



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

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

**Date to Council:** October 11, 2022

**Report Number:** DS-2022-42

**Subject:** Consent Agreement  
6780 Holden Road  
Municipal Drain Access Culvert  
OUR FILE: B-01-22

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### Recommendations

It is recommended:

**That** a by-law to authorize the Mayor and Clerk to execute a Consent Agreement between The Corporation of the Town of Tecumseh and Raffaele Meo and Gina Meo, which facilitates the future construction of an access culvert across a municipal drain on the property located at 6780 Holden Road in order to satisfy condition 7 of consent application B-01-22, satisfactory in form to the Town's Solicitor, **be adopted**, subject to the Owner signing the agreement;

**And that** the execution of such further documents as are called for by the Consent Agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the Consent Agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the consent agreement, by the Mayor and Clerk, **be authorized**.

## Background

### Consent to Sever Application B-01-22

On February 28, 2022, consent application B-01-22 was granted provisional consent by the Committee of Adjustment for a property on the east side of Holden Road, approximately 1.1 kilometres north of its intersection with County Road 8 (6780 Holden Road). The purpose of the application was to sever a 0.55 hectare (1.35 acre) surplus dwelling lot and retain a 20.13 hectare (49.7 acre) agricultural parcel (see Attachments 1 and 2). As a condition of consent, a zoning by-law amendment was subsequently approved by Council in order to:

- i. rezone the 0.55 hectare (1.35 acre) surplus dwelling lot (6780 Holden Road), from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-37)” to establish a maximum lot area of 0.55 hectares (1.35 acres); and
- ii. rezone the 20.13 hectare (49.7 acre) agricultural parcel from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-38)” to prohibit a residential dwelling from being constructed.

Also, as a condition of consent, the applicant was required to provide a new access culvert and driveway from Holden Road to the retained agricultural lot, across the open municipal drain (Branch of the South Talbot & Holden Outlet Drain) in accordance Section 78 of the *Ontario Drainage Act*, as amended. This process involved the Owner submitting a Request for Improvements Form to the Town for the new access culvert with the understanding that all costs related to the new access culvert and driveway would be the responsibility of the Applicant.

It was understood that it would be unlikely that the engineer’s Drainage Report and the installation of the culvert could be completed by the March 4, 2023, deadline by which the consent conditions need to be satisfied. Accordingly, the Owner is required to enter into a Consent Agreement with the Town and have it registered on title. This agreement will ensure that if the parcel to be retained was sold after the severance, but prior to the installation of the access culvert through the Drainage Act process, any potential new owners would be made aware of the ongoing Drainage Engineer’s Report and the associated costs for the new culvert.

In order to address the discrepancy between the consent approval and the *Ontario Drainage Act* timelines, Town Administration, in consultation with the Town Solicitor, provided the applicant with the option of entering into the aforementioned Consent Agreement. This Agreement would ensure the access culvert will be constructed and the storm drainage service will be installed thereby enabling the applicant to meet those corresponding conditions of consent. The applicant agreed to this approach.

## **Comments**

The Town Solicitor has drafted the attached Consent Agreement (see Attachment 3), which commits the Owner to the future construction of the access culvert and storm drainage service. As noted, 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 access culvert and storm service should the property be sold before these works are constructed.

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 prepared by the Town Solicitor attached hereto.

## **Consultations**

Legislative Services & Clerk  
Public Works & Engineering Services  
Town Solicitor

## **Financial Implications**

None

## 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:

Jennifer Alexander, MPA  
Acting Clerk

Reviewed by:

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

Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building 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 Application Sketch
3.	Consent Agreement