

Tuesday, September 03, 2019

Subject: Part Lot Control Exemption Application, Blocks 42, 43, 45 & 46 on Plan 59M-456, municipally known as 120, 122, 124, 126, 128, 130 – 135, 137, 139, 141, 143, 145, 147 & 149 Acacia Road (File No. PLC-01-19)

Recommendation:

BE IT RESOLVED THAT Council receive Report 2019-0055-Planning; and

THAT Council approve the Part Lot Control Exemption By-law for 120, 122, 124, 126, 128, 130 – 135, 137, 139, 141, 143, 145, 147 & 149 Acacia Road, and described legally as Blocks 42, 43, 45 & 46 on Plan 59M-456, and Parts 1 to 23 on RP 59R-16498.

Background:

The purpose of this report is to provide Council with information regarding an application for part lot control exemption under Section 50 of the *Planning Act* to permit the individual conveyance (sale) of 18 street townhouse dwelling units. The land is known municipally as 120, 122, 124, 126, 128, 130 – 135, 137, 139, 141, 143, 145, 147 & 149 Acacia Road and legally described as Blocks 42, 43, 45 & 46 on Plan 59M-456, depicted as Parts 1 to 23 on RP 59R-16498.

Analysis:

Location

The subject lands are located on the north and south side of Acacia Road, lying in between Rice Road and Swan Avenue (Figure 1), known locally as 120, 122, 124, 126, 128, 130 – 135, 137, 139, 141, 143, 145, 147 & 149 Acacia Road, and legally described as Blocks 42, 43, 45 & 46 on

Plan 59M-456, and Parts 1 to 23 on RP 59R-16498, (see Appendices 1-2). The subject lands are part of the Saffron Meadows Phase 1 subdivision (26T19-02014), registered as SN558715 on 2018-07-17.

Figure 1: Location of Subject Lands



Project Description and Purpose

The applicant has commenced construction on all (18) street townhouse dwelling units. The approval of the Part Lot Control Exemption By-law for the subject lands would facilitate the individual sale of each of the street townhouse dwelling units.

Planning Act

Section 50 (7) of the *Planning Act* authorizes the Town to pass a by-law to exempt lands within a Plan of Subdivision from the Part Lot Control provisions of Section 50 (5). Part Lot Control Exemption is an alternative form of land division to Plans of Subdivisions and Consents and is used to lift Part Lot Control restrictions from lands within a registered Plan of Subdivision in order to create individual parcels for sale, conveyance, lease and mortgage, usually in the form of semi-detached or townhouse dwellings. This approach is used to ensure that the common

'party wall' (partition) between the dwelling units is constructed precisely on the official lot line and hence applied for after construction has begun.

Planning Comments

The purpose of this report is to provide Council with information regarding an application for part lot control exemption to permit the individual conveyance (sale) of 18 street townhouse dwelling units. Planning staff have reviewed the reference plan, 59R-16498 (Appendix 1), and have confirmed that the application complies with the Pelham Zoning By-law 1136 (1987), as amended by By-law No. 3810 (2016) and By-law No. 4038 (2018). Part lot control exemption is a technical formality required to provide for the creation of the individual street townhouse lots from a block which will ultimately allow for the transfer of title of the individual units from the developer to the new homeowner(s).

It is recommended that the developer include the following warning clause in all Agreements of Purchase and Sale:

WARNING: The transfer of title to this townhouse unit from the Developer is authorized pursuant to a By-law passed by Pelham Town Council under Section 50 (7) of the Planning Act which exempts this townhouse block from the part lot control provisions of the Planning Act. This is different than the creation of a lot by a plan of subdivision, as the By-law will expire in three years. After the expiry of the By-law, any townhouse units which abut and which have the same registered owner(s) will merge in title. This means that the abutting units cannot be sold individually without either the passage of another By-law under Section 50 (7) or with the approval of a Consent application by the Town of Pelham Committee of Adjustment. Part Lot Control Exemption by-laws and Consent applications are both costly and time consuming processes. The Buyer is advised to obtain legal advice in this regard if purchasing more than one townhouse unit.

Planning staff recommend that the subject lands receive exemption from part lot control in order to facilitate the individual sale of the 18 street townhouse dwelling units.

Financial Considerations:

The ability for the developer to close on the sale of the townhouse units will ensure that title of the units can be transferred to the homeowners and ultimately, each townhouse unit will be subject to municipal taxes.

Alternatives Reviewed:

Council may choose to not approve a part lot control exemption by-law that would hinder the individual sale of the 18 street townhouse dwellings.

Strategic Plan Relationship: Strong Organization

Building strong communities and cultural assets: the part lot control exemption will allow for the transfer of title of the townhouse units to the purchasers which contributes to building a strong and complete community.

Other Pertinent Reports/Attachments:

Appendix 1: RP 59R-16498

Appendix 2: Plan 59M-456

Consultation:

For Council's information, the *Planning Act* does not require public circulation for part lot control applications. Internal Town departments (Public Works & Building) have helped coordinate the townhouse developments from site servicing, lot grading & drainage plans to building permit issuance. Building permit inspections remain ongoing at present.

Legal Consultation, If Applicable:

NA

Prepared and Recommended by:

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Approved and Submitted by:

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