



# The Mining and Lands Commissioner Le Commissaire aux mines et aux terres

File No. CA 002-00

L. Kamerman )  
Mining and Lands Commissioner ) Friday, the 14th day  
of July, 2000.

## THE CONSERVATION AUTHORITIES ACT

### IN THE MATTER OF

An appeal to the Minister of Natural Resources under subsection 28(5) of the **Conservation Authorities Act** against the refusal to grant permission for the construction of a garage/workshop addition on Lot 34, Plan 107, Municipality of Brockton, former Township of Greenock.

### B E T W E E N:

GERHARD PELZ

Appellant

- and -

SAUGEEN VALLEY CONSERVATION AUTHORITY

Respondent

## O R D E R

WHEREAS this appeal was received by this tribunal on the 24th day of February, 2000;

AND WHEREAS a consent to grant this appeal without costs and with conditions, dated the 12th day of July, 2000, was filed by Mr. Gerhard Pelz, appellant;

AND WHEREAS a consent to grant this appeal without costs and with conditions, dated the 12th day of July, 2000, was filed by Mr. John A. Olah, counsel for the respondent;

1. THIS TRIBUNAL ORDERS that the appeal from the decision of the Saugeen Valley Conservation Authority, dated the 31st day of January, 2000, against the refusal to grant permission for the construction of a garage/workshop addition on Lot 34, Plan 107, Municipality of Brockton, former Township of Greenock, be allowed with the following conditions:

1. That the Appellant shall comply with conditions 2 to 5, inclusive, as specified in this Consent Order by no later than the 31st day of August, 2000.
2. That the Appellant submit drawings satisfactory to the Respondent, showing the proposed addition and all roof modifications including showing dimensions for all proposed construction.
3. That the Appellant shall construct a driveway suitable for accommodating vehicles from Wellington Street directly westward to the southeast side of the addition.
4. That the Appellant shall pay to the Respondent the outstanding permit application fee.
5. That the Appellant shall register an agreement on title, at his own cost, acknowledging the following:
  - (a) the house and two storey addition are in the floodplain;
  - (b) the Appellant has accepted all liability for all loss, damage, injury from flooding to the addition and that the Appellant and Mrs. Pelz waive any and all claims that they have or may have in the future against the Saugeen Valley Conservation Authority and releases the Saugeen Valley Conservation Authority, its directors, officers, employees, agents and representatives from any and all liability for any loss, damage, injury or expense that they may suffer or that their next of kin may suffer as a result of any flooding to the addition;
  - (c) the ground floor of the addition shall not be used for nor converted into living space suitable for overnight accommodation;
  - (d) no further fill shall be added to the floodplain; and,
  - (e) the agreement shall extend to, and be binding upon and enure to the benefit of the heirs, executors, administrators, successors in title, and assigns of the Appellant and Mrs. Pelz.
6. That the Appellant shall reimburse to the Respondent its solicitor's cost for preparing the agreement referred to in paragraph 5 with such cost to not exceed \$500.00 Cdn. plus GST.

7. That the two storey addition shall have a ground floor area no larger than 16 feet-9 inches by 36 feet-2 inches and there shall be no basement, cellar, or crawl space.
8. That the Appellant, as part of any future sale of the subject property shall obtain a written acknowledgment from any new purchaser or purchasers that the new purchaser is bound by the provisions of paragraph 5.
9. In the event the Appellant and Mrs. Pelz, their heirs, executors, administrators or successors in title fail to comply with any of the conditions set out in this Consent Order, by the 31st day of December, 2000, the permit shall be at an end and the Authority shall have the right to enter upon the subject lands and remove the addition, with all costs for doing so payable to the Authority by the Appellant and Mrs. Pelz, their heirs, executors, administrators and successors in title.

2. **THIS TRIBUNAL FURTHER ORDERS** that no costs shall be payable by either party to this appeal.

**DATED** this 14th day of July, 2000.

Original signed by L. Kamerman

L. Kamerman  
MINING AND LANDS COMMISSIONER