

Notice of Decision

Applications: **Applications for Consent (File B-29/25) and Zoning By-law Amendment (File D-14 WA/10/26/D)**

CityView #: **PL202500069**

Property: **Water Street
Part of Lot 1, Registrar's Compiled Plan 787
Community of Wallaceburg**

Roll Numbers: **3650 441 005 01044**

It is hereby certified that the Council of the Municipality of Chatham-Kent at its meeting on September 21, 2026:

Approved

1. Consent application File B-29/25 to sever and convey eight (8) new residential parcels, described as:
 - i. Severed Parcel 1: a 1,164.3 sq. m (12,532 sq. ft.) vacant lot, shown as Parts 2, 3 & 4 on the applicant's sketch;
 - ii. Severed Parcel 2: a 1,289.1 sq. m (12,876 sq. ft.) vacant lot, shown as Parts 5, 6 & 7 on the applicant's sketch, together with a permanent easement over Part 6, for access to a mutual drain, in favour of Severed Parcel 1;
 - iii. Severed Parcel 3: a 1,389.2 sq. m (14,953 sq. ft.) vacant lot, shown as Parts 8, 9 & 10 on the applicant's sketch, together with a permanent easement over Part 9, for access to a mutual drain, in favour of Severed Parcels 1-2;
 - iv. Severed Parcel 4: a 1,391.9 sq. m (14,982 sq. ft.) vacant lot, shown as Parts 11, 12 & 13 on the applicant's sketch, together with a permanent easement over Part 12, for access to a mutual drain, in favour of Severed Parcels 1-3;
 - v. Severed Parcel 5: a 1,487 sq. m (16,006 sq. ft.) vacant lot, shown as Part 14, 15 & 16 on the applicant's sketch, together with a permanent easement over Part 15, for access to a mutual drain, in favour of Severed Parcels 1-4;
 - vi. Severed Parcel 6: a 1,576.4 sq. m (16,968 sq. ft.) vacant lot, shown as Part 17, 18 & 19 on the applicant's sketch, together with a permanent easement over Part 18, for access to a mutual drain, in favour of Severed Parcels 1-5;
 - vii. Severed Parcel 7: a 1,589.4 sq. m (17,108 sq. ft.) vacant lot, shown as Parts 20, 21 & 22 on the applicant's sketch, together with a permanent easement over Part 21, for access to a mutual drain, in favour of Severed Parcels 1-6; and,
 - viii. Severed Parcel 8: a 1,224.2 sq. m (13,188 sq. ft.) vacant lot, shown as Parts 23, 24 & 25 on the applicant's sketch, together with a permanent easement over Part 24, for access to a mutual drain, in favour of Severed Parcels 1-7;

in Part of Lot 1, Registrar's Compiled Plan 787, in the Community of Wallaceburg, subject to the following conditions:

- a) that the Chatham-Kent Zoning By-law be amended to:
 - i. Rezone 9 m (29.5 ft.) from top of bank along Otter Creek to Hazard Land (HL) zone to delineate the erosion hazard.
 - ii. Rezone the severed parcels from Residential Low Density Second (RL2) to site-specific Residential Low Density Second (RL2-1792), to include the

following provisions:

- a. Limit permitted uses to a single detached dwelling; and,
 - b. Apply a front yard setback minimum of 19 m (62.3 ft.) for new development.
- b) that the severed parcels be assigned the civic addresses of:
- Severed Parcel 1: 172 Water Street
 - Severed Parcel 2: 168 Water Street
 - Severed Parcel 3: 164 Water Street
 - Severed Parcel 4: 160 Water Street
 - Severed Parcel 5: 156 Water Street
 - Severed Parcel 6: 152 Water Street
 - Severed Parcel 7: 148 Water Street
 - Severed Parcel 8: 144 Water Street
- c) that the severed parcels be fully serviced with Municipal water and sanitary sewer connections; and where absent, new service connections be installed at the applicant's expense and to the satisfaction of the Municipality; and that the applicant provide documentation confirming permit issuance and payment of fees for all new connections;
- d) that the Stormwater Management Design component of the Functional Servicing Report prepared by R. Dobbin Engineering, dated February 11, 2026, be implemented; including, but not limited to, the boulevard swales, rear yard catch basins, stormwater outlets, and rough grading works; and that a qualified Professional Engineer certify, to the satisfaction of the Municipality, that the works have been completed in accordance with the approved Functional Servicing Report;
- e) that the Owner enter into a Mutual Agreement Drain for the rear yard storm drainage works required under Condition d), in accordance with Section 2 of the Drainage Act, R.S.O. 1990, as amended, and that the Agreement be registered on title to all lands benefiting from or affected by the mutual drain, including all lots created by this consent; and that the Agreement shall include provisions prohibiting any building, structure, or other obstruction within the mutual drain corridor; and that the Agreement be completed and registered to the satisfaction of the Municipality.
- f) that the applicant pay \$4,000 (\$500 per lot) cash-in-lieu of parkland dedication;
- g) that Parts 3 & 6 on Registered Plan 24R-5516 (one-foot reserve), and Parts 1, 26 and 27 on the applicant's sketch (daylight corners) be conveyed to the Municipality free of charge and clear of all encumbrances;
- h) that the applicant pay \$85 for the registration of the dedication by-law for the daylight corner conveyance pursuant to Condition (g)
- i) that the applicant obtain approval and any necessary permits from St. Clair Regional Conservation Authority (SCRCA) for the installation of the two (2) proposed stormwater management outlets into Otter Creek;
- j) that the severed parcels be created by way of the registration process outlined by Province of Ontario Bulletin No. 2005-01, Subdivision by Reference Plan;
- k) that a legible hard copy of the final reference plan be submitted to the municipality;
- l) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification. 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).

Council also passed By-law No. 106-2026, to rezone the lands to:

- Limit the permitted dwelling type on each lot to a single detached dwelling;
- Establish a minimum development setback of 19 m (62.3 ft.) from the front lot line (along Water Street frontage) to ensure development occurs in accordance with the approved grading and stormwater management design; and
- Rezone a portion of the lands adjacent to Otter Creek to prohibit development within the identified erosion hazard area.

Reasons for Approval

The reasons for the Decision are incorporated in the Planning Services report dated September 21, 2026, 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 **October 12, 2026**.

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: September 22, 2026

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 **September 21, 2026**, Council of the Corporation of the Municipality of Chatham-Kent approved Consent Application (**File B-29/25**) & Zoning By-law Amendment (**File D-14 WA/10/26/D**) submitted for property located on Water Street (no address), Part of Lot 1, Registrar's Compiled Plan 787, in the Community of Wallaceburg (Roll No. 3650 441 005 01044).

At the meeting, Council approved Consent Application File B-29/25 to sever and convey eight (8) new residential parcels.

Zoning By-law No. 106-2026 was passed by Council to rezone the lands to:

- Limit the permitted dwelling type to a single detached dwelling;
- Establish a minimum development setback of 19 m (62.3 ft.) from the front lot line (along Water Street frontage) to ensure development occurs in accordance with the approved grading and stormwater management design; and
- Rezone a portion of the lands adjacent to Otter Creek to prohibit development within the identified erosion hazard area.

Reasons for Approval

The reasons for the Decision are incorporated in the Planning Services report dated September 21, 2026, which was adopted by Council. There were no written or oral submissions received with respect to the applications 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: October 12, 2026

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



Municipality of Chatham-Kent
Development Services
Planning Services
315 King St. West, P.O. Box 640
Chatham ON N7M 5K8
Tel: 519.360.1998 Fax: 519.436.3237
CKplanning@chatham-kent.ca

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 22nd Day of September, 2026.