



Committee of Adjustment Report

Date: April 16, 2026

Report No: RPT- 0163 - 26

To: The Chair and Members of the Committee of Adjustment
From: Roxana Flores, Junior Planner
Application Type: Consent Application
Application No: B30-25-RF
Location: 75 Highway 53
Agent / Applicant: MHBC c/o Trevor Hawkins
Owner: 1778206 ONTARIO INC c/o Kris Martin
Subject: Request for a decision on Consent Application to facilitate a correction of deed for parcels that inadvertently merged on title.

Recommendation

THAT Consent Application **B30-25-RF** from MHBC c/o Trevor Hawkins, agent on behalf of 1778206 ONTARIO INC c/o Kris Martin, owner of the lands legally described as CONCESSION 6 PART LOT 10 in the Geographic Former Township of Burford, County of Brant, municipally known as 75 Highway 53 proposing to re-establish the parcels by reverting the parcels back to their original lot lines, as the parcels inadvertently merged on title, **BE APPROVED** subject to the attached conditions.

THAT the reason(s) for the approval of Consent Application B30-25-RF are as follows:

- The request is legal and technical in nature to allow for the correction of title as a result of inadvertent merger.
- The re-establishment of parcels will maintain agricultural uses and protect natural heritage features.
- The proposal is consistent with the Provincial Planning Statement (2024) and conforms to the policies of the County of Brant Official Plan (2023) and Zoning By-Law 61-16.

Executive Summary

Consent Application B30-25-RF proposes to re-establish the original lot configuration of the property at 75 Highway 53, which inadvertently merged on title between 1974-1976 due to common ownership. This application was deferred by Committee on January 15,

2026, to allow further review of the history and timeline under which the inadvertent merger occurred.

Upon further review, staff recognize that two parcels north of the subject lands were originally severed from the property. A registered reference plan confirms that both parcels existed as separate lots before the owner purchased the lands. The application is being brought forward again as sufficient information has been provided to support re-establishing the original lot lines as they existed at the time the owner obtained the property. As such, staff recommendation remains unchanged, as the parcels merged through common ownership.

The application is technical in nature, as it seeks to sever formerly separate parcels and restore the original lot lines. This application is required because the owner did not intend for the lands to merge.

The severed parcel would consist of the easterly portion of the property, with three (3) frontages of approximately 229.9 m along Highway 53, 541.6 m along Harley Road and 211.7 m along Seventh Concession Road with an area of 22.5 hectares (56 acres).

The retained parcel has two (2) frontages of approximately 479.3 m along Highway 53 and 612.4 m along Seventh Concession Road with an area of 33.7 hectares (83.3 acres).



Figure 1: Proposed Re-establishment of Original Lot Configuration

Comments received through the technical review have been added as conditions where applicable.

No new development or parcels of land are being created as a result of the application, and the agricultural uses of each parcel will remain unchanged.

Staff have reviewed the proposed Consent Application with applicable planning policy (i.e., Planning Act, Provincial Planning Statement (2024), County of Brant Official Plan (2023) and Zoning By-Law 61-16) in review of any comments received from relevant departments, the applicant, and members of the public.

It is my professional opinion that the Consent Application is appropriate. The re-establishment of the parcels at 75 Highway 53 due to inadvertent merger is legal and technical in nature and therefore I recommend that application B30-25-RF **BE APPROVED**, subject to the attached conditions.

Location / Existing Conditions

The subject lands are legally described as CONCESSION 6 PART LOT 10, in the Geographic Former Township of Burford, County of Brant, are located south Highway 53 and situated outside of Settlement Area.

The subject lands, municipally known as 75 Highway 53, are approximately 57.2 hectares in area with 788 metres of frontage on Highway 53, 532 metres of frontage on Harley Road, and 829 metres of frontage on Seventh Concession Road. The lands contain a dwelling, a barn, and lands under agricultural production. The dwelling and barn are accessed via Highway 53.

Natural heritage features are located west of the property.

Surrounding land uses are predominantly farmland and Natural Heritage.

The subject lands are currently serviced by private water, sanitary and storm water infrastructure.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Report

Analysis

Background

The parcels were originally acquired separately and were not intended to be merged. The owner bought the proposed severed parcel on November 19, 1973, and later purchased the proposed retained lands on September 16, 1975.

Because the parcels came under common ownership, they merged on title. The lands were first registered under the Registry system and later moved to the Land Titles system, at which point a single parcel register was created. This merge happened automatically and was not requested by the owner. Legal counsel (Waterous Holden Amey Hitchon, c/o Courtney Boyd) confirmed that the merger was due only to common ownership and that no application to consolidate the lands was submitted by the owner.

Staff recognize that there are two parcels north of the subject lands that were severed from the subject lands. A registered reference plan identified in the property files dated July 18, 1966, confirms that the parcel municipally known as 53 Highway 53 (Concession 6, Part Lot 9) was established in 1966. The same plan illustrates the existence of the adjacent parcel at 51 Highway 53 (Concession 6, Part Lot 9), indicating that both parcels existed as separate lots prior to the owner's acquisition of the subject lands.

As the parcels were originally separate and merged only through an administrative process, a consent application is required to re-establish them as separate parcels.

Planning Act

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications

Matters of Provincial Interest

Section 2(a-s) of the Planning Act outlines matters of provincial interest that decision making bodies shall have regard for. This application has regard for:

- (a) the protection of ecological systems, including natural areas, features and functions;*
- (b) the protection of the agricultural resources of the Province;*
- (h) the orderly development of safe and healthy communities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (n) the resolution of planning conflicts involving public and private interests;*

Provincial Planning Statement (PPS) – 2024

The Provincial Planning Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting

planning matters shall be 'consistent with' policy statements issued under the Planning Act.

It is my professional planning opinion that the recommendation is consistent with the policies of the Provincial Policy Statement for the following reasons:

- *The proposed consent application to re-establish the original parcels, is consistent with the PPS as it does not seek to create a new building lot. The application is technical as it proposes to re-establish two formerly separate parcels that inadvertently merged on title. Agricultural uses will remain on both parcels. Policy 4.3.3.1, 4.3.3.2*

County of Brant Official Plan (2023)

The County of Brant Official Plan sets out the goals, objectives, and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

Schedule 'A' Land Use Designation: Agriculture and Natural Heritage System

Settlement Area: Outside a Settlement Area

It is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan for the following reasons:

- *The subject lands are located within a Prime Agricultural Area outside a Settlement Boundary, which is intended to protect and support agricultural uses. (Part 5, Section 2.0)*
- *The proposal conforms to the intent of the Agricultural designation, as both the re-establishment of original parcels will maintain agricultural uses and continue to be farmed as noted in the Planning Justification Letter. (Part 5, Section 2.1).*
- *The proposal to re-establish the original parcels does not result in the creation of new lots. In accordance with policy, consent may be granted to separate parcels that have inadvertently merged in title, provided the proposed lot configuration reflects the original lot boundaries. (Part 5, Section 2.3.2 & 2.10)*
- *A Zoning By-Law Amendment will not be required to recognize the undersized lots and they shall be deemed to comply with the minimum lot area established within the Comprehensive Zoning By-Law. (Part 5, Section 2.3.1)*

Based analysis of the criteria outlined in Section 51(24) of the Planning Act within this report, it is my professional planning opinion that the proposal conforms to the policies of the County of Brant Official Plan.

Zoning By-Law 61-16

Schedule 'A' Zone Classification: Agricultural (A) and Natural Heritage (NH)

Section 6, Table 6.2.1 of the County of Brant Zoning By-Law 61-16 advises the required development standards within the Agricultural (A) zone.

Agriculture (A)	Lot Area, Minimum (ha.)	Lot Frontage, Minimum (m)
<i>Required</i>	40 ha.	150 m
<i>Proposed - Severed Land</i>	22.5 ha (acres)	479.3 m (Highway 53) 612.4 m (Seventh Concession Road)
<i>Proposed - Retained Land</i>	33.7 ha (acres)	229.9 m (Highway 53) 541.6 m (Harley Road) 211.7 m (Seventh Concession Road)

It is my professional planning opinion that the recommendation conforms with the provisions of the County of Brant Zoning By-Law 61-16 for the following reasons:

- *Consent application to re-establish two parcels that unintentionally merged in title in the 1970's is technical in nature.*
- *The Agricultural (A) Zone requires a minimum frontage of 150 m and a minimum lot area of 40 ha. While both parcels have lot areas below 40 ha., they are existing lots of record, provide more than 150 m of frontage, and are deemed to comply in accordance with Section 4.28 of Zoning By-law 61-16.*
- *A municipal drain traverses the subject lands. However, no building development is proposed as part of this application. Accordingly, the proposal complies with Section 4.34.3(a). Any future buildings or structures must be located no closer than 15 metres from the municipal drain.*
- *Natural Heritage Features will not be severed and will remain within the retained parcel.*
- *The proposal to re-establish two parcels that inadvertently merged is considered appropriate, as the correction of deed seeks to restore the original lot lines of the formerly separate parcels.*

Based analysis of the criteria outlined in Section 51(24) of the Planning Act within this report, it is my professional planning opinion that the proposed re-establishment of

parcels that unintentionally merged complies with the policies of the County of Brant Zoning By-Law 61-16.

Interdepartmental Considerations

The following documents were prepared and submitted for technical review as part of the submission of this application:

1. One (1) Consent Application Completed and Signed
2. Planning Justification Letter prepared by MHBC c/o Trevor Hawkins, Registered Professional Planner, dated July 10, 2025
3. Draft Survey Sketch prepared by MHB, dated July 3, 2025
4. Parcel Register

The following comments were received from various internal and external agencies/departments as part of the circulation of this application:

Department/Agency Comments	
Development Engineering Division	<ul style="list-style-type: none"> • Highway #53 is classified as a Rural Arterial Road with right-of-way width of 20-45 metres as noted in the County’s Official Plan. A road widening is required along Highway #53 frontage, the widening will be from Mun. #53 westerly direction approximately 445 metres to where the existing Road Widening starts, as shown on Registered Plan #502 (P2207-1). The new Road Widening is a distance of 3.05 metres from the current northerly property line. The requested widening will make the road right-of-way width consistent to the west, and it would allow for future road maintenance and improvements (i.e. ditching, etc.). • Harley Road is classified as a Rural Arterial Road with a minimum right-of-way requirement of 20-45 metres. A road widening of 2.0m is required along the entire frontage of Harley Road between Highway #53 and the Seventh Concession. The Road Widening would allow for future road maintenance and improvements (i.e. ditching). A map has been included to represent the approximate location of the road widening. • Seventh Concession Road classified as a Rural Local Road with right-of-way width of 15-22 metres as noted in the County’s Official Plan. Road widening is not required along the Seventh Concession Road frontage. • Be advised that compensation for road widening / daylighting lands, surveying fees, and registration is only applicable along the frontage of the retained lands provided the portion of retained lands being conveyed to the County are zoned “Agricultural” at the time of submission of the draft reference plan. If the lands are zoned anything other than “Agricultural”, the County will not provide compensation for road widening / daylighting lands, surveying fees, and registration costs. Compensation (if

	<p>applicable) for road widening / daylighting lands, surveying fees and registration will be determined as per County Policy DVS-2002-05.</p> <ul style="list-style-type: none"> • Legal Survey is required to demonstrate the property boundaries and road widening. A draft reference plan is to be completed by a certified Ontario Land Surveyor and is to include all lot bearings, distances, and survey monumentation for the purpose of verifying parcel geometry. Separate Parts are required on the Draft R-Plan for the road widening in front of the severed parcel and road widening in front of retained parcel. The draft is to be provided to the County for approval prior to depositing. • Overhead Hydro Lines pass through a portion of the Severed & Retained lands, an easement may be required. Hydro authority to provide additional comments. • The Subject Lands are within the Terryberry Drain & Rathbun Drain assessment areas. • The Subject Lands are within the GRCA Regulation Limits.
<p>Policy Planning and Environmental Division</p>	<ul style="list-style-type: none"> • No comments
<p>Operations Department</p>	<ul style="list-style-type: none"> • This property is within the Rathbun Municipal Drain. The property will require a s.65 report as part of their condition of severance.
<p>GRCA</p>	<ul style="list-style-type: none"> • Recommendation The GRCA has no objection to the proposed consent application. • GRCA Comments GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the Planning Act as per our CA Board approved policies. • Information currently available at this office indicates that the severed parcel contains the regulated allowance adjacent to a watercourse. The retained parcel contains wetlands and the regulated allowance adjacent to the wetlands. A copy of GRCA's resource mapping is attached. <p>Due to the presence of the features noted above, portions of the subject lands are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area</p>

	<p>will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.</p> <p>It is understood that the parcels unintentionally merged and the owner would like to separate the parcels along the original lot line. The circulated cover letter indicates that the agricultural uses will continue on both parcels and no changes in use are proposed.</p> <p>As such, GRCA staff do not anticipate any impacts on the natural hazard features as a result of this application, and the GRCA has no objection to the proposed consent application.</p> <p>Consistent with GRCA's approved fee schedule, this application is considered a minor consent and the applicant will be invoiced \$465.00 for GRCA's review of this application.</p> <p>Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.</p>
Hydro One	<ul style="list-style-type: none"> • Have no comments or concerns at this time. The preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.
Mississaugas of The Credit First Nation	<ul style="list-style-type: none"> • No questions or comments.

As part of the circulation, we have not yet received any comments from the following departments:

- Enbridge Gas
- Six Nations

Public Considerations

Notice of this application, including contact information and the date of the public hearing, was circulated by mail on April 1, 2026, to all property owners within 60 metres of the subject lands, in accordance with Section 45(5) of the Planning Act.

A site visit was conducted on December 17, 2025, and the Public Notice sign was posted on the property on April 1, 2025.

At the time of writing this report, no public comments were received.

Conclusions and Recommendations

Consent Application B30-25-RF proposes to re-establish the parcels municipally known as 75 Highway 53, which inadvertently merged on title in the 1970's due to common

ownership. The application is technical in nature and seeks to restore the original lot lines, as the merger was not intended by the owner.

Conditions of approval have been identified through the review of technical comments, including but not limited to the following:

- Road widenings along Highway #53 and Harley Street, as required by the Development Engineering Division;
- Completion of a reapportionment report for the Rathburn Municipal Drain at the property owner's expense, as outlined in the Operations Department comments. Although two municipal drains were initially identified within the property, Operations Department confirmed that only the Rathburn Municipal Drain will be affected; and
- Confirmation of the location of the hydro lines and establishment of an easement, if required.

No development has been proposed as part of this application, and the agricultural uses of each parcel will remain unchanged.

It is my professional opinion that Consent Application for the re-establishment of the parcels represent good planning and address the technical correction of the inadvertent merger. Therefore, it is recommended that Consent Applications **B30-25-RF** be approved, subject to the attached conditions.

Prepared by:



Roxana Flores, Junior Planner

Attachments

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Severance Sketch
6. Site Photos

Reviewed By

1. Dan Namisniak, Manager of Development Planning
2. Jeremy Vink, Director of Planning

Copied To

3. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
4. Committee of Adjustment

5. Applicant/Agent

File # **B30-25-RF**

By-law and/or Agreement

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

Attachment 1

Applicant: 1778206 ONTARIO INC c/o Kris Martin

File No: B30-25-RF

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant(s) provide a copy of a Draft Reference Plan identifying the re-establishment of the original lot lines completed by a licensed surveyor and reviewed by the County of Brant, prior to the finalization of the Consent (i.e. registration of the deeds in the appropriate Registry Office).
3. That the Applicant convey to the County of Brant, free and clear of all encumbrances, road widenings along:
 - a) Highway #53 of 3.05 metres measured from the existing northerly property line, extending approximately 445 metres westward from Municipal #53 to the limits of the existing road widening shown on Registered Plan #502 (P2207-1); and
 - b) Harley Road of 2.0 metres along the entire frontage between Highway #53 and Seventh Concession Road.

Note: Be advised that compensation for road widening / daylighting lands, surveying fees, and registration is only applicable along the frontage of the retained lands provided the portion of retained lands being conveyed to the County are zoned "Agricultural" at the time of submission of the draft reference plan. If the lands are zoned anything other than "Agricultural", the County will not provide compensation for road widening / daylighting lands, surveying fees, and registration costs. Where eligible, compensation will be determined in accordance with County Policy DVS-2002-05.
4. That the Applicant/Owner provide proof, to the satisfaction of the County of Brant, that the subject lands have been re-assessed in accordance with the Drainage Act, R.S.O. 1990, c. D. 17, for the purposes of collecting funds for repairs and maintenance of the Rathburn Municipal Drain. Such re-assessment shall be completed via one of the following:
 - a) An Engineer's reapportionment completed and filed in accordance with Section 64 of the Drainage Act (cost to the borne by the parties as noted in the reapportionment); or,
 - b) A mutual agreement entered into by the Owners of the affected lands, setting out the share of the drainage assessment each party shall pay, with said agreement filed with the County of Brant Clerk.


5. That the Applicant/Owner provide confirmation of the location of hydro lines with the applicable Hydro Authority and establish an easement if required.
6. That the current Deed Stamping Fee be paid to the County of Brant, prior to the release of each executed Certificate of Official.
7. That the Applicant(s) provide draft transfer documents with legal descriptions of the severed and retained lands utilizing the Draft Reference Plan prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office).
8. That the Applicant/owner's solicitor prepare and register all the necessary documents following review and approval by the County Solicitor, and immediately following the registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
9. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

Attachment 2 – Zoning Map


**MAP 1: ZONING
FILE NUMBER
B30-25-RF**

75 HIGHWAY 53
County of Brant

COUNTY OF **Brant** Simply Grand

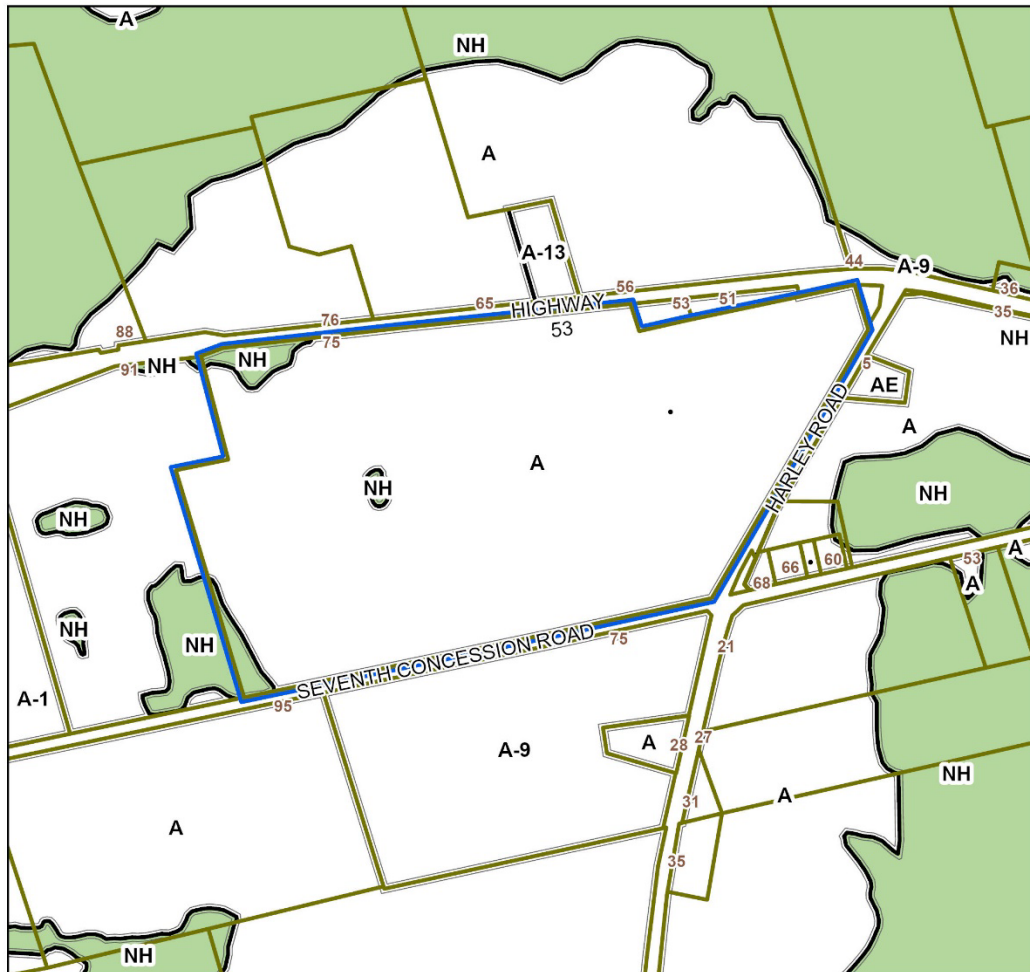
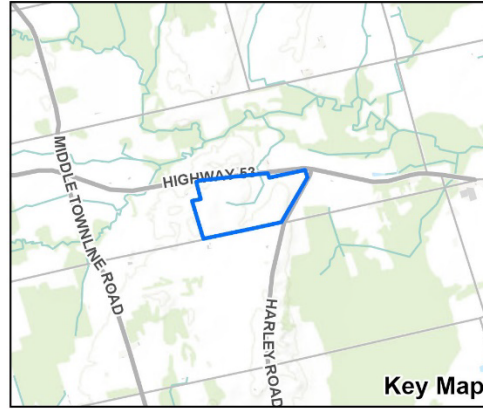


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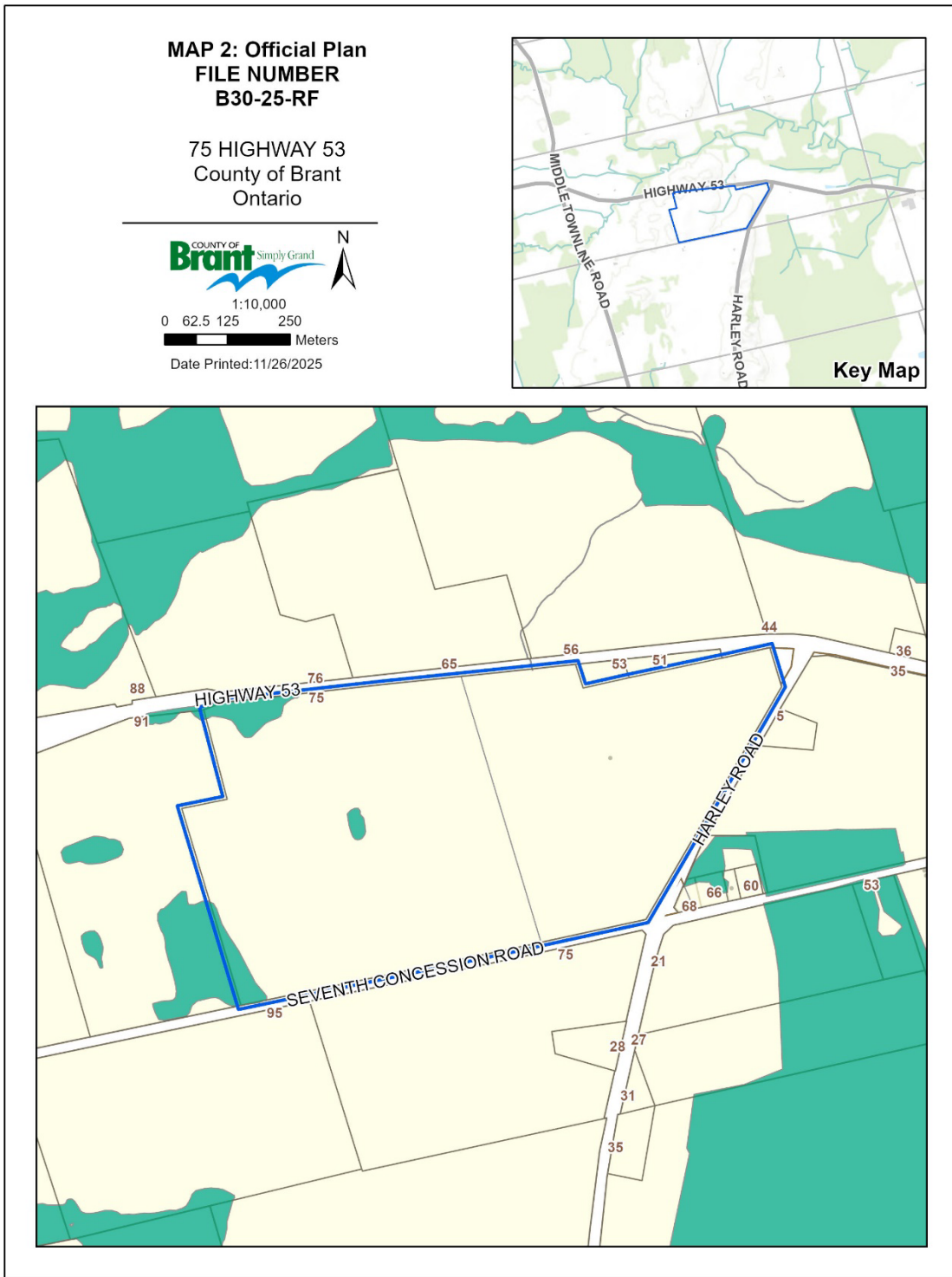


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Date Printed: 11/26/2025



Attachment 3 – Official Plan Map




Attachment 4 - Aerial Map

MAP 3: AERIAL IMAGERY 2024
FILE NUMBER
B30-25-RF

75 HIGHWAY 53
County of Brant
Ontario

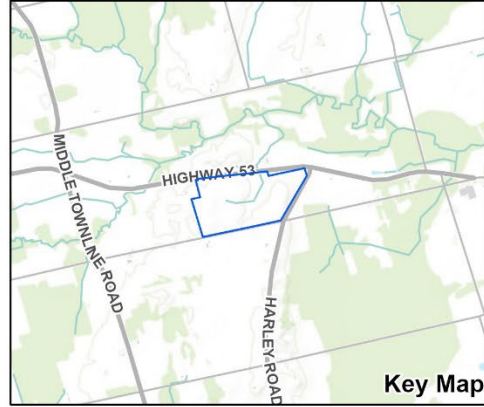
COUNTY OF **Brant** Simply Grand



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Date Printed: 11/26/2025



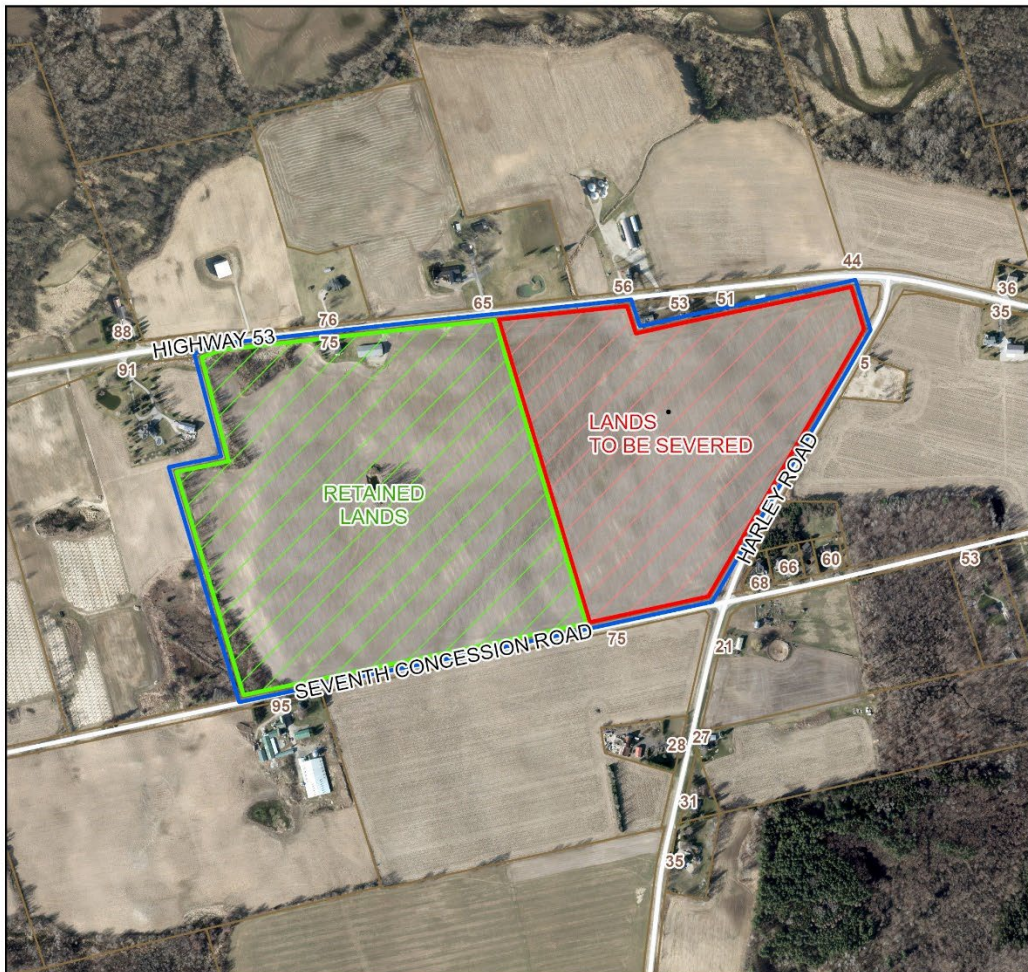
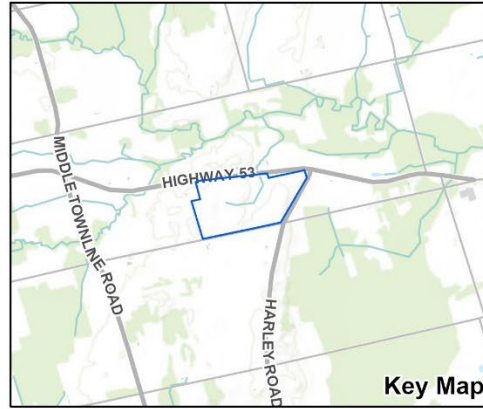
Attachment 5 – Aerial Detail Map

**MAP 4: AERIAL DETAIL MAP
FILE NUMBER
B30-25-RF**

75 HIGHWAY 53
County of Brant
Ontario



0 80 160 320
Meters
Date Printed: 11/26/2025



Attachment 6 - Severance Sketch



Attachment 7 - Site Photos



Front facing (south-east) view of 75 Highway 53 property at entrance.



Front facing (south) view of 75 Highway 53 property at entrance.



Front facing (south-west) view of 75 Highway 53 property at entrance.



Front facing (south-east) view of structure at 75 Highway 53.



Front facing (south-west) view of structure at 75 Highway 53.



Facing the other side of the structure.



Front facing south-east view of agricultural lands.



Front facing south view of agricultural lands.