

## COMMITTEE OF ADJUSTMENT AGENDA

**Date:** Monday, December 15, 2025, 6:00 p.m.  
**Location:** VIA Zoom Meeting  
**Members:** T. Jenney, Chair, J. Watson, L. Hillier, K. Medenblik, J. Smith

### Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
3. APPLICATIONS TO BE HEARD

- a. Consent D10CON25.008H - 9258 Tenth Line

2

**Location:** 9258 Tenth Line, Town of Halton Hills (Esquesing), Regional Municipality of Halton

**Purpose:** Proposed **new lot**. The parcel is municipally known as part of 9258 Tenth Line, Town of Halton Hills (Esquesing). The parcel is shown on the sketch of the subject lands as **Parcel B, ± 16.19 Ha**, prepared by J.D. Barnes Limited, date stamped as received by the Committee of Adjustment on October 16, 2025.

**Legal Description:** PT LTS 6 & 7, CON 10 ESQ; PART 1, 20R21348 TOWN OF HALTON HILLS

**Owner(s):** Romano-Franco Georgetown Inc., Mario Romano **Agent:** Corbett Land Strategies Inc., John Corbett

4. ADJOURNMENT

**TO:** Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

**FROM:** Jessica Rahim, Senior Planner – Development Review

**DATE:** December 12, 2025

**RE:** Planning Recommendation for  
Application D10CON25.008H – 9258 Tenth Line  
PT 7 Con 10 and PT 6 Conc 10 in the former Township of Esquesing  
Municipally known as 9258 Tenth Line, Town of Halton Hills (Esquesing)

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## **APPLICATION**

A Consent application has been submitted for the lands municipally known as 9258 Tenth Line (Esquesing) seeking to sever the parcel to create a new lot (2 lots total including the retained lot).

The lands subject to the severance have an approximate lot area of 63 hectares (156 acres), lot frontage of 693 metres on 5 Side Road, 929 metres flanking Tenth Line and are currently vacant and used for agricultural purposes. The parcel proposed to be severed (Parcel B on the submitted sketch) is intended to have a lot area of approximately 16.2 hectares and a lot frontage of approximately 239 metres on Tenth Line. The lands to be retained (Parcel A on the submitted sketch) are to have a lot area of approximately 46.8 hectares and a lot frontage of approximately 689 metres on Tenth Line. The Applicant has suggested that agricultural operations will be maintained on both the severed and retained lots and that a new single detached dwelling will be constructed on the severed lot.

The table below outlines the approximate lot sizes and frontages for each proposed lot:

Parcel	Parcel Description	Area	Frontage
A	Retained Lot	46.81 ha (115.7 acres)	689.3 m (2261.48 ft)
B	Severed Lot	16.19 ha (40.0 acres)	239.2 m (784.8 ft)

## **POLICY CONTEXT**

### **Planning Act**

Section 51(24) of the *Planning Act* sets out the criteria to consider when reviewing an application to subdivide land. These criteria include the effect on matters of provincial interest, whether the proposal is premature, conforms to the municipal Official Plan, the suitability of the land for the purposes for which it is to be subdivided, and the dimensions and shapes of the proposed lots.

Section 53(1) states that a Consent may be granted provided the approval authority is satisfied that a plan of subdivision of the land is not necessary for the orderly development of the municipality. Additionally, Section 53(12) directs that in determining whether provisional consent is to be given shall have regard to the matters under subsection 51(24). Furthermore, Section 53(12.1) clarifies that the powers set out under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land.

The proposal must also have regard to the matters of provincial interest under Section 2, specifically Subsection (b) the protection of the agricultural resources of the Province, Subsection (h) the orderly development of safe and healthy communities, and Subsection (p) the appropriate location of growth and development.

### **Provincial Planning Statement (PPS), 2024**

The Provincial Planning Statement (PPS) 2024 came into effect on October 20, 2024, and provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario and applies province wide. However, the PPS recognizes the diversity of Ontario and that local context is important.

The PPS provides broad based policies that promote agricultural, agricultural-related and on-farm diversified uses. The subject lands fall within the Rural Area and form part of the Town's Prime Agricultural area and are therefore subject to those policies of the PPS 2024.

Section 4.3.3.1 identifies that lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
  - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  - 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

Furthermore, Policy 4.3.3.3 states, the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c).

Section 2.6.5 of the PPS states new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the Minimum Distance Separation (MDS) formulae.

The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

### **Region of Halton Official Plan**

The subject property is designated Agricultural Area and Regional Natural Heritage System (RNHS) under the 2009 Regional Official Plan (ROP), as amended. The lands are identified as being within the Prime Agricultural Area and contain and are adjacent to Natural Heritage features identified as Key Features of the ROP.

Section 99 identifies the objectives of the Agricultural System, which includes (1) to recognize agriculture as the primary activity and land use in the Agricultural System; (2) to preserve Prime Agricultural Areas and prime agricultural lands; (3) maintaining as much as possible lands for existing and future farm use; and, (5) reduce the fragmentation of lands suitable for agriculture and provide for their consolidation.

Section 65 states that the creation of new lots in any land use designation is permitted only by specific policies of the ROP. Section 101(1.2) applies to the Agricultural System and Agricultural Area and prohibits the creation of new lots for residential purposes except in Hamlets or Rural Clusters or otherwise permitted by policies of this Plan.

The Town is now responsible for the administration of the Region of Halton Official Plan (ROP) resulting from the passing of Bill 23, *More Homes Built Faster Act, 2022*, and Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, which had the effect of removing the land use planning authority for the Region.

### **Town of Halton Hills Official Plan**

The property is designated Agricultural Area under the Town's Official Plan. As per Section E1.1, the objectives of this designation include: a) recognize agriculture as the primary activity and land use; b) maintain and preserve the agricultural resource base of the Town; c) protect land suitable for agricultural production from fragmentation, development and land uses unrelated to agriculture; d) promote the agricultural industry and associated activities and enhance their capacity to contribute to the economy of the Town; e) preserve and promote the agricultural character of the Town and the maintenance of the countryside as an open space area.

Section E1.4.1 contains direction regarding the creation of new lots in the Agricultural Area as follows:

“In accordance with the intent of this Plan to maintain and protect the agricultural resources and rural character of the Town, lot creation is prohibited unless specifically provided for in Section F1.2 of this Plan”.

As per Section F1.2, the creation of new lots outside of the Urban Area, Hamlet Area and Rural Cluster Area designation is prohibited unless it is for use by a public utility (F1.2.5) or for acquisition by a public body (F1.2.6).

### **Town of Halton Hills Zoning By-Law 2010-0050**

The subject property is zoned Agricultural (A) under the Town's Zoning By-law 2010-0050, as amended. The minimum lot area in the A zone is 4 hectares (9.88 acres) and the minimum lot frontage is 180 metres.

## **COMMENTS**

### **Internal Department and External Agency Comments**

The Consent application was circulated for review and comment to Town departments and external agencies. Relevant comments regarding the proposal are as follows:

#### **Planning Comments**

Town Planning staff have reviewed the proposed severance against the applicable policy framework, including the 2024 Provincial Planning Statement (PPS), the Regional Official Plan, the Town of Halton Hills Official Plan, and the Town of Halton Hills Zoning By-law. The Town also retained Stovel and Associates Inc. (SAI) to peer review the proposal and submitted MDS Study. Staff are of the opinion that insufficient information/materials have been provided in support of the application to demonstrate that the proposed severance is consistent with Provincial, Regional and Town policies. SAI has also indicated that there is deficient evidence to confirm compliance with the MDS requirements and questions the agricultural viability of the proposed 16.2 hectare severed farm parcel.

The 2024 PPS discourages lot creation in prime agricultural areas and may only be permitted in accordance with provincial guidance as per Section 4.3.3.1. Given lot creation in the prime agricultural area is discouraged, it would suggest that the onus is on an applicant to demonstrate how dividing a large agricultural property into two smaller parcels supports the continued agricultural function of the lands. To that end, the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which was prepared by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and is intended to help municipalities interpret the policies of the Provincial Policy Statement<sup>1</sup>, identifies that:

“...criterion (contained in the Guidelines) is not intended to suggest that small farm lots may be created. In general, the larger the farm parcel, the more adaptable it is to changing conditions and the more efficient it is to run the farm. Keeping farms large enough to maintain flexibility is

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<sup>1</sup> The Provincial Planning Statement, 2024 integrated the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe into one streamlined province-wide document. The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas should continue to apply to the interpretation of the Provincial Planning Statement, 2024, given the document contains virtually identical prime agricultural area lot creation policies as the former Provincial Policy Statement. See further discussion later in the report.

key to agricultural viability and to achieving the PPS requirement of protecting prime agricultural areas for long-term use in agriculture (Guideline 2.1.1.3).

While the Applicant has suggested agricultural operations are intended to be maintained on both the severed and retained lots, no clarification or farm business case has been provided to identify a specific agricultural use/user for the severed parcel to justify its creation or how the smaller lot will remain viable and dedicated for agricultural purposes. The Applicant has only identified that a new dwelling is proposed to be constructed on the severed parcel that will be used for agricultural purposes. Staff have suggested a farm business case be submitted to demonstrate consistency with the 2024 PPS; however, none has been provided to date.

Additionally, Section 2.6.5 of the PPS requires that new land uses, including lot creation, comply with the Minimum Distance Separation (MDS) formulae. The Applicant submitted an MDS Study, which was peer-reviewed by Stovel and Associates Inc. (SAI), who concluded that the information contained in the study was insufficient to confirm compliance with MDS for both the proposed severed and retained parcels. SAI identified several technical matters requiring clarification by the Applicant, which could be addressed through the completion of a signed Farm Data Sheet. SAI also expressed concerns regarding the agricultural viability of the proposed severed 16.2-hectare parcel. To demonstrate the viability of the proposed severed lot, SAI recommends that the Applicant review the agricultural characteristics of the subject lands, as well as the surrounding lands, and also submit a farm business case.

The *Planning Act* (Section 51(24)) also requires that in consideration of the Consent, regard shall be had as to whether the proposal conforms to the Official Plan. As noted earlier in the report, both the Halton Region and Town of Halton Hills Official Plan prohibit the creation of new lots in the agricultural area, except for limited cases such as for use by a public utility or for acquisition by a public body (neither of which applies to the proposal). Given the above, should the Applicant be able to demonstrate consistency with the 2024 PPS, staff are of the opinion that an Official Plan Amendment (OPA) application would be required to address the OP policy conflict, satisfy the Planning Act requirements and consider the merits of the proposed severance. To date, no OPA application has been submitted.

It should be noted that the Applicant has suggested that an OPA is not required as the Town's Official Plan has not yet been updated to reflect the policy direction contained in the 2024 PPS under Section 4.3.3.1. While the Town's Official Plan does predate the 2024 PPS, the 2005 Provincial Policy Statement was in place prior to the adoption of the OP and contained virtually identical prime agricultural area lot creation policies (Section 2.3.4.1) that are now in the 2024 PPS (Section 4.3.3.1). Given the Minister of Municipal Affairs and Housing approved the Town's Official Plan in 2008, the Ministry would have found that there was no conflict between the Town's prohibition on lot creation in the agricultural area and the in force 2005 PPS. Those same lot creation policies found in Section 2.3.4.1 were in all subsequent versions of the Provincial Policy Statement until it was replaced by the 2024 Provincial Planning Statement (note: see the Footnote above regarding the 2024 PPS replacing the previous PPS). It should also be noted that Section 1 of the 2024 PPS allows planning authorities to go beyond the minimum standards of the PPS, unless it poses a policy conflict.

With regards to the Town's Zoning By-law, the Applicant has argued that the Consent is appropriate given both the severed and retained parcels would conform to the applicable minimum lot size and frontage requirements. However, the Town's Comprehensive By-law was adopted following approval of the Official Plan, which prohibits the creation of new lots in the agricultural area. The intent of the minimum lot area and frontage requirements in the By-law was to recognize the rural lot fabric at the time so that existing smaller lots would not have been deemed legal non-conforming, not to permit the creation of new smaller lots.

Given the above, staff are recommending refusal of the Consent application due to:

- insufficient information to demonstrate consistency with the 2024 PPS;
- questions over the suitability and viability of the proposed 16.2 ha (40 acre) severed lot for agricultural purposes; and,
- the application does not conform with the agricultural policies of the Halton Region and Town of Halton Hills Official Plans. The Applicant has not filed an Official Plan Amendment application.

#### Development Engineering Comments

Development Engineering staff have identified that a stopping sight distance analysis must be provided to confirm that safe access can be achieved for both the proposed severed and retained parcel. Additionally, should the severance be approved, road widenings along Tenth Line and 5 Side Road are required to be conveyed to the Town and clearly illustrated on the submitted reference plan.

#### **Public Comments**

No comments have been received from the public as of the date this report was prepared.

#### **RECOMMENDATION**

Planning staff do not support approval of the Consent application as the Applicant has not demonstrated how the proposal meets the applicable policy requirements. Based on the foregoing, staff recommend refusal of the subject application.

However, should the Committee of Adjustments wish to consider the merits of the Consent application, staff suggest any approval be subject to the Conditions outlined in Schedule 1.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

## **SCHEDULE 1 – CONDITIONS OF CONSENT**

Prior to the issuance of the final Consent Certificate by the Town of Halton Hills, the Owner shall address the following conditions:

1. That the Owner shall pay the conveyance of land for Parkland (or Cash-in-lieu payment), equal to five percent (5%) of the land proposed for development or redevelopment.
2. That the Owner shall provide a stopping sight distance analysis to confirm that safe access can be achieved for both the severed and retained parcels.
3. The Town's Official Plan has designated both Tenth Line and 5 Side Road to have a 30.0 metre right-of-way width; therefore the Owner will be required to dedicate to the Town of Halton Hills for the purpose of a road widening any lands within 15.0 metres of the centre-line of the original 20.0 metre right-of-way width of Tenth line and 5 Side Road. The Owner is required to retain a surveyor to prepare a reference plan indicating a 15.0 metre distance from the centerline of the existing road for both Tenth Line and 5 Side Road.
4. That whenever a reference plan is required for the registration of the transfer, the draft reference plan shall be provided to the Secretary-Treasurer, Committee of Adjustment & Consent Official for review and approval prior to being deposited at the Land Registry Office (LRO).
5. That a digital copy (via e-mail) and one hard copy of the deposited reference plan shall be submitted to the Secretary-Treasurer, Committee of Adjustment & Consent Official.
6. A certificate fee will be applicable in the amount current at the time of the issuance of the certificate.

### **Notes**

#### **Town of Halton Hills Parks & Open Space**

- Under the Town's By-law 2022-0043, in the case of land proposed for non-residential uses other than commercial or industrial uses, the conveyance of land for Parkland (or Cash-in-lieu payment) shall be equal to 5% (five percent) of the land proposed for development or redevelopment.

#### **Town of Halton Hills Development Engineering**

- The Town's Official Plan shows Tenth line and 5 Side Road as requiring a 30 metre right-of-way. The existing right-of-way for Tenth Line and 5 Side Road is estimated to be roughly 20 metres; therefore, the surveyor will be required to provide a draft reference plan that shows half of the proposed distance from the centerline of the original right-of-way onto each of side.



- The submission of a grading/drainage plan and site servicing plan will be required in support of any Building Permit submitted for either the severed or retained lands.

### Natural Environment

- There are no environmental planning comments related to the placement of a new lot line that would divide the parcel into 2 lots. However, a woodland feature is identified on the Site Plan (GEI Figure SP-1) that is of interest.
- Given the size of both lots, it is reasonable that building envelopes could be demonstrated while considering this feature. It is recommended that any future development or site alteration activities, including grading, access, and structure placement, avoid the environmental features (woodland, watercourse) identified on the Site Plan (SP-1, GEI) unless otherwise approved by the Town.

### Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Halton Hills Hydro will require the applicant to apply for a technical service layout (TSLO) for any new or upgraded services associated with the planned residential dwelling.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

### Halton Region

- The subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed online at: <http://www.ctcswp.ca/ctc-source-protection-plan/> and the Halton-Hamilton Source Protection Plan (SPP). The Halton-Hamilton SPP can be accessed online at: <http://www.protectingwater.ca/>.
- The property is partially located within a Highly Vulnerable Aquifer (VS=6). Based on the information provided by the applicant, this application is not subject to Section 59 under the Clean Water Act, 2006. Therefore, this application can proceed from a Source Water Protection perspective and no Section 59 Notice will be required. Reference material has been attached for the owner's information, related to the Source Water Protection Program and the important role landowners play in protecting drinking water sources.

### Conservation Halton (CH)

- Based on a review of the materials submitted and the best available information, the severed lot, "Parcel B Lands To Be Severed" identified on the Severance Sketch submitted, will not contain lands regulated by CH. As such, CH has no concerns with the proposed severance. The retained lot, "Parcel A Lands To Be Retained", contains a portion of the 30 m regulated area associated with the adjacent wetlands and is regulated by CH.

Please note that future development activities on Parcel A may require a permit from CH. CH should be consulted to advise on any development proposed on the regulated lot.

- In addition to CH's regulatory responsibilities, CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the Planning Act are consistent with the Natural Hazards Section (5.1.1-5.2.8) of the Provincial Planning statement (PPS). CH raises no objections to the consent application based on the aforementioned sections of the PPS.