



Notice of Decision and Passing of a Consent and Zoning By-law Amendment

Date of Notice:	August 28, 2026
By-Law No.:	78-26
Date Passed by Council:	August 25, 2026
Appeal Deadline:	September 17, 2026
File No.(s):	ZBA 377 & B-10-26
Applicant:	J. Byrne Farms Limited
Property:	10 and 16 Mersea Road 19

Take notice that the Council of the Corporation of the Municipality of Leamington passed the above-noted Zoning By-law and Consent, under sections 34 and 53 of the Planning Act, R.S.O., 1990, c.P.13. Council has considered the written and oral submissions from the public on this matter.

Application Details

The purpose of consent application B-10-26 is to sever 0.2 hectares from the existing farm parcel, addressed as 10 Mersea Road 19, to create a Surplus Farm Dwelling lot (Part 1 on the attached Plan of Survey). The retained farm lot will be merged with the abutting farm to the immediate north (16 Mersea Road 19).

The purpose and effect of this by-law is to rezone the severed lands from Agricultural Hobby Farm Zone (A3) to Agricultural General Zone (A5) and to rezone the retained and receiving farm land from Agricultural Hobby Farm Zone (A3) to a site-specific Agricultural General Zone (A1-51) to prohibit future residential development.

A description of the lands to which the By-law applies and/or a key map showing the location of the lands to which the By-law applies are attached.

Decision

The Council has taken into consideration, on balance, any and all submissions made before its decision.

The Council, having considered all relevant materials, including information provided by the applicant, plans submitted, and staff and agency comments, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Council, having regard to those matters under subsection 51 (24) of the Planning Act, R.S.O., 1990, c.P13., as amended, resolves to grant provisional consent subject to the conditions of Schedule "A" being fulfilled.

This decision is subject to appeal to the Ontario Land Tribunal e-file service or with the Planning and Development Services office directly, before **4:30 PM on September 17, 2026**. A summary of the appeal procedure is enclosed.

Where no appeal, if within such 20 days, no notice of appeal is given, the decision of the Council is final and binding, and Planning and Development Services shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

Additional information: A copy of the Zoning By-law in its entirety can be found at <https://www.leamington.ca/bylaws>, or by contacting Planning and Development Services at 519-326-5761 ext. 1407, or planning@leamington.ca.

Brenda M. Percy, Clerk
Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9

Explanatory Note

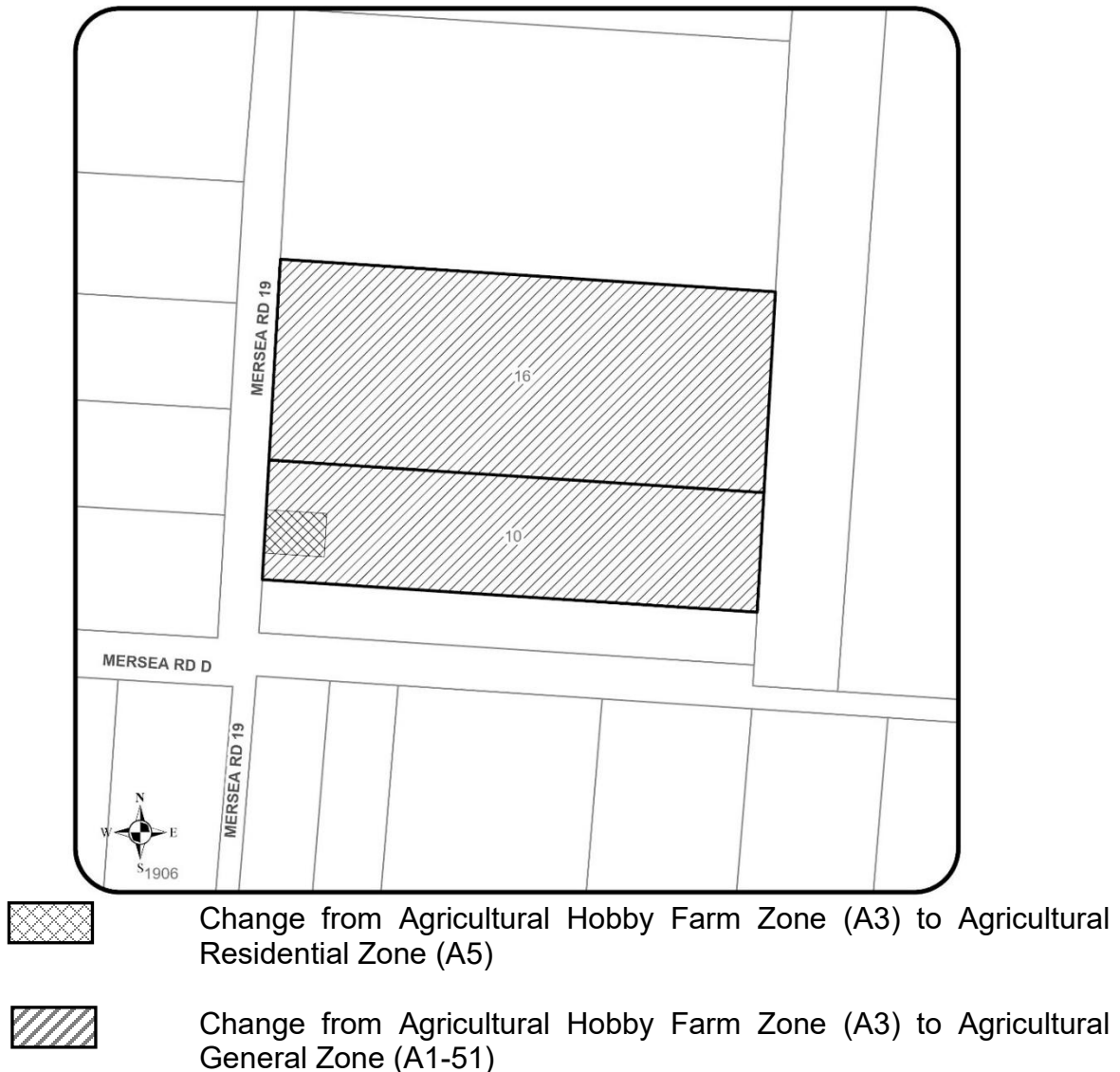
The purpose of By-law 78-26 is to change the zoning of the severed lot at 10 Mersea Road 19 from Agricultural Hobby Farm Zone (A3) to Agricultural Residential Zone (A5) to recognize the residential use of the lot, and to change the zoning of the retained farm parcel and the abutting farm parcel from Agricultural Hobby Farm Zone (A3) to site-specific Agricultural General Zone (A1-51) to prohibit residential uses and buildings.

No oral or written comments were received from the public regarding the Zoning By-law Amendment Application ZBA 377.

Location of Lands Affected

10 and 16 Mersea Road 19
Con C S PT Lot 19

Bylaw Key Map





Right To Appeal to the Ontario Land Tribunal: Procedure for Filing an Appeal (Consent / Zoning By-law Amendment)

If you wish to **appeal** a decision made by the Leamington Council, you must follow these steps:

Who Can Appeal?

- Only the **applicant**, the **Minister**, or a **specified person or public body** who made written or oral submissions to the Municipality of Leamington prior to the Council's decision may file an appeal.
- A person or public body cannot be added to the appeal hearing unless they made a submission to the Council before the decision or the Ontario Land Tribunal deems there are reasonable grounds to add them as a party.

Deadline for Filing

- The **appeal deadline is 20 days** from the date of the notice of decision.
- If no appeal is filed within this period, the decision of the Council will be **final and binding**.
- If no appeal is filed, Planning and Development Services will notify the applicant and file a certified copy of the decision with the Municipal Clerk.

Required Information and Fees

When filing your appeal, you must provide the following:

1. Reasons for the Appeal

Clearly state the reasons you are appealing the decision.

2. Ontario Land Tribunal (OLT) Fee

- **\$1,100.00 per application**, payable to the **Minister of Finance**.
- If filing online, this fee can be paid through the OLT e-file service.
- If submitting by mail or in person, pay by **certified cheque or money order**.

Note: You may request a reduction of the OLT fee to **\$400.00** when filing the appeal.

The request must be made at the time of filing. For more details, refer to the OLT Fee

Schedule: <https://olt.gov.on.ca/fee-chart/>.

3. Municipal Processing Fee

- **\$130.00 per application**, payable to the **Municipality of Leamington** by **certified cheque**.
- This fee must be paid **separately** from the OLT fee and submitted in person or by mail to the Municipality of Leamington.

Procedure for Filing an Appeal

1. Obtain the Appeal Form

- Visit the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/> to download the appeal form.

2. File Your Appeal

You have two (2) options for filing your appeal:

Option 1: e-File Service

- Go to the OLT e-file service at <https://olt.gov.on.ca/e-file-service/>.
- First-time users must create a My Ontario Account.
- Select **Leamington (Municipality): Clerk and Secretary-Treasurer** as the approval authority.

Option 2: Submit in Person or by Mail

- Submit your completed appeal form to:
ATTN: Clerk
Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9
- Appeals must be received **no later than 4:30 PM on the last day of the appeal period**.
- If you submit after 4:30 PM, your appeal will be considered filed on the next business day.

If the OLT e-file service is unavailable, you may also submit your appeal via email to planning@leamington.ca.

For more information, you can contact Planning and Development Services of the Municipality of Leamington at planning@leamington.ca or visit the OLT website.



SEVERANCE CONDITIONS (SCHEDULE A)

Consent Application – B-10-26

Prior to consent being endorsed on the deed(s) all conditions must be satisfied

within two years from the date of the notice of decision. Failure to do so will result in the application being deemed denied, in accordance with the Planning Act.

1. Approval and Registration of Plan of Survey or Reference Plan

A Plan of Survey or Reference Plan to the satisfaction of the Municipality shall be submitted that delineates the newly created property lines. This plan shall comply with the Municipality's zoning requirements. Additionally, satisfactory evidence shall be provided to confirm the location of all buildings on the subject lands, either through a detailed plan or a certificate from a qualified surveyor. Upon approval of the survey by the municipality the Applicant shall register the plan of survey with the Land Registry Office and provide evidence that the Plan of Survey or Reference Plan has been deposited with the Land Registry Office to the satisfaction of the Municipality.

2. Transfers (Deeds and/or Easements)

The Applicant shall submit an acceptable registration transfer to attach the consent to the original deed. The Applicant and their solicitor shall ensure that, immediately following registration at the Land Registry Office, a copy of the deed cover page (including the instrument number) is forwarded to the Secretary-Treasurer.

3. Consolidation of PIN Numbers

Subsection 50(3) of the Planning Act applies to the lands involved in this application. The severed portion will be added to the abutting property owner's land (370643000001200, CON C S PT LOT 19). The Applicant shall submit satisfactory evidence showing that the transferee of the severed portion and the owner of the abutting property are identical. The Applicant shall also provide a solicitor's undertaking from their solicitor to consolidate the severed and abutting lands into one parcel. As soon as practical, the Applicant or their solicitor shall provide a copy of the registered application to consolidate parcels to the Municipality.

4. Tax Statement & Special Assessments

The Applicant shall provide a Tax Statement from the Municipality confirming that there are no outstanding taxes on the subject properties (10 Mersea Road 19 and 16 Mersea Road 19). Any overdue taxes must be remitted to the Municipality. The owner is responsible for ensuring that any necessary apportionments for special assessments under the Local Improvement Act and/or the Municipal Act are paid.

5. Registration of Documents

The Applicant and their solicitor shall provide an undertaking to ensure that all transfers and necessary agreements are registered as soon as practical after the issuance of the certificate of consent to sever.

6. Consent Certificate

The Applicant shall submit the deed for stamping along with a separate stamping page for endorsement by the Secretary-Treasurer.

7. Consent Certificate Fee

The Applicant shall pay the applicable consent certificate fee as outlined in the Municipality's Fees By-law.

8. Zoning By-law Amendment

A favourable Zoning By-law Amendment shall be obtained to the satisfaction of the Municipality.

Comment:

The severed property is rezoned from A3 to A5 and the retained property, to be merged with the abutting property to the north, is rezoned from A3 to A1-51.

9. Septic Inspection for Severance

A clearance letter for the sewage disposal system at 10 Mersea Road 19 shall be obtained from Building Services.

10. Septic Inspection for Severance Fee

The applicant shall pay the applicable Severance Inspection for Severance fee as outlined in the Municipality's Fees By-law.

11. Proof of Drainage

The Applicant shall provide proof of adequate drainage for both the conveyed and retained lands. If drainage occurs through adjacent properties, a mutual drainage agreement may be required. All drainage costs are the responsibility of the

Applicant. Proof of drainage and the necessary fee shall be submitted to Drainage Services at least 30 days before the deeds are stamped.

Comment:

Proof of drainage confirms that:

- a) The existing and severed parcels drain independently.
- b) Both parcels have the right to drain to a municipal drain or a mutual drainage agreement shall be registered on both properties.
- c) If neither parcel has the right to drain to a municipal drain and wishes to do so, a Section 65(3) Report under the Drainage Act is required.

12. Proof of Drainage Fee

The Applicant shall pay the applicable proof of drainage fee as outlined in the Municipality's Fees By-law.

13. Drainage Apportionment Agreement

The property owner shall execute an agreement to apportion assessments on Municipal Drains due to the severance or sale approved by the Municipality. The Drainage Apportionment Agreement and a 12R plan shall be submitted to the Municipality at least 30 days before the deeds are stamped.

Comment:

The Drainage Apportionment Agreement will be prepared by the Drainage Superintendent upon the Applicant's written request, along with the submission of the 12R plan and payment of fees. This agreement shall be signed by all applicable parties.

14. Drainage Apportionment Agreement Fee

The property owner shall pay the applicable Drainage Apportionment Agreement fees as outlined in the Municipality's Fees By-law. The fees shall be paid at least 30 days before the deeds are stamped.