

THE ARCHIPELAGO AREA PLANNING BOARD

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TO: Chair Frost and Planning Board Members
The Archipelago Area Planning Board
FROM: Cale Henderson, Director
DATE: April 16, 2026
RE: Consent Application B01-26
OWNER: Dion Construction Limited
LOCATION: 4 Grisdales Road
PCL 18563 SEC SS, PT LT 41, CON 4, CONGER, PT 4 & 5 of Plan
42R3183, EXCEPT PT 1 of Plan 42R7498, The Archipelago

PURPOSE AND EFFECT OF CONSENT B01-26

The purpose of the Consent application is to seek Planning Board approval for the following:

1. a minor boundary adjustment that will add approximately 36 m² (387.5 sq.ft) of severed land from 4 Grisdales Road (Dion Construction Limited - ARN 490509001003820) to the abutting property of 8 Grisdales Road (Bell Canada - ARN 490509001003830);
2. an extension of the access right-of-way/easement of Instrument LT131822, which is applied to Grisdales Road being a private road, to the lot addition lands as part of the dominant lands; and,
3. a partial discharge of Instrument GB157946, which is a mortgage held in favour of the Royal Bank on the lands being 4 Grisdale Road (ARN 490509001003820), from the lands pertaining to the lot addition.
4. a Certificate of Cancellation that effectively cancels the original Consent that created the Bell lands being 8 Grisdales Road (ARN 490509001003830).

The effect of the Consent application is as follows:

- I. increase the size of 8 Grisdales Road from 14,730.1 sq.m to 14,766.1 sq.m. This action allows the westerly guy wire anchor to be located wholly within the enlarged Bell Canada property. This action will decrease the size of 4 Grisdales Road property from 115,740.1 sq.m to 115,704.1 sq.m;
- II. extend the right-of-way/easement via Grisdales Road to provide access to the enlarged property municipally known as 8 Grisdales Road thereby including the lot addition lands as part of the dominant lands;
- III. allow the transfer of the lot addition lands from 4 Grisdales Road to 8 Grisdales Road free and clear of encumbrance (i.e. partial discharge of a mortgage on the severed lands); and,
- IV. the merger of the lot addition lands with the Bell Lands.

RECOMMENDATIONS

Staff recommend that The Archipelago Area Planning Board approve Application No. B01-26, subject to the following:

Conditions pertaining to the severed lands that are to be taken from the retained lot (Dion Construction Lands - 4 Grisdales Road) and added to the benefitting lot (Bell Lands - 8 Grisdale Road):

1. That approval of Consent Application No. B01-26 shall apply to the conveyance of a lot addition/minor boundary adjustment, being approximately 36 m² (387.5 sq.ft) in size, from the retained parcel (4 Grisdales Road - ARN 490509001003820) to the benefitting parcel (8 Grisdale Road - ARN 490509001003830).
 - a. That the following documents be provided to facilitate the Consent as described in Condition No. 1 above;
 - b. The Transfer document which depicts the legal description of the subject parcel(s) and the names of the transferor(s) and transferee(s);
 - c. A schedule to the Transfer document on which is set out the legal description of the subject parcel. Each schedule must also bear the same names of the transferor(s) and transferee(s) as indicated on page 1 of the Transfer document; and,
 - d. A reference plan of survey bearing the Land Registry Office registration number and signature as evidence of its deposit therein, and which illustrates the parcels to which the consent approval is related. Prior to having the survey plan registered, the Board will require a copy of a draft plan from a surveyor to ensure it is in compliance with the approved application;

Conditions pertaining to the provision of a right-of-way/easement extension over the severed land as described in Condition 1:

2. That approval of Consent Application No. B01-26 shall apply to the provision of the extension of right-of-way/easement across the privately maintained Grisdales Road, being LT131822, as part of the dominant lands (ARN 490509001003820), in favour of the lot addition lands in association with the abutting property located at 8 Grisdales Road (ARN 490509001003830). Any subsequent conveyance of that portion of the lands for the right-of-way/easement is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act, R. S. O. 1990. That the following documents be provided for the transaction(s) as described in Condition No. 3, above:
 - a. A Reference Plan of survey bearing the Land Registry Office registration number and signature as evidence of its deposit therein, and which illustrates the parcels to which the consent approval is related. Prior to having the survey plan registered, the Planning Board will require a copy of the draft plan from a surveyor to ensure it is in compliance with the approved Consent;
 - b. A Transfer document which depicts the legal description of the subject parcel(s) and the names of the transferor(s) and transferee(s);
 - c. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer;
 - d. A schedule to the Transfer document on which is set out the legal description of the subject parcels. Each schedule must also bear the same names of the transferor(s) and transferee(s) as indicated on page 1 of the Transfer document; and,

Planning Board direction pertaining to the partial discharge of a mortgage on the severed land as described in Condition 1:

3. That by approving Consent Application No. B01-26, the Planning Board directs its Secretary Treasurer to authorize the execution of the partial discharge of Instrument GB157946, which is a mortgage held in favour of the Royal Bank on lands being 4 Grisdale Road - ARN 490509001003820, from the lands pertaining to the lot addition and sign the Discharge of Charge/Mortgage Form 3 - Land Registration Reform Act to this effect.

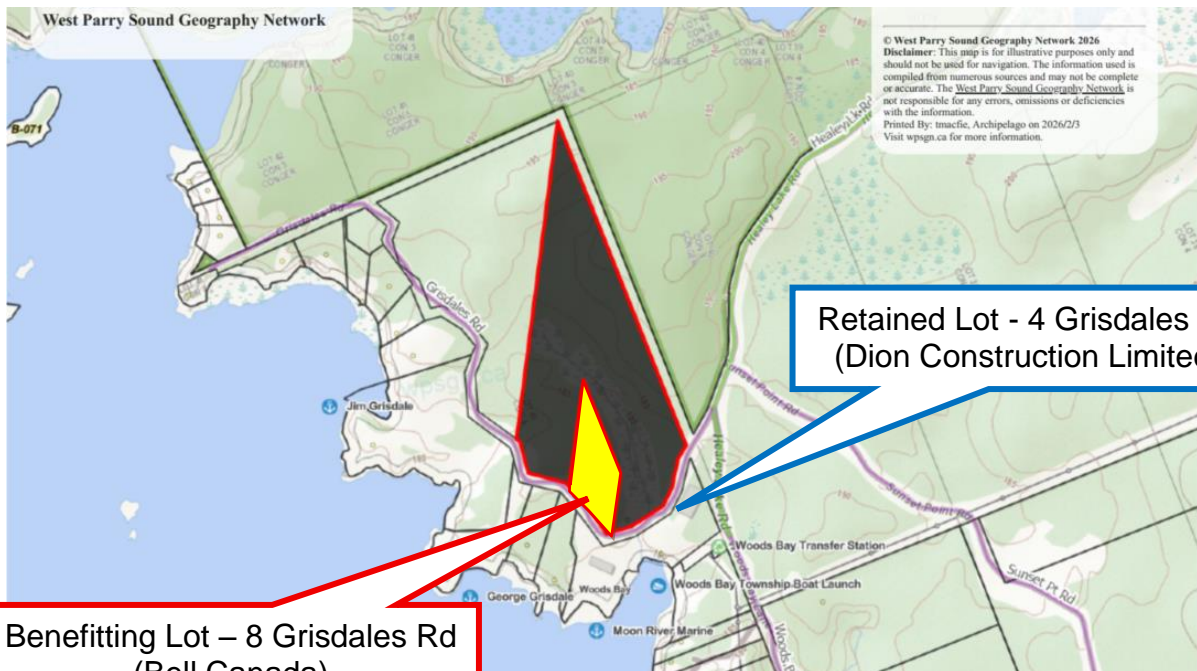
Planning Board direction pertaining to the request for a Certificate of Cancellation for original lot owned by Bell Canada being 8 Grisdals Road (ARN 490509001003830).

4. That Planning Board approves the cancelation of the original Consent that created the benefitting lot (Bell Lands – 8 Grisdals Road) in order that the severed land can be merged on title with the benefitting lot thereby creating a new conveyable parcel of land.

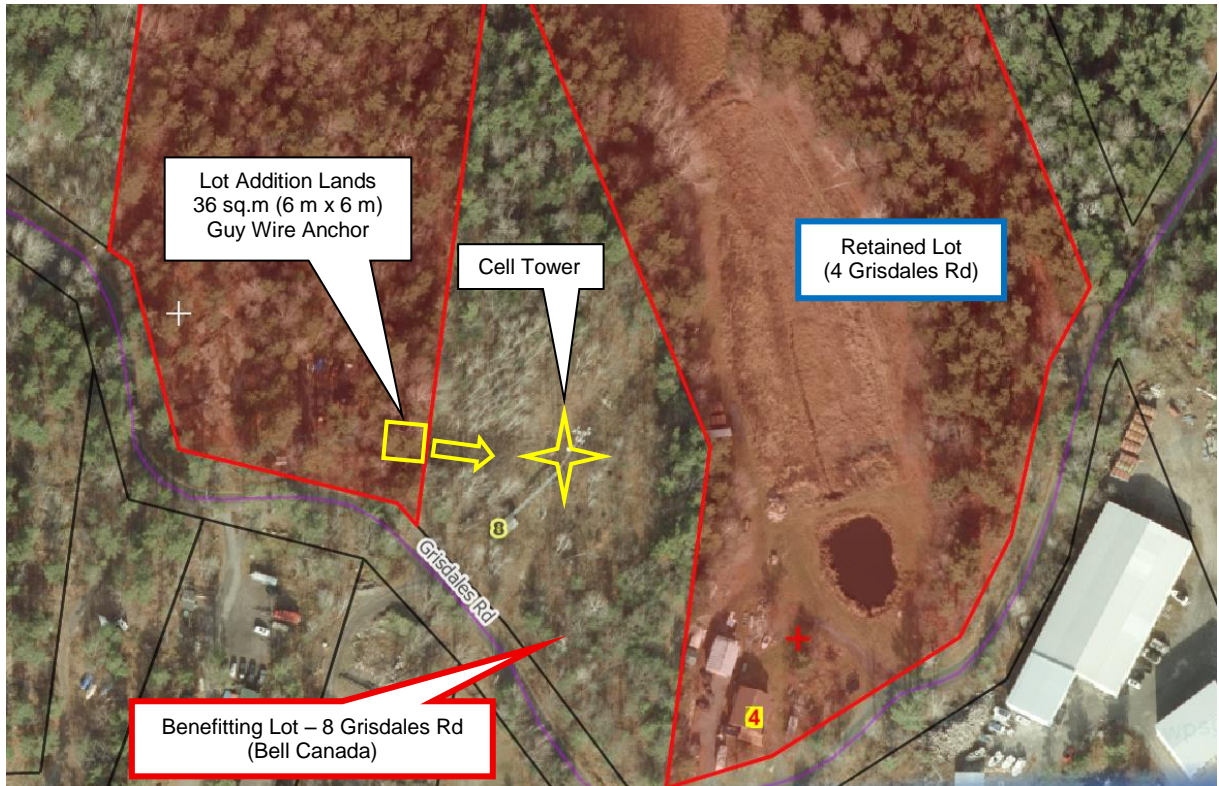
PLANNING INFORMATION

Official Plan Neighbourhood:	Woods Bay
By-law No. A2000-07:	Natural State (NS)
Existing Uses:	Lot Addition Lands – guy wire anchor and forest House - Retained Lot - 4 Grisdals Road – Cell Tower - Benefitting Lot - 8 Grisdals Road -
Property Size:	11.6 ha (28.6 ac) - Retained Lot - 4 Grisdals Road 1.47 ha (3.64 ac) - Benefitting Lot - 8 Grisdals Road
Access:	Privately maintained road (Grisdals Road)

LOCATION MAP:



AERIAL PHOTO (4 Grisdales Road):



SITE PHOTO (8 Grisdales Road):

Guy Wire Anchor



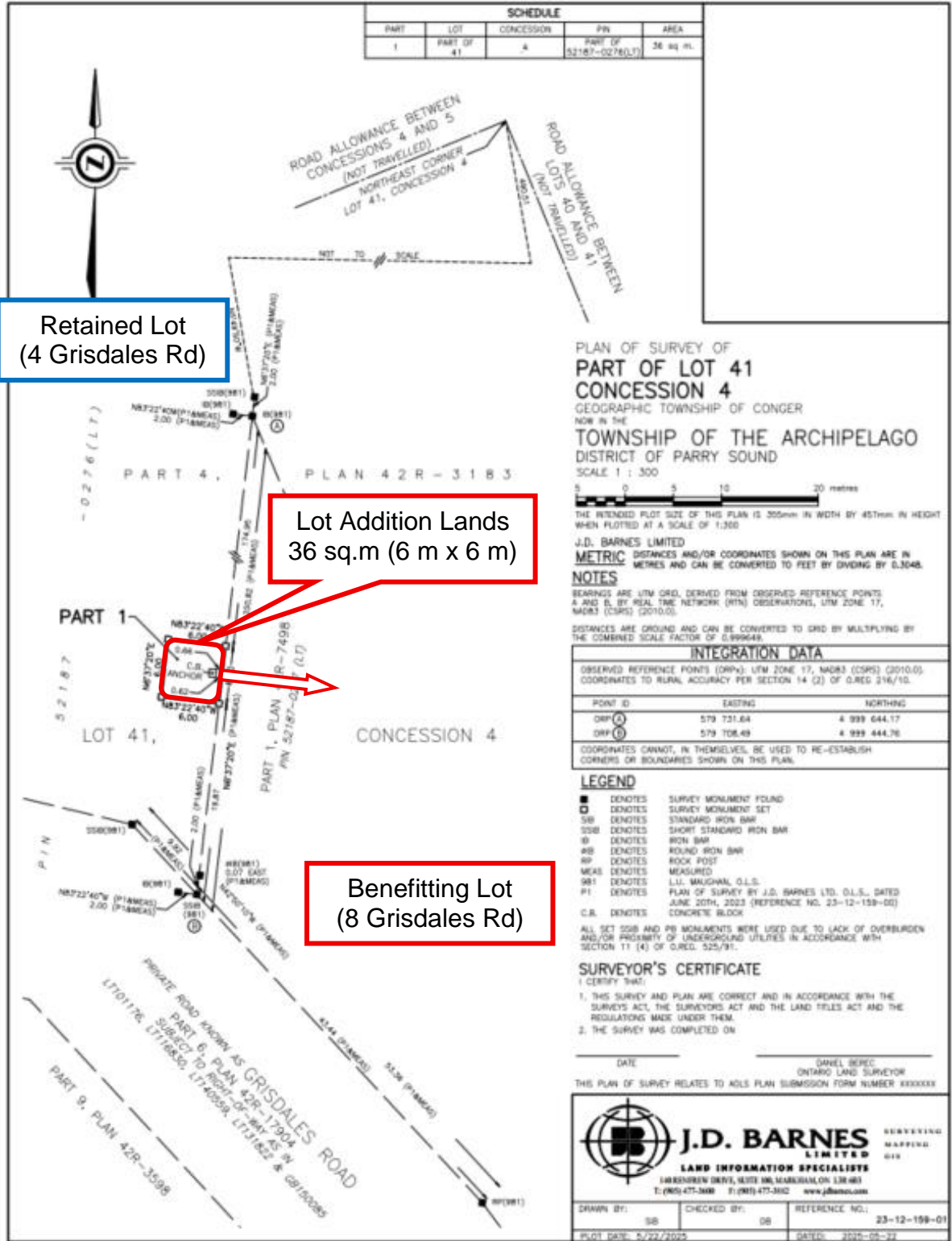
Guy Wire



Bell Canada Cell Tower



SITE PLAN:



ANALYSIS:

1. Site Characteristics

The subject property, known municipally as 4 Grisdales Road, is located within the Woods Bay Neighbourhood. The subject property and benefitting property are developed with a residential dwelling and cell tower installation, respectively.

The applicant is proposing to sever 36 sq.m from 4 Grisdales Road and add it to 8 Grisdales Road. This action will allow the cell tower guy wire and its anchor to be wholly contained within the Bell Canada property (i.e. 8 Grisdales Road).

In addition, an extension of the legal right-of-way/easement over the Grisdales Road, which is a privately maintained road, will be provided to the lot addition lands.

Furthermore, a mortgage, which is secured on the whole of the 4 Grisdales Road property, will be removed or discharged from the severed land.

Finally, the Certificate of Cancellation will apply to the Bell Canada lot which was created by Consent in 1982. This action will allow for the merger of the severed land to the benefitting lot and create a new larger lot.

There is no change to either of the properties' frontage. No further development of these properties is anticipated. No additional lots are being created.

2. Provincial Planning Statement

The Provincial Planning Statement, 2024 (PPS), issued via Section 3 of the *Planning Act*, provides policy direction on matters of provincial interest relating to land use planning. The PPS defines legal or technical reasons to mean severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. The lot addition/minor boundary adjustment and extension of the right-of-way/easement are minor and technical in nature. No new lot is being created.

Conclusion

The granting of the Consent is consistent with the Provincial Planning Statement.

3. Township of The Archipelago Official Plan

The subject property is located within the Woods Bay Neighbourhood in the Township of The Archipelago's Official Plan. The lot addition/minor boundary adjustment allows the cell tower anchor and guy wire to be located wholly within the Bell Canada property.

The extension of the existing right-of-way/easement is intended to allow the continuation of the legal access from the privately maintained road presently enjoyed by the Bell Canada property. The extension of a legal right-of-way/easement recognizes an existing usage situation and nullifies any acts of trespass resulting from the transfer of land from one property to another.

Section 14.4 of the Official Plan states:

'All development in The Archipelago is to have frontage on a recreational waterbody. Consents that result in the creation of new lots or building permits will not be issued unless the lands front directly on a recreational waterbody or adjacent to an original shore road allowance. This policy does not apply to Pointe au Baril Station. Notwithstanding this policy, existing lots of record in Skerryvore and along Healey Lake Road including resources uses may be eligible for building permits subject to all other applicable policies of this Plan.'

The subject property is an existing developed rural backlot that is accessed off the privately maintained Grisdales Road. The benefitting lot is also developed with cell tower infrastructure owned and operated by Bell Canada.

The minor boundary adjustment and the extension of the right-of-way/easement will not result in any new lots being created. The lot addition/minor boundary adjustment and extension of the existing right-of-way/easement will have no impact on the neighbourhood.

Conclusion

The granting of a Consent for the lot addition/minor boundary adjustment and extension of the right-of-way/easement maintains the intent of the Official Plan.

4. COMPREHENSIVE ZONING BY-LAW A2000-07, AS AMENDED:

The subject property is zoned Natural State (NS) by Comprehensive Zoning By-law A2000-07, as amended. Only uses existing at the date of passing of this by-law are permitted. The area subject to the lot addition/minor boundary adjustment supports existing cell tower infrastructure (i.e. guy wire and its anchor). There is no new development proposed.

Conclusion

The granting of the Consent complies with the requirements of the Comprehensive Zoning By-law No. A2000-07, as amended.

5. CERTIFICATE OF CANCELATION

Bell Canada's solicitor has requested that the Planning Board issue a Certificate of Cancellation to facilitate the merger of the severed land with the benefitting lot. Section 53(45) of the Planning Act allows an owner of an existing lot of record to ask the Consent granting authority to cancel its creation. This request typically involves the merger of two existing lots of record, or parts thereof, to create one larger lot.

Section 53 (45) - Certificate of Cancellation

An owner of land that was previously conveyed with a consent, or the owner's agent duly authorized in writing, may apply to the council or the Minister, whichever is authorized to give a consent in respect of the land at the time of the application, for the issuance of a certificate of cancellation of such consent. The certificate must provide that subsection 50 (12) does not apply in respect of the land that was the subject of the consent and that subsection 50 (3) or (5), as the case may be, applies

to a subsequent conveyance or other transaction involving the land. 2021, c. 25, Sched. 24, s. 4 (13).”

In this case, the Benefitting Lot (8 Grisdales Road - ARN 490509001003830) was registered as a separate parcel of land on June 24, 1982. The effect of the Certificate of Cancellation is that from the time it is registered on title, Section 50 (12) no longer applies to the Benefitting Lot. It is no longer considered to have been conveyed with an unstipulated consent thereby allowing the merger of additional lands to it. This allows the severed land and Benefitting Lot to collectively be held in common ownership as one larger parcel land.

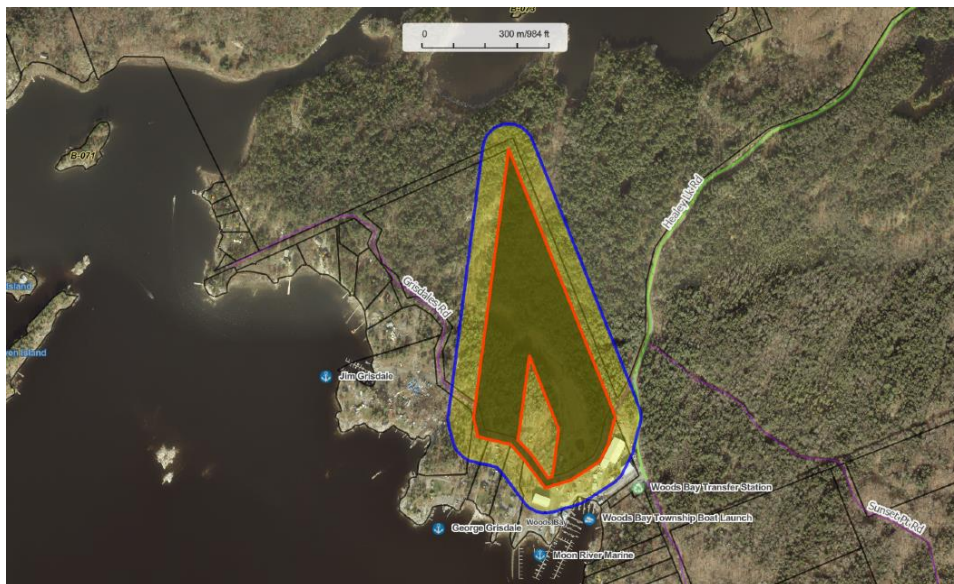
Section 50 (12) - Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 53, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) = Subdivision Control or subsection (5) = Part Lot Control shall apply to any such subsequent conveyance or transaction. R.S.O. 1990, c. P.13, s. 50 (12).

There are no statutory circulation requirements or criteria required for a Certificate of Cancellation, unlike those applied to a standard Consent application. A Certificate of Cancellation request is not required to satisfy the typical planning policy documents as it facilitates the merger of two existing parcels of land owned by the same individual. By default, the issuance and registration of the Certificate results in a larger parcel of land, not a smaller one.

Conclusion

Planning staff have no objections to the Planning Board granting the requested Certificate of Cancellation.

NOTICE OF APPLICATION



Notice of this application, and its consideration by the Planning Board on April 16, 2026, was provided in accordance with the *Planning Act*, and Ontario Regulation 197/96. Similarly, notice of the Planning Board's decision on this application will be provided in accordance with provincial legislation and regulations.

CORRESPONDENCE:

Agency Comments

- Finance – no concerns

Public Comments

To date, no correspondence has been received from the public. Any correspondence received prior to the hearing will be provided to the Planning Board at the meeting.

RECOMMENDATION:

Three options are presented to the Planning Board for consideration of Application B01-26:

Option 1 (staff's preferred option)

The Archipelago Area Planning Board approves Application No. B01-26, subject to the following conditions:

1. That approval of Consent Application No. B01-26 shall apply to the conveyance of a lot addition/minor boundary adjustment, being approximately 36 m² (387.5 sq.ft) in size, from the retained parcel (4 Grisdales Road - ARN 490509001003820) to the benefitting parcel (8 Grisdale Road - ARN 490509001003830).
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 - d. A reference plan of survey bearing the Land Registry Office registration number and signature as evidence of its deposit therein, and which illustrates the parcels to which the consent approval is related. Prior to having the survey plan registered, the Board will require a copy of a draft plan from a surveyor to ensure it is in compliance with the approved application;

Conditions pertaining to the provision of a right-of-way/easement extension over the lot addition lands as described in Condition 1:

2. That approval of Consent Application No. B01-26 shall apply to the provision of the extension of right-of-way/easement across the privately maintained Grisdales Road, being LT131822, as part of the dominant lands (ARN 490509001003820), in favour of the lot addition lands in association with the abutting property located at 8

Grisdales Road (ARN 490509001003830). Any subsequent conveyance of that portion of the lands for the right-of-way/easement is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act, R. S. O. 1990. That the following documents be provided for the transaction(s) as described in Condition No. 3, above:

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Planning Board direction given pertaining to the partial discharge of a mortgage on the lot addition lands as described in Condition 1:

3. That by approving Consent Application No. B01-26, the Planning Board directs its Secretary Treasurer to authorize the execution of the partial discharge of Instrument GB157946, which is a mortgage held in favour of the Royal Bank on lands being 4 Grisdale Road - ARN 490509001003820, from the lands pertaining to the lot addition and sign the Discharge of Charge/Mortgage Form 3 - Land Registration Reform Act to this effect.

Planning Board direction pertaining to the request for a Certificate of Cancellation for Bell lands being 8 Grisdales Road (ARN 490509001003830).

4. That Planning Board approves the cancelation of the original Consent that created the benefitting lot (Bell Lands – 8 Grisdales Road) in order that the severed land can be merged on title with the benefitting lot thereby creating a new conveyable parcel of land.

NOTE:

Pursuant to the Planning Act, as amended, all conditions imposed and directions given must be fulfilled with two (2) years from the date of the sending of the Decision or the application is deemed to be refused. Furthermore, all conditions imposed and directions given are subject to the approval of The Archipelago Area Planning Board, but at no cost to the Board.

Option 2

The Archipelago Area Planning Board denies Application B01-26 for reasons to be determined by the Board.

Option 3

The Archipelago Area Planning Board defers the deposition of Application B01-26 to a future Planning Board meeting for reasons to be determined by the Planning Board.

Should the Planning Board pursue such a Decision, the Planning Board would need to identify the reasons for the deferral and what additional information is required which could then be presented to the Planning Board at a future date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cale Henderson".

Cale Henderson, MCIP, RPP
Director of Development Services & Environmental Initiatives

Attachments

1. Appendix A – Application Submission