

Applicant: Kathryn and James Cutherbertson  
File No.: B7/2013  
Property Address: 1233 Idylwild Drive

Date of Decision: 22 October 2013  
Date of Notice: 28 October 2013  
Last Date for Appeal: 17 November 2013

## NOTICE OF DECISION

On Application for Consent  
Subsection 53(17) of the Planning Act

**TAKE NOTICE THAT** the Committee of Adjustments for the Town of Fort Frances did, on the date referenced above, grant provisional approval to the **severance and conveyance of a strip of property 4.572 m. wide along the east limit of the Subject Land to add to 1233 Idylwild Drive to correct an existing encroachment of the accessory building (garage).**

Provisional approval was given based on the reasons set out on the Decision and subject to specific conditions which must, in accordance with section 53(41) of the Planning Act, be fulfilled within one year from the date of this notice. The legislated time period for satisfying conditions imposed is one year from the date of this Notice. Therefore if all conditions are not satisfied by 22 October 2014, approval will lapse. A certified copy of the Decision is attached.

Approval is also subject to a legislated appeal period. Pursuant to section 53(19) of The Planning Act, any person or public body may, no later than twenty (20) days from the date of this notice, appeal the decision or any condition imposed or both the decision and any condition to the Ontario Municipal Board by filing with the undersigned a Notice of Appeal. The last date for filing a Notice of Appeal is noted above.

Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. An unincorporated association or group may not file a Notice of Appeal. However, a Notice of Appeal may be filed on behalf of the association or group in the name of an individual who is a member of the association or group.

The Notice of Appeal must include the reasons for the appeal and be accompanied by a cheque or money order in the amount of \$125.00 payable to the "Minister of Finance".

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you make a written request to be notified of changes to the conditions of approval of the provisional consent.

Additional information about the application is available for public inspection between the hours of 8:30 and 4:30 at the Office of the Secretary-Treasurer for the Committee of Adjustment.

Dated at Fort Frances this 28<sup>th</sup> day of October 2013.

N. Faye Flatt, AMCT, ACST, CPT  
Municipal Planner/Comm. S/T  
Town of Fort Frances  
320 Portage Avenue  
Fort Frances, On P9A 3P9  
Telephone: (807) 274-5323 (ex. 275)



TOWN OF FORT FRANCES  
320 Portage Avenue, Fort Frances, On P9A 3P9  
COMMITTEE OF ADJUSTMENT DECISION

File No.  
**B7 / 2013**

IN THE MATTER of an Application under Section 53 of the Planning Act,  
R.S.O. as amended

By: Kathryn & James Cuthbertson on as agents for Richard Edwin Johnson  
& Mary Ellen Johnson

To sever and convey a strip of property 4.572 m. wide along the east limit of  
the Subject Land to add to 1233 Idylwild Drive to correct an existing  
encroachment of the accessory building (garage).

Subject Land: 1233 Idylwild Drive

Decision: Provisional Approval is Granted ☒ Not Granted ☐

Subject to the following Conditions:

1. **Reference Plan** – That the Municipal Planner be provided with two hard  
copies of reference plan 48R-2321.
2. **Legal Description** - That the Municipal Planner be provided with the legal  
descriptions of the property being severed and the property being retained  
to enable the issuance of the Certificate of Official.
3. **Zoning Compliance** - That the Municipal Planner be provided with  
Affidavit with detailed site plan as evidence that the severance does not  
create a non-compliant situation in regards to the buildings on the  
properties and that if a non-compliant situation is discovered, appropriate  
steps will be taken to correct same.

**WARNING:**

**ALL CONDITIONS MUST BE FULFILLED WITHIN ONE YEAR OF THE DATE  
OF THE GIVING OF THE NOTICE OF DECISION, FAILING WHICH THIS  
APPLICATION SHALL THEREUPON BE DEEMED TO BE REFUSED**

*Section 53(41), The Planning Act, R.S.O. 1990*

