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

File No. CA 003-96

L. Kamerman
Mining and Lands Commissioner

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Friday, the 6th day
of September, 1996.

THE CONSERVATION AUTHORITIES ACT

IN THE MATTER OF

An appeal to the Minister under subsection 28(5) of the **Conservation Authorities Act** against the refusal to grant permission for the construction of a single family dwelling on Lot 63, Plan M-15, Town of Innisfil.

BETWEEN :

GERVASLO PICCIRILLI and FIORINA PICCIRILLI

Appellants

- and -

LAKE SIMCOE REGION CONSERVATION AUTHORITY

Respondent

ORDER

WHEREAS this appeal was received by this tribunal on the 10th day of April, 1996;

AND WHEREAS a consent to grant this appeal without costs and with conditions, dated the 5th day of September, 1996, was executed and filed by Mr. Marvin Geist, counsel for the Appellants;

AND WHEREAS a consent to grant this appeal without costs and with conditions, dated the 5th day of September, 1996, was executed and filed by Mr. Kenneth C. Hill, counsel for the Respondent;

1. **THIS TRIBUNAL ORDERS** that the appeal be and hereby is allowed upon the following conditions:

- (a) that the Appellants submit a site plan satisfactory to the Respondent, showing the location and dimensions of all fill and construction on the property;
- (b) that the Appellants submit a site plan satisfactory to the Respondent, showing the proposed house envelope to be no wider (that is in its north/south dimensions) than the existing foundations currently on the site;
- (c) that the Appellants submit construction plans satisfactory to the Respondent, showing all openings and finished floor to be a minimum elevation of 225.55 metres above sea level;
- (d) that the Appellants submit a grading plan satisfactory to the Respondent, showing that no fill will be added to the site and that existing grades will be unchanged other than minor regrading at the foundation walls for drainage purposes;
- (e) that the Appellants register an agreement on title, indicating that the lot is within a flood plain and that the Appellants have accepted all liability for damages from flooding; and
- (f) construction of the dwelling in accordance with conditions 1(a) through 1(e) on the existing foundation or on a new foundation as may be required.

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

DATED this 6th day of September, 1996.

ORIGINAL SIGNED BY
L. KAMERMAN

L. Kamerman
MINING AND LANDS COMMISSIONER