



COMMITTEE OF ADJUSTMENT NOTICE OF DECISION

IN THE MATTER of Sections 50(1) and 53 of the Planning Act, R.S.O. 1990 and
Application for Consent (File No. B04-2026) described below.

File Number: B04-2026
Property Address: 407 James Street South
Property Owner: 2137563 Ontario Inc.

Description and Location of Subject Lands

The subject property is approximately 4,116.9 square metres in size and located at the southeast corner of James Street South and Southvale Road, as shown on the General Location Map.

There is an existing gas station and convenience store on the western part of the property, while the east part is vacant.

The subject property is designated “Residential” in the Town of St. Marys Official Plan and zoned “Commercial (C2)” according to the Town Zoning By-law.

Purpose and Effect of the Consent Application

The Property Owner has applied for a consent to divide the property into two lots as shown on the severance sketch attached to this notice. The following chart describes the characteristics of the proposed lots:

	Frontage (m)	Size (m²)
Retained Lot	42.8	2,278.8
Severed Lot	30.0	1,838.1



The Applicant is proposing to sever and sell the underutilized eastern part of the property for future commercial use(s). Additional details related to this Application can be found on the Town of St. Marys website:

www.townofstmarys.com/business-development/planning-zoning/current-planningdevelopment-applications

Decision of the Committee

THAT the Application for Consent by 2137563 Ontario Inc. (Application No. B04-2026) affecting a parcel of land municipally known as 407 James Street South, in the Town of St. Marys for the purpose of severing a lot into two lots be **APPROVED** as the severance proposal conforms to the policies of the Official Plan, subject to the following conditions:

1. The Certificate of the Official must be issued by the Secretary-Treasurer for Committee of Adjustment within a period of two years from the date of the mailing of the Notice of Decision;
2. Confirmation from the Town’s Treasury Department that their financial requirements have been met;
3. The owner pay 2 per cent of the value of the land as cash-in-lieu-of parkland pursuant to Section 51 of the Planning Act;
4. The owner make payment to the Town for boulevard hardwood trees for each lot as per the Town’s tree planting policy;

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Municipal Operations Centre, 408 James St. S., PO Box 998, St. Marys ON N4X 1B6



5. The Committee must be provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provisions of the Registry Act or Land Titles Act; and,
6. Confirmation be received from the solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
7. The Owner shall enter into a development agreement with the Town to be registered on title of the severed lands, which shall include a warning clause advising that these lands are adjacent to lands containing a gas station use and that environmental site assessment(s) may be required in support of future planning applications, building permits or changes in land use.
8. That prior to final approval, the necessary grading works or Cut and Fill be carried to the satisfaction of the UTRCA; and further, that the Owner/ Applicant provide certification by a qualified professional that the works have been completed in accordance with the approved plans titled Site Grading Plan and Cross Section, prepared by GRIT Engineering, dated December 13th, 2024.

I, hereby, certify that this is the decision of the Committee of Adjustment with respect to File No. B04-2026 with its following members in attendance: Steve Cousins, Mike Bolton, William Galloway, Burton Pickel and Paul King.

Date of Decision: July 29, 2026

This decision or any condition therein may be appealed to the Ontario Land Tribunal in accordance with Section 53(19) of the Planning Act, R.S.O. 1990, by filing with the Ontario Land Tribunal ([OLT E-File Portal](#)) not later than the 20th day of August, 2026. A notice of appeal must set out the reason(s) for the appeal, and must be accompanied by the required fee and made payable to the Minister of Finance. If the OLT e-portal is not accessible due to a technical issue, notices of appeal may be provided to clerksoffice@town.stmarys.on.ca.

Only the following will be able to appeal the decision of the Town of St. Marys to the Ontario Land Tribunal:

- the applicant;
- the Minister of Municipal Affairs and Housing; and,
- a specified person or public body (as defined in the Planning Act).

Be advised that a person is no longer able to appeal the decision, other than any persons listed above.

If you have any questions regarding the application please contact Grant Brouwer, Secretary-Treasurer/ Director of Building and Development, at 519-284-2340 ext. 215 or gbrouwer@town.stmarys.on.ca

Information can also be provided in an accessible format upon request.

DATED at the Town of St. Marys, this 31st day of July, 2026.

Grant Brouwer, Secretary Treasurer
Town of St. Marys Committee of Adjustment

