

ACKNOWLEDGMENT

Third party appeals to OMB

LDC File No. B_____

TO: County of Perth Land Division Committee

FROM: _____

RE: LEGAL COSTS FOR A THIRD PARTY APPEAL AGAINST
A DECISION OF THE LAND DIVISION COMMITTEE AS PER
COUNTY OF PERTH BY-LAW 2430

ACKNOWLEDGMENT

With the filing of this application, the applicant(s) is aware of and agrees that if the decision of the Land Division Committee is appealed by a third party (Party other than the applicant/owner), all costs incurred by the County of Perth Land Division Committee for legal counsel to represent the Committee in defending the decision before the Ontario Municipal Board will be solely the responsibility of and paid for by the applicant/owner(s).

Dated at the _____ of)
_____, in the County)
of Perth, this _____)
day of _____, _____)

BY-LAW NUMBER 2430, A.D., 1991

OF THE CORPORATION OF THE COUNTY OF PERTH

BEING A BY-LAW TO PROVIDE FOR THE PAYMENT OF LEGAL FEES FOR THIRD PARTY APPEALS MADE PURSUANT TO SECTION 52 OF THE PLANNING ACT, 1983.

WHEREAS the Planning Act, 1983, provides for appeals to the Ontario Municipal Board (hereinafter called 'the Board') in matters relating to Applications for Consent;

AND WHEREAS the authority to grant consents was delegated by by-law to the Perth County Land Division Committee under Section 55;

AND WHEREAS every agency or other person to whom notice of the decision was sent either as required under Section 52 (5) or otherwise, has the right to appeal the decision of the Land Division Committee under Section 52 (7) or the conditions imposed under Section 52 (8);

AND WHEREAS the Council of the Corporation of the County of Perth deems it inequitable and unjust for the ratepayers of the County of Perth to bear the costs of said appeals where the benefits accrue solely to an individual and not to the public generally;

NOW THEREFORE the Municipal Council of the Corporation of the County of Perth enacts as follows:

1. Where a third party (Person other than applicant) appeal is lodged against a decision of the Land Division Committee or against the conditions imposed and where the benefits realized by the change or division of land accrue solely to an individual, a company, firm or a single interest group, the Applicant seeking the consent shall:
 - (i) Before legal counsel is engaged to represent the Land Division Committee at any Ontario Municipal Board hearing, provide the County with a written undertaking that they will bear any and all legal costs associated with the processing of the third party appeal before the Board, and further, that payment will be made in full of said costs to the County, within thirty (30) days of invoicing to the Applicant for such costs by the County Treasurer;
 - (ii) Before Legal Counsel is engaged to represent the Land Division Committee at any Ontario Municipal Board hearing, deposit a certified cheque in the amount of one thousand (\$1,000.00) with the County Treasurer, payable to the County of Perth, to be applied against the costs associated with said third party appeal procedure.
2. Where the Applicant, because of an appeal or otherwise wishes not to pursue the matter before the Board, the said Applicant shall submit a written request to the Land Division Committee asking that the matter be abandoned and the file closed. The Secretary-Treasurer will forward the request to the Ontario Municipal Board.
3. Any references to applicant in the foregoing shall be interpreted as applicants when necessary.
4. Any other by-law, the provision of which are not consistent with those set forth herein, shall be and the same are herein repealed.
5. This by-law comes into force upon the final passing thereof.

FIRST and SECOND reading: February 14, 1991

THIRD reading and ADOPTION: February 14, 1991.

'Bert Vorstenbosch'
'Jim Bell'

Warden
Clerk