-B-01 to have a reduced lot frontage of 15.2 metres, where the Section 8.3 of the Zoning By-law requires a minimum lot frontage of 18.0 metres

A key map showing the location of the lands, which are the subject of this application, is on the reverse of this notice. Additional information is available to the public for inspection at the Township Office, Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

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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:

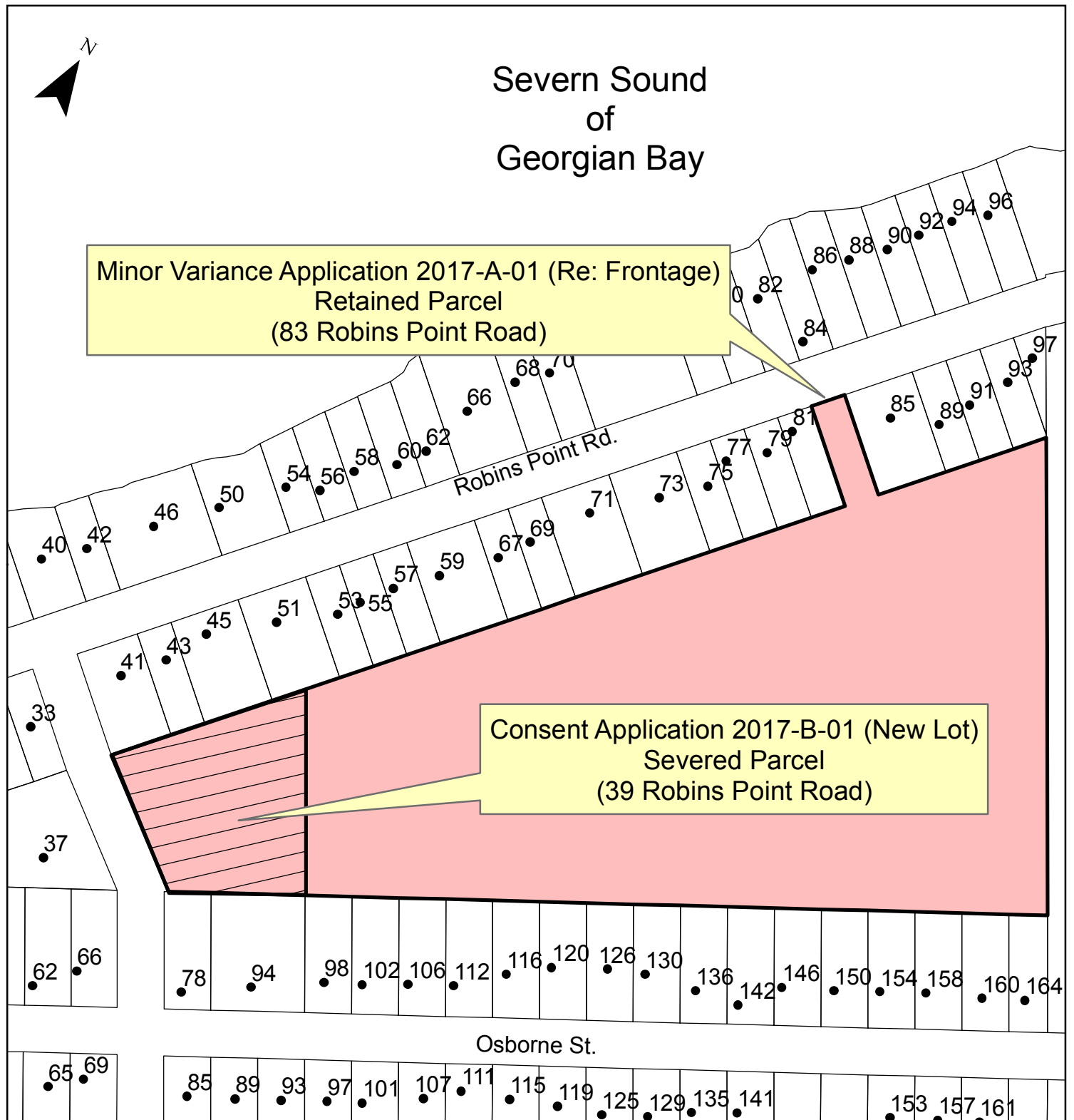
**The Township of Tay  
Committee of Adjustment  
P. O. Box 100  
VICTORIA HARBOUR, Ontario  
LOK 2AO**

For more information about this matter, contact the undersigned at [thuguenin@tay.ca](mailto:thuguenin@tay.ca) or at the above mailing address.

Tony Huguenin, ACST  
Secretary-Treasurer  
Committee of Adjustment

Dated: January 4<sup>th</sup>, 2017

**Minor Variance Application 2017-A-01  
Consent Application 2017-B-01 and  
John Eplett & Leah Eplett - Township of Tay**



Minor Variance Application 2017-A-01 (Re: Frontage)  
Retained Parcel  
(83 Robins Point Road)

Consent Application 2017-B-01 (New Lot)  
Severed Parcel  
(39 Robins Point Road)

Osborne St.

0 50 100 200 Meters

**Subject Land**

**39 Robins Point Road (Severed Parcel - Dwelling) and  
83 Robins Point Road (Retained Parcel - Vacant)**





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**COMMITTEE OF ADJUSTMENT  
NOTICE OF APPLICATION AND NOTICE OF PUBLIC HEARING**

CONSENT APPLICATION:     **2017-B-02**  
  **2017-B-03**

ROLL NUMBER:     **060-002-16400**

**TAKE NOTICE** that pursuant to Section 53 of the Planning Act, R.S.O. 1990, c. P.13 as amended, an application has been submitted to the Committee of Adjustment by **Hayward Properties Ltd. (Kim Seeley)**, owner of land located at **204 John Street**, legally described as Part of Mill Reserve and Part of Mary Street, Plan 201, denoted as Part 1 on Reference Plan 51R-40542, Township of Tay, County of Simcoe.

The purpose and effect of this application is: Applicant proposes to sever the subject land into the following parcels (see attached Key Map):

Lot (Consent Application)	Frontage (metres) (John Street)	Lot Area (square metres)
Retained Parcel - Part "3"	19.1 m	800.8 m <sup>2</sup>
Severed Parcel - Part "2" (2017-B-03)	19.1 m	746.8 m <sup>2</sup>
Severed Parcel - Part "1" (2017-B-02)	19.2 m	676 m <sup>2</sup>

A key map showing the location of the lands, which are the subject of this application, is on the reverse of this notice. Additional information is available to the public for inspection at the Township Office, Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

The Township of Tay Committee of Adjustment will be holding a Public Hearing on this matter on **Wednesday, January 18<sup>th</sup>, 2017 at 7:00 p.m.**, in the Council Chamber at the Township Office, located at 450 Park Street, Victoria Harbour, Ontario.

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The land subject to this consent application is also subject to the following applications under the Planning Act: **None**.

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:

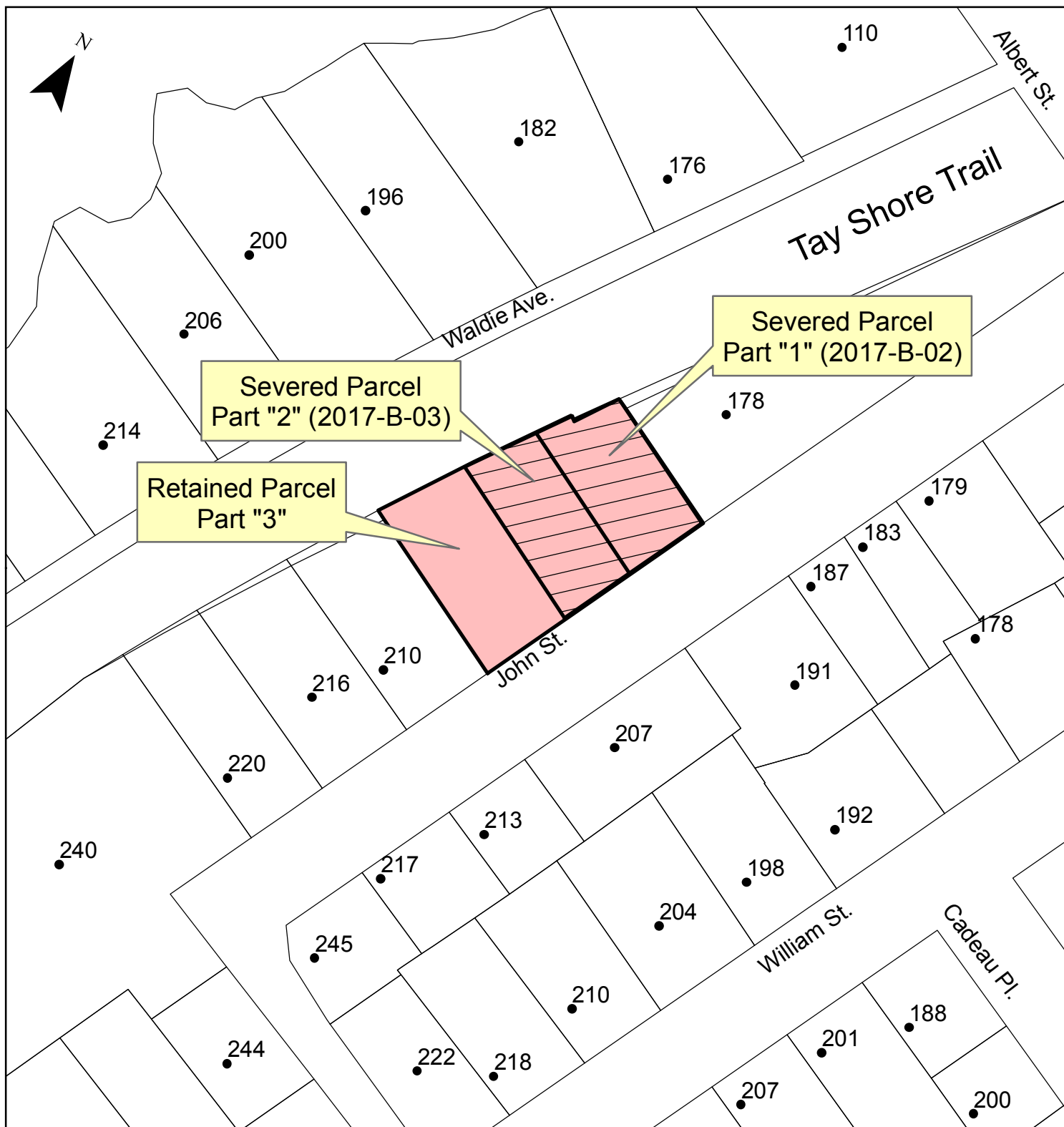
**The Township of Tay  
Committee of Adjustment  
P. O. Box 100  
VICTORIA HARBOUR, Ontario  
LOK 2A0**

For more information about this matter, contact the undersigned at [thuguenin@tay.ca](mailto:thuguenin@tay.ca) or at the above mailing address.

Tony Huguenin, ACST  
Secretary-Treasurer  
Committee of Adjustment

Dated: January 4<sup>th</sup>, 2017

# Consent Application 2017-B-02 & 2017-B-03 Hayward Properties Ltd. - Township of Tay



**SUBJECT LAND**  
**204 John Street**



Corporation of the  
**Township of Tay**

450 PARK ST.  
P.O. BOX 100  
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ONTARIO L0K 2A0

(705) 534-7248  
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**COMMITTEE OF ADJUSTMENT  
NOTICE OF APPLICATION AND NOTICE OF PUBLIC HEARING**

CONSENT APPLICATION:      **2017-A-02**

ROLL NUMBER:      **040-004-07211**

**TAKE NOTICE** that pursuant to Section 45 of the Planning Act, R.S.O. 1990, c. P.13 as amended, an application has been submitted to the Committee of Adjustment by **Jeremy Shaw and Ashley Antonio**, owners of land legally described as Plan 555, Lots 291, 292 and 293, Township of Tay, County of Simcoe.

The purpose of the proposed minor variance is to allow for a reduction in both the northerly and southerly required interior side yard setbacks as outlined in Section 26.3.1(b)(iii) of Township of Tay Zoning By-law 2000-57 as amended, from the required 6.0 metres to 3.8 metres in order to accommodate a future residential dwelling.

A key map showing the location of the lands, which are the subject of this application, is on the reverse of this notice. Additional information is available to the public for inspection at the Township Office, Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

The Township of Tay Committee of Adjustment will be holding a Public Hearing on this matter on **Wednesday, January 18<sup>th</sup>, 2017 at 7:00 p.m.**, in the Council Chamber at the Township Office, located at 450 Park Street, Victoria Harbour, Ontario.

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The land subject to this consent application is also subject to the following applications under the Planning Act: **None**.

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 Township of Tay  
Committee of Adjustment  
P. O. Box 100  
VICTORIA HARBOUR, Ontario  
LOK 2AO**

For more information about this matter, contact the undersigned at [thuguenin@tay.ca](mailto:thuguenin@tay.ca) or at the above mailing address.

Tony Huguenin, ACST  
Secretary-Treasurer  
Committee of Adjustment

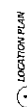
Dated: January 4<sup>th</sup>, 2017

**Minor Variance Application 2017-A-02**  
**Jeremy Shaw and Ashley Antonio - Township of Tay**

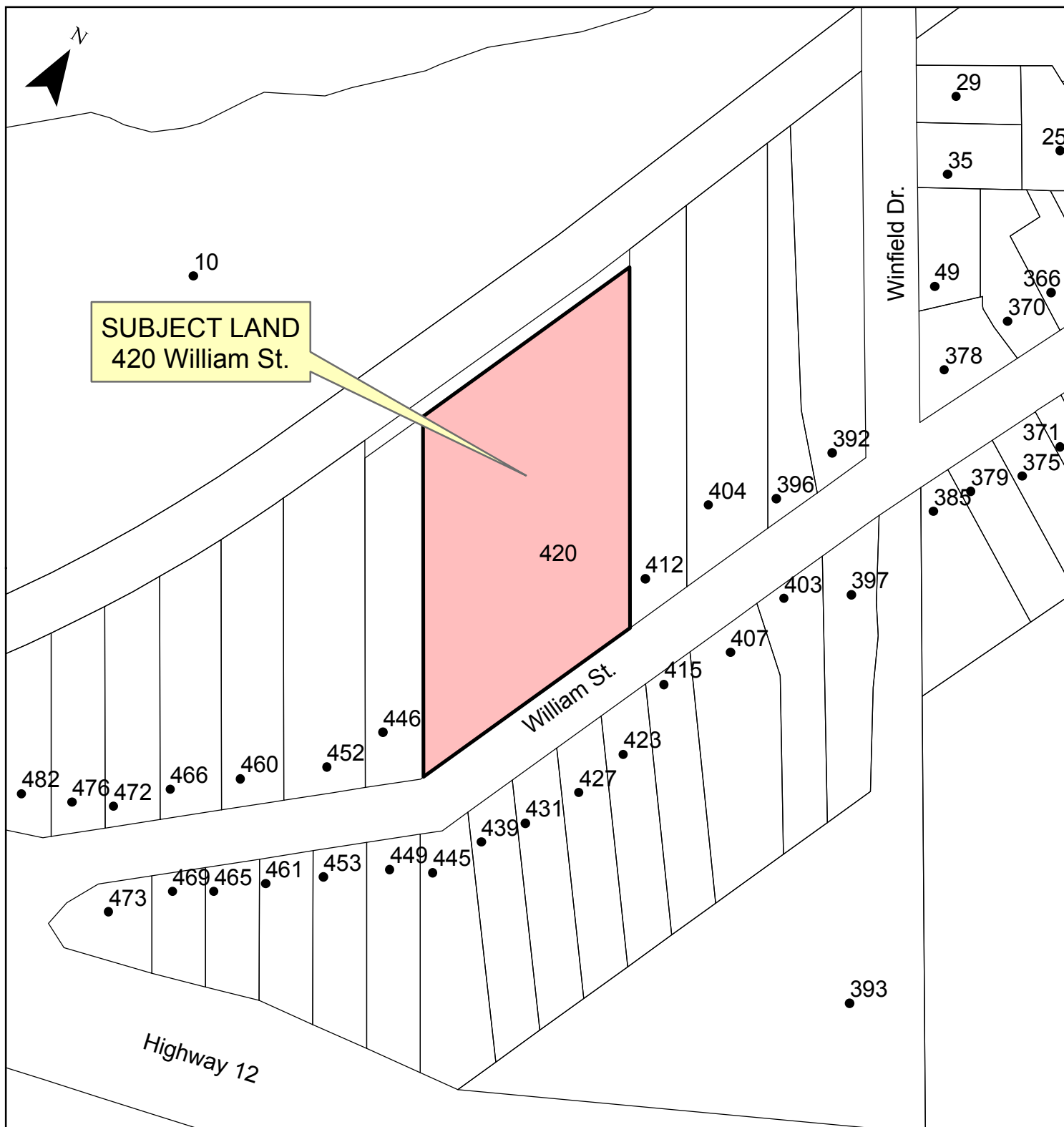


**SUBJECT LAND**  
**2746 Triple Bay Road**

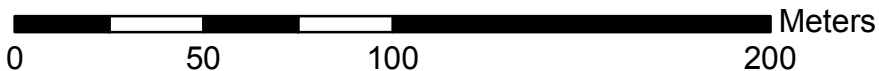
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**Validation Application 2017-B-04**  
**Debora Horton and Lawrence Horton - Township of Tay**



**SUBJECT LAND**  
**420 Wiliam Street**





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# DEACON TAWS

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Lawyers ■ Mediators

Peter R. Deacon, B.A., A.M., LL.B.

William P. Taws, LL.B., CS\*, TEP

Lawyer: PETER R. DEACON

pdeacon@deacontaws.com

Law Clerk: Marlene MacDonald

mmacdonald@deacontaws.com  
direct dial 705-526-3792 X 204

December 29, 2016

The Corporation of the Township of Tay  
450 Park Street, P.O. Box 100  
Victoria Harbour, Ontario, L0K 2A0

Via Fax: 705-534-4493 and Delivered

ATTENTION: Mr. Steven Farquharson, Director of Planning & Development  
and to: ✓ Mr. Tony Huguenin, Planning Technician

Dear Sirs:

RE: 420 William Street, Victoria Harbour, Ontario, L0K 2A0  
Part Lots 6, 7 and 8, North Side Trespass Road, Plan 475  
being Part 2, Plan 51R-18086, subject to RO1158320  
Township of Tay, County of Simcoe  
Our File No: M44401

We are the Solicitors for Lawrence and Debora Horton, who are the owners of the above-noted property. An Application has been submitted on behalf of the Hortons for a Validation Order in connection with this property.

I have reviewed the history of the registration of documents in the Registry Office for this property.

The abutting railway lands were conveyed to the Midland Railway Company (later the Canadian National Railway) by Instruments RO69775 and 902(VH) registered in the years 1872 and 1880. Registered Plan 475 was registered in 1901 with the westerly boundary of the Plan following the easterly boundary of the railway lands.

The Blanche Prentice Estate and its predecessors owned Lots 6, 7 and 8 on Plan 475. The conveyance from the Blanche Prentice Estate to the Hortons by Mr. Gregory Rice on behalf of the Vendor and by Mr. Fred Hacker on behalf of the Purchaser, reconfirmed the boundary line between the railway lands to the west and Plan 475 to the east. Plan 51R-13792 and the subsequent Plan, being Plan 51R-18086, (both prepared by James W. Nicholson, OLS, copies attached) recognized the ownership of the railway lands to the west and Plan 475 to the east as being the line between Parts 1 and Parts 2 on Plan 51R-13792. The Deed registered from the Prentice Estate to the Hortons was consistent with the legal descriptions which had been used historically, namely that the line between the

476 Elizabeth Street, Midland, Ontario, L4R 1Z8

Tel: (705) 526-3791, Fax: (705) 526-2688

www.deacontaws.com

railway lands as recognized by Mr. Nicholson and Plan 475 as directly abutting those lands to the east, constituted the proper boundary line between the railway lands and the lands owned by The Prentice Estate. This is confirmed by the opinion on title in the reporting letter provided by Mr. Hacker to the Hortons upon completion of this purchase (copy attached). As set out in his letter, Mr. Hacker confirms that there is an encroachment onto the railway lands but makes no assertion of ownership, possessory or otherwise.

It is my understanding the subsequent dealings with the property have been consistent with this position, namely:

1. A subsequent severance was applied for through the Committee of Adjustments without any issues with respect to the lands described as Part 2 on Reference Plan 51R-13792.
2. As far as the surviving the member of the Prentice family is concerned, all of the lands owned by the family were conveyed to the Hortons in the 1985 transfer. No remaining lands exist and no claims or other indications of remaining ownership have been made to the family.
3. To my knowledge, as far as the municipality is concerned, the Horton lands abut the railway lands and there is no assessed parcel or taxes claimed with respect to the lands between the Hortons and the railway (now the municipally owned trail).

When the Registry Office converted the land registration system into a computerized format, the property in question was not converted to the Land Titles Qualified System because the surveys of Mr. Nicholson showed evidence of an old fence line as a line of occupation and Mr. Nicholson felt it shifted the boundary from the original position between the railway lands and Plan 475 to a more westerly position about twenty feet (20') into the railway lands. The Registry Office records indicate that this has created the possibility of there having been a violation of The Planning Act because the Prentice family retained lands to the west of the Horton lands.

My clients are in the process of selling the subject property but are faced with an objection to title based on the potential Planning Act violation. In our opinion (which is consistent with the position taken by Mr. Hacker at the time of purchase) the Hortons have good title to the subject lands. We are bringing the Application for a Validation Order on their behalf to confirm to the purchasers that they have proper title to the lands in question.

If you require any additional information or clarification, please contact me immediately. I would be pleased to meet with you to review the documentation, if needed.

Yours very truly,

**DEACON TAWS**



**PETER R. DEACON**

PRD:mm  
Encs.