



Staff Report

Report No. PDS-032-25

To: Mayor and Members of Council

From: E. Besch, Planner

Meeting Date: June 23, 2025

Subject: Applications for Consent (B9-25, B10-25 & B11-25); McCutcheon Consulting Inc. c/o Ryan Pope (Applicant); 21778 Nissouri Road (County Road 27)

Recommendation:

THAT Application for Consent B9-25 requested by McCutcheon Consulting Inc. for lands legally described as Part of Lot 15, Concession 3 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 21778 Nissouri Road (County Road 27) be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled and the required fee.
2. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
4. That the proponent provide evidence from an Ontario Land Surveyor which confirms that all structures will be compliant with applicable zoning by-law provisions on the lands to be retained.
5. That the owner dedicate lands up to 18 m from the centreline of construction of both County Road 27 (Nissouri Road) and County Road 28 (King Street, Thorndale) across the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
6. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.

7. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

AND THAT Application for Consent B10-25 requested by McCutcheon Consulting Inc. for lands legally described as Part of Lot 15, Concession 3 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 21778 Nissouri Road (County Road 27) be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled and the required fee.
2. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.
3. That the owner dedicate lands up to 18 m from the centreline of construction of both County Road 27 (Nissouri Road) and County Road 28 (King Street, Thorndale) across the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
4. That the Owner's solicitor provide an undertaking for the registration of the maintenance and access agreement on title of the lands to the satisfaction of the Municipality.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
6. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

AND THAT Application for Consent B11-25 requested by McCutcheon Consulting Inc. for lands legally described as Part of Lot 15, Concession 3 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 21778 Nissouri Road (County Road 27) be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled and the required fee.
2. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.
3. That the owner dedicate lands up to 18 m from the centreline of construction of both

County Road 27 (Nissouri Road) and County Road 28 (King Street, Thorndale) across the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

4. That the Owner's solicitor provide an undertaking for the registration of the maintenance and access agreement on title of the lands to the satisfaction of the Municipality.
5. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
6. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

REASONS

- The application is consistent with the Provincial Planning Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.
- The requirements of the Zoning By-Law would be satisfied.

Purpose:

The subject lands were recently granted approval to sever the northern vacant lot from the larger parcel containing an existing commercial business (File No. B2-2025). The severed lot from Consent B2-2025 is also subject to an ongoing site plan approval application (File No. SP-04-2022), which proposes a gas bar with convenience store and car wash. To facilitate this development, the landowner has applied to establish a land lease exceeding 21 years between the landowner, McCutcheon Consulting Inc., and the proposed tenant, MacEwen Petroleum Inc. The lands to be leased would have a frontage of 80 metres (264 ft) along King Street (County Road 28), a depth of 46 metres (1,811 ft) along Nissouri Road (County Road 27) and an area of 0.6 hectares (1.5 ac).

The application also proposes to establish reciprocal easements between the severed and retained lots of Consent B2-2025 to allow for traffic flow between the lots and shared accesses onto King Street (County Road 28) and Nissouri Road (County Road 27).

Background:

The subject property is a 1.84 hectare (4.5 ac) parcel situated on the east side of Nissouri Road (County Road 27) and the south side of King Street (County Road 28) in the village of Thorndale

The lands to be conveyed through land lease would be approximately 0.6 hectares (1.5 acres) in size, with approximately 80 metres (263 feet) of frontage along King Street (County Road 28) and approximately 46 metres (151 feet) along Nissouri Road (County Road 27). This is the severed land created through previous consent B2-2025. The lands are currently vacant but subject to an ongoing site plan approval application (File No. SP-04-2022), which

proposes a gas bar with convenience store and car wash. The lands to be retained, containing McCutcheon Farm Drainage, would have a frontage of approximately 80 metres (264 ft) along Nissouri Road (County Road 27) and an area of approximately 1.13 hectares (2.8 ac).

According to the Thames Centre Official Plan and Zoning By-law, the subject lands are designated General Commercial and are zoned site-specific General Commercial (GC2-7). Surrounding land uses vary considerably, with residential to the north and east and industrial to the west on the adjacent side of Nissouri Road.

Analysis:

Under Subsection 50(3) of the *Planning Act*, land leases are considered a form of property division, as they typically provide the tenant with exclusive use of a defined portion of land for a specified duration. Long-term land leases—often exceeding 21 years—are commonly used in situations where full ownership transfer is not desirable or possible, but where the tenant requires long-term security of tenure to justify significant investment in the property. These leases offer a flexible alternative to traditional land severances, particularly in cases where a full division of land is restricted by planning policy or not supported by the current zoning. As such, they are often pursued as practical tools for land use planning and economic development.

The *Provincial Planning Statement* and *County Official Plan* generally permit consents for legal or technical reasons, which may include lease areas. Similarly, the *Thames Centre Official Plan* supports consents for legal or technical purposes, provided the consent does not result in the creation of a new building lot. In this case, staff note that the proposed development, which would be facilitated through the land lease, is permitted under both the current Official Plan designation and the existing GC2-7 zoning. The land lease would enable the use of the property in accordance with applicable planning policies while maintaining the overall integrity of the original parcel. As such, staff are of the opinion that the proposed lease arrangement represents an appropriate and policy-supported approach to accommodating the intended development.

With respect to the requested consents for easement purposes, the *Provincial Planning Statement*, the *County Official Plan*, and the *Thames Centre Official Plan* all support the creation of easements, particularly where they serve legal or functional needs such as access. The Thames Centre Official Plan specifically permits the establishment of easements to facilitate legal access. In this case, the proposed reciprocal easements would formalize shared access arrangements between the two commercial properties created through Consent B2-2025, enabling coordinated traffic flow and shared entrances onto King Street (County Road 28) and Nissouri Road (County Road 27). Staff are supportive of the proposed easements, as they would improve site circulation, enhance traffic safety, and promote efficient use of access points along these busy County roads.

Based on the foregoing, the subject applications are consistent with the Provincial Planning Statement and in conformity with the County of Middlesex and Thames Centre Official Plans.

Circulation Comments:

In the circulation of the notice of public hearing to prescribed agencies, the following comments were received:

County Engineer:

The owner will be required to dedicate lands up to 18 m from the centreline of construction of both County Road 27 (Nissouri Road) and County Road 28 (King Street) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width

Drainage Superintendent:

No comment.

Chief Building Official:

No comments with regards to consent applications B9-25, B10-25, B11-25.

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received from the public as of the date of this report.

Financial Implications:

None.

Strategic Plan Link:

Pillar: *Smart Planning*

Goal: *Make smart planning decisions to grow the community , while maintaining a "hometown feel"*

Attachments:

Location Map

Prepared by: E. Besch, Planner

Reviewed by: A. Storrey, Director of Planning & Development Services

Reviewed by: D. Barrick, Chief Administrative Officer