

Notice of Decision

Applications: Applications for Consent (File B-05/25) and Zoning By-law Amendment (File D-14 TE/03/25/C)

CityView #: PL202500010

Property: 4437 Kemp Line
Part of Lot 13, South Middle Road Concession
Community of Tilbury East (West Kent)

Roll Numbers: 3650 060 002 30400

It is hereby certified that the Council of the Municipality of Chatham-Kent at its meeting on March 17, 2025:

Approved

1. Consent application File B-05/25 to sever a surplus dwelling (4437 Kemp Line), five (5) outbuildings and a grain bin, on a new 1.1 ha (2.7 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 13, South Middle Road Concession, in the Community of Tilbury East, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i) rezone the residential surplus dwelling lot to a site-specific Agricultural-1173 (A1-1173) Zone that permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
 - ii) rezone the retained parcel to a site-specific Agricultural-1 (A1-1) Zone to prohibit future dwellings;
 - b) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - c) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - d) that a legible hard copy of the final reference plan be submitted to the Municipality; and,
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).
2. Zoning By-law Amendment application File D-14 TE/03/25/C and the implementing by-law was adopted.

Council passed By-law No. 32-2025, which noted:

The reasons for the Decision are incorporated in the Planning Services report dated March 17, 2025 which was adopted by Council. There were no written or oral submissions received with respect to the application prior to the decision of Council.

The last day for appeal of this Decision is **April 7, 2025**.

All conditions relating to the consent must be completed within two years of the date of this Notice of Decision.

Date of Notice of Decision: March 18, 2025

Notice of Right to Appeal

An appeal to the Ontario Land Tribunal (OLT) in respect of this matter, setting out the objection to the decision and the reasons in support of the objection, must be filed with the Municipal Clerk of the Municipality of Chatham-Kent via the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/> by selecting Chatham-Kent as the Approval Authority. Please note, first-time users of the OLT's e-file service will need to register for a My Ontario Account. If the OLT's e-file service is not working, please file the appeal with the Municipal Clerk at ckclerk@chatham-kent.ca (or at 315 King Street West, Box 640, Chatham, Ontario, N7M 5K8), no later than 4:30 p.m. on or before the last date of appeal, noted below. Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. The appeal fee of \$400 can be paid online through OLT's e-file service or by certified cheque/money order to the Minister of Finance, Province of Ontario. For more information on appeal procedure and payment, please visit the OLT website at www.olt.gov.on.ca.

Only the applicant, the Minister, a specified person or any public body may appeal decisions in respect of application for consent to the Ontario Land Tribunal.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

Notice of Planning Act Approval

Take Notice, that on **March 17, 2025**, Council of the Corporation of the Municipality of Chatham-Kent approved Consent Application (**File B-05/25**) & Zoning By-law Amendment (**File D-14 TE/03/25/C**) submitted for property located at 4437 Kemp Line, in the Community of Tilbury East (West Kent).

At the meeting, Council approved Consent Application File B-05/25 to sever a surplus dwelling (4437 Kemp Line), five (5) outbuildings and a grain bin, on a new 1.1 ha (2.7 ac.) lot.

Zoning By-law No. 32-2025 was passed by Council to rezone the residential surplus dwelling lot to a site-specific Agricultural-1173 (A1-1173) Zone that permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.) and rezone the retained agricultural parcel to the site-specific Agricultural-1 (A1-1) Zone to restrict any future dwelling from being constructed.

Reasons for Approval

The reasons for the Decision are incorporated in the Planning Services report dated March 17, 2025 which was adopted by Council. There were no written or oral submissions received with respect to the application prior to the decision of Council.

When and How to File an Appeal

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this Zoning By-law Amendment can be made by filing a notice of appeal with the Municipal Clerk via the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/> by selecting Chatham-Kent as the Approval Authority. Please note, first-time users of the OLT's e-file service will need to register for a My Ontario Account. If the OLT's e-file service is not working, please file the appeal with the Municipal Clerk at ckclerk@chatham-kent.ca (or at 315 King Street West, Box 640, Chatham, Ontario, N7M 5K8), no later than 4:30 p.m. on or before the last date of appeal, as noted below. Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. The appeal fee of \$1,100 can be paid online through OLT's e-file service or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca.

Last Date of Appeal: April 7, 2025

Who Can File an Appeal

Only the applicant, the Minister, a specified person or any public body may appeal a by-law of the Municipality to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No specified person or public body shall be added as a party to the hearing of the appeal unless, before the by-law is passed, the specified person or public body made oral submissions at a public meeting or written submission to the Council of the Municipality of Chatham-Kent or, in the opinion of the Tribunal, there are reasonable grounds to add the specified person or public body as a party.

When the Decision is Final

The decision of the Municipality of Chatham-Kent is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Additional Information

Additional information about the application is available for public inspection during regular office hours at the Municipality of Chatham-Kent Planning Services office at the address, phone number and email address noted above.

Dated at the Municipality of Chatham-Kent this 18th Day of March, 2025.