



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Development Services

**Date to Council:** March 8, 2022

**Report Number:** DS-2022-07

**Subject:** Consent Agreement  
3425 11th Concession  
County Storm Drain Conversion to a Municipal Drain  
OUR FILE: B-04-06-21

---

### Recommendations

It is recommended:

**That** By-law No. 2022-010 being a by-law to authorize the Mayor and Clerk to execute a Consent Agreement between The Corporation of the Town of Tecumseh and Dana Azar, in accordance with Section 53(12) and 51(26) of the Planning Act, R.S.O. 1990, c. P13 and amendments thereto as an alternative means of fulfilling the condition and otherwise acknowledging the obligations which remain outstanding and to be fulfilled in order to satisfy condition 7 of Consent Applications B-04-21, B-05-21 and B-06-21, satisfactory in form to the Town's Solicitor, **be adopted**.

### Background

#### Consent to Sever Application

On March 22, 2021, Consent Applications B-04-21, B-05-21 and B-06-21 were granted provisional consent by the Committee of Adjustment to the Owner of a property on the west side of the 11<sup>th</sup> Concession, south of its intersection with County Road 42 (3425 11th Concession) (see Attachment 1). The purpose of the Consent Applications was to:

1. sever a vacant residential lot having a frontage of approximately 21.26 metres (69.77 feet), an irregular depth and a lot area of 1,121.89 square metres (12,076 square feet) (Part 1 outlined in red in Attachment 2);
2. sever a vacant residential lot having a frontage of approximately 23.8 metres (78.1 feet), an irregular depth and a total area of 1,020.54 square metres (10,985 square feet) (Part 3 outlined in green in Attachment 2);
3. sever a vacant residential lot having a frontage of approximately 39.85 metres (130.77 feet); an irregular depth and a lot area of 1,531.32 square metres (16,483 square feet) (Part 4 outlined in orange in Attachment 2); and
4. retain a residential lot containing an existing dwelling having a frontage of approximately 21.26 metres (69.77 feet), an irregular depth and a lot area of 1,121.89 square metres (12,076 square feet) (Part 2 outlined in blue in Attachment 2).

Condition 7 of the Committee's Decision requires that the parcel to be retained and the severed lots all be serviced with separate water supplies, storm and sanitary sewer systems to the satisfaction of the Town of Tecumseh Public Works and Water Departments. In accordance with the *Planning Act*, these conditions need to be fulfilled on or before March 26, 2022, or the severance is deemed to be refused.

## Comments

Subsequent to the conditional approval of the severances, the Owner endeavored to fulfill Condition 7 in relation to storm drainage and requested approval from the County of Essex to connect to the County's existing enclosed storm drain which is located along the west side of the 11th Concession and abuts the frontages of the proposed lots. The County requires the storm drain be converted to a municipal drain in accordance with Section 4 of the Drainage Act, RSO 1990, as amended (Drainage Act), as a condition of permitting the Owner to install separate storm sewer service connections for each lot.

The Owner agreed to this requirement and has submitted a Petition for drainage under Section 4 of the Drainage Act to start the process. Due to the timelines established by the Drainage Act, the Owner will not be able to complete the works necessary to fulfill Condition 7 of the severance approval prior to the aforementioned March 26, 2022 deadline, which would result in the severance approval lapsing.

In order to address the discrepancy between the consent approval and the Drainage Act timelines, Town Administration, in consultation with the Town Solicitor, provided the Owner with the option of entering into a Consent Agreement. The Agreement would

ensure the aforementioned works are constructed and the storm drainage services installed, and enable the Owner to meet Condition 7 of the Committee's Decision.

The Town Solicitor has reviewed the Consent Agreement, which has been signed by the Owner, and commits the Owner to the future construction of the storm sewer connections. The Consent Agreement is also to be registered on the title of the property to ensure that future Owners are made aware of their responsibilities related to the costs of the drain conversion should the property be sold before these works are constructed.

## **Summary**

Town Administration has reviewed the proposed Consent Agreement and has no concerns. Accordingly, Town Administration recommends that Council authorize the execution of the Consent Agreement, as reviewed by the Town Solicitor.

## **Consultations**

Legislative Services & Clerk  
Public Works & Engineering Services  
Town Solicitor

## **Financial Implications**

The Consent Agreement requires the Owner to pay the costs incurred by the Town in having its legal counsel prepare the Agreement and attend to the registration over title to the severed lots prior to the creation of the lots and transfer to any future property Owners.

The Owner, and future Owners, will be responsible for the pending assessment costs under the Drainage Act.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services & Local Economic Development

Reviewed by:

Laura Moy, Dipl. M.M.  
Director Legislative Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.  
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1.	Property Location Map
2.	Approved Consent Sketch