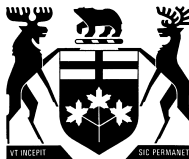


ISSUE DATE:

**Mar. 13, 2008**



Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

PL070789

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: McRobert Fuels  
Subject: By-law No. 2007-091  
Municipality: Township of Middlesex Centre  
OMB Case No.: PL070789  
OMB File No.: R070183

**APPEARANCES:**

**Parties**

McRoberts Fuels Limited

Corporation of the Township of Middlesex  
Centre

**Counsel**

Steven D.S. Ross

Andrew C. Wright

**DECISION DELIVERED BY R. A. BECCAREA AND ORDER OF THE BOARD**

Mr. Wright, in accordance with the Board's decision issued February 13, 2008, provided an amended form of by-law on February 21, 2008, which the Board finds implements that decision.

The Board held a telephone conference with Mr. Wright and Mr. Ross to discuss the form of the by-law further and is still satisfied as to its contents.

The Board Orders that Zoning By-law 2007-091 respecting 4755 Egremont Drive be amended in the manner attached hereto as Attachment "1".

This is the Order of the Board.

"R.A. Beccarea"

R.A. BECCAREA  
MEMBER

## ATTACHMENT 1

MUNICIPALITY OF MIDDLESEX CENTRE

BYLAW NUMBER 2007-091

AS AMENDED BY THE ONTARIO MUNICIPAL BOARD

**BEING A BY-LAW TO AMEND THE MIDDLESEX CENTRE  
COMPREHENSIVE ZONING BY-LAW NUMBER 2005-005 WITH RESPECT TO  
PART OF LOT 1, CONCESSION 10; PART 1, REFERENCE PLAN 33R-9073  
(GEOGRAPHIC TOWNSHIP OF LOBO), MUNICIPALITY OF MIDDLESEX CENTRE**

WHEREAS the Council of the Municipality of Middlesex Centre deems it advisable to amend the Middlesex Centre Comprehensive Zoning By-law 2005-005;

AND WHEREAS this By-law is in conformity with the Municipality of Middlesex Centre Official Plan;

NOW Therefore the Council of the Municipality of Middlesex Centre ENACTS as follows:

1. That Zoning Map Schedule A, Key Map 15 to the Middlesex Centre Comprehensive Zoning By-law 2005-005, is hereby amended by changing from Highway Commercial (C2) Zone to a site-specific Highway Commercial (C2-7) Zone; those lands drawn in heavy solid lines and identified on Schedule A, attached hereto and described as Part of Lot 1, Concession 10 and more specifically described as Part 1, Reference Plan 33R-9073 (geographic Township of Lobo), Municipality of Middlesex Centre.

2. That Section 14.3 "Exceptions" be amended by adding the following new subsection:

"14.3.7 (a) DEFINED AREA

C2-7 as shown on Schedule A, Key Map 15

(b) PERMITTED USES

fuel depot

all other permitted uses of the C2 zone

(c) PERMITTED BUILDINGS AND STRUCTURES

Save as hereinafter specifically permitted, only buildings and structures as the same existed on January 1, 2007 are permitted; and, without limiting the generality of the foregoing, the concrete slab structure with a side yard setback of 0.08 metres and an exterior side yard setback of 5.71 metres and located immediately to the south of the metal clad building which existed on January 1, 2007 as identified on the survey dated August 23, 2005 prepared by Callon Dietz OLS, shall remain roofless and without walls and shall only be used in a manner that is incidental, subordinate and exclusively devoted to the existing loading space to which it is adjacent; notwithstanding the foregoing,

(i) additions to such existing buildings and structures for which a building permit is not required are permitted;

- (ii) structures for which a building permit is not required are permitted; and
  - (iii) in the case of a redevelopment that involves the removal of all such existing buildings and structures, new buildings and structures which comply with the regulations of this By-law applicable to the Highway Commercial (C2) Zone are permitted."
3. This by-law comes into force and takes effect upon the day of passing in accordance with the provisions of Section 34 of the Planning Act, R.S.O 1990, c.P. 13.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED on this 15th day of August, 2007.

"Al Edmondson"

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Mayor

"Cathy Saunders"

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Clerk



SCHEDULE A  
TO BY-LAW 2007-091

