

ROBERT G. WATERS

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Our File No. 26,171

June 3, 2014

BY EMAIL – hlysynsk@london.ca

Mayor & Council
c/o Heather Lysynski
City Clerk's Office
City of London
300 Dufferin Avenue
P.O. Box 5035
London, ON N6A 4L9

Dear Ladies & Gentlemen:

**RE: Application by Chris Havaris – 360 Crumlin Side Road and 3301 & 3345 Gore Road
Official Plan and Zoning By-law Amendment – File No. OZ-8188**

I act on behalf of the Crumlin Sportsmen's Association, who attended at the meeting of May 27, 2014, for the public meeting on the proposed Re-zoning and Official Plan Amendment.

At that meeting, representatives of the Association expressed its concerns with the potential for adverse noise impacts on future residents as a result of the Association's gun club, which it operates on Gore Road, to the northeast of the proposed Re-zoning and Official Plan Amendment. During the course of the public meeting, it was suggested that in response to the concerns of the Crumlin Sportsmen's Association, regarding the noise from their premises, that an environmental warning could be placed on the parcels being created. However, it is not a process that can occur. To this effect, I enclose a copy of Bulletin No. 2009-04 from the Ministry of Government Services, under the Land Titles Act/Registry Act, regarding environmental warnings and restrictions.

The initial statement sets out the concerns of the Crumlin Sportsmen's Association, in that it states "Environmental warnings and restrictions are not title related and as such are not acceptable for registration in the land registration system as documents or as part of an agreement attached to a document prepared for registration."

There are exceptions which are described in the attached Bulletin. I refer you to Paragraph 5 which allows the inclusion of environmental warnings or restrictions registered as a condition of a Subdivision Plan under the Planning Act. However, this property has proceeded by division through a consent procedure and as such, is not available to answer the concerns of my client, regarding noise emanating from their premises. The Crumlin Sportsmen's Association takes the position that the proposed Official Plan Amendment and Re-zoning would allow for residential development in an area determined by the proponents own noise consultant to be environmentally unacceptable leading to nuisance complaints from future residents with the potential to undermine the operation of the club.

Yours truly,



ROBERT G. WATERS

RGW:cm

Encl.

c.c. Crumlin Sportsmen's Association



Ministry of Government Services
ServiceOntario

Policy and Regulatory Services

Bulletin No. 2009-04

***Land Titles Act,
Registry Act***

DATE: APRIL 16, 2009

**Environmental
Warnings and
Restrictions**

TO: LAND REGISTRARS

This is a restatement of existing requirements set out in Bulletins 91003 and 95004 with the difference being an additional exception (see #6) has been added with respect to the *Condominium Act, 1998*.

Environmental warnings and restrictions are not title related and as such are not acceptable for registration in the land registration system as documents or as part of an agreement attached to a document prepared for registration. Typically an environmental warning or restriction is a notification of, or an obligation to notify, a potential purchaser of some environmental concern such as noise levels, water quality, sewage disposal, impending construction or ground contamination.

In general, if environmental warnings or restrictions are included in any document otherwise acceptable for registration, Land Registrars are to return the document to the registrant. The exceptions to this long-standing policy are:

1. Terms and conditions of an environmental nature set out in lease or charge agreements,
2. Transfers containing a warning or restriction as required by an agreement under s. 50(6), 52(2) or 52(4) of the *Planning Act, 1983* registered on title prior to January 1, 1988,
3. A certificate setting out or withdrawing a requirement under the *Environmental Protection Act*, or the *Ontario Water Resources Act*, or Notices thereof under the *Land Titles Act* may be registered. Any conditions or restrictions affecting the use of the land and reasons attached to a certificate form part of the certificate and must not be removed. The form of the certificates will be as prescribed by the Ministry of Environment,
4. Environmental warnings or restrictions in Agreements of Purchase and Sale or Cautions based on such agreements,

5. Agreements that include environmental warnings or restrictions registered as a condition of subdivision plan approval under the *Planning Act*,
6. A statement in a condominium declaration as required by the approving authority under subsection 7(2)(g) of the *Condominium Act, 1998*.

Bulletins 91003 and 95004 are revoked.



Katherine M. Murray
Director of Titles