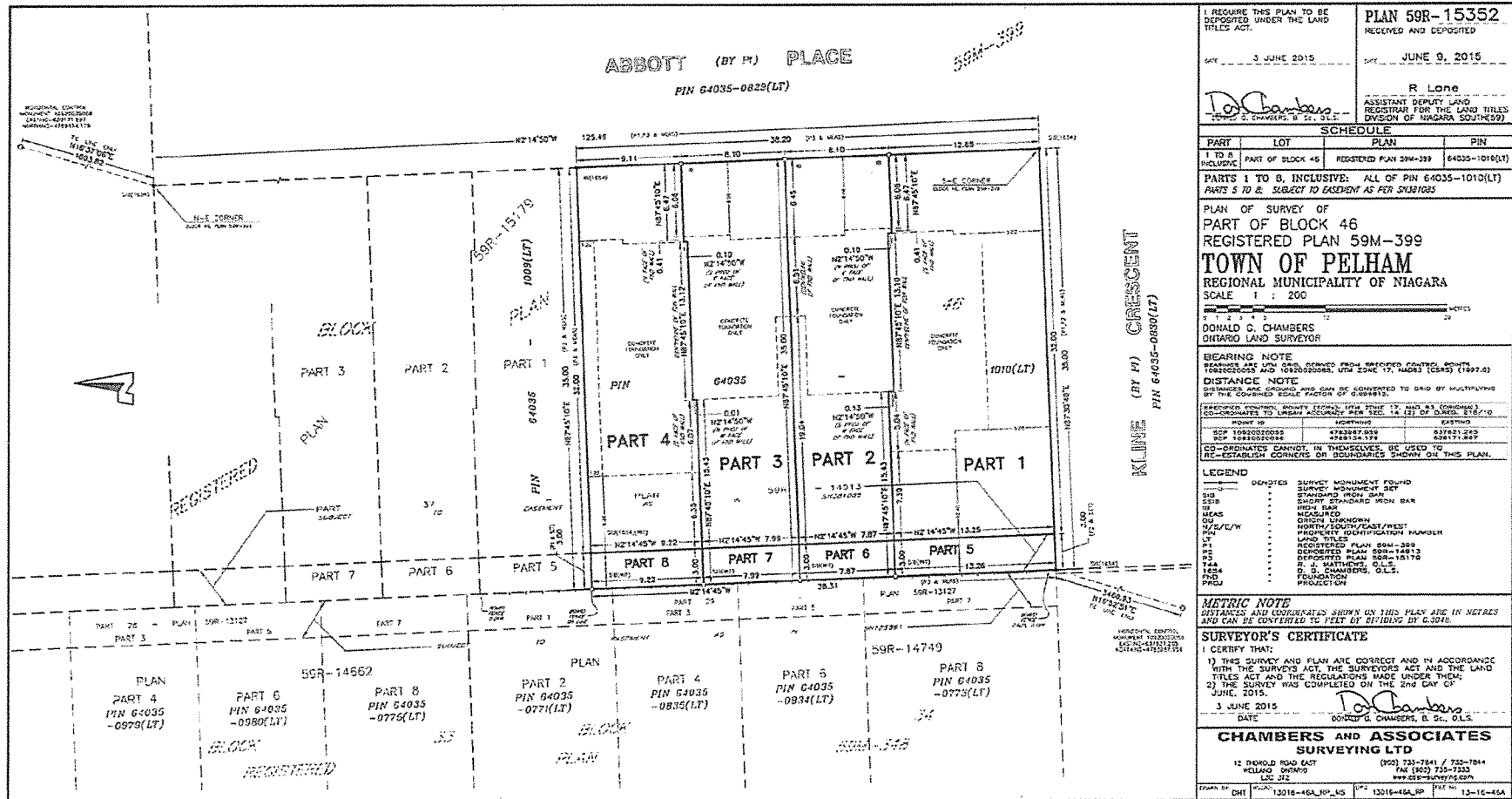


SCHEDULE "C"



## Issue Summary Report

### 12.2.1. Report Regarding a Part Lot Control Exemption Application Received for Part of Block 46, 59M-399, municipally known as 73, 75, #20150713006 77, 79, 89, 91, and 93 Abbott Place (File No. PLC-03-15).

**Meeting :** C-27/2015 - Regular Meeting of Council

**Section :** Staff Reports Requiring Action

**Meeting Type :** Regular Meeting of Council

**Meeting Date :** 2015/07/20 18:30

#### Executive Summary

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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 for Part of Block 46, 59M-399, depicted as Parts 1 to 6 on 59R-15351 and Parts 1 to 8 on 59R-15352, municipally known as 73, 75, 77, 79, 89, 91, and 93 Abbott Place, to permit the individual conveyance of seven (7) street townhouse dwelling units.

For Council's information, this is a new application that addresses a different block in 59M-399 than the block addressed in the 'Report Regarding Part Lot Control Exemption By-law No. 3630 (2015)' that is also on this evening's agenda.

#### Background

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##### 1. Location

The subject lands are located on the west side of Abbott Place, north of Kline Crescent (refer to Appendix 1). The legal description is Part of Block 46, 59M-399. The subject lands are depicted as Parts 1 to 6 on 59R-15351 (refer to Appendix 2) and Parts 1 to 8 on 59R-15352 (refer to Appendix 3), municipally known as 73, 75, 77, 79, 89, 91, and 93 Abbott Place. The subject lands are part of the Weiland Heights plan of subdivision (26T19-02004), registered as SN378012 on June 18, 2013.

##### 2. Project Description and Purpose

The applicant has commenced construction on seven (7) street townhouse dwelling units.

The approval of the part lot control exemption by-law for the subject lands would facilitate the individual sale of the seven (7) street townhouse dwelling units.

##### 3. Planning Act

Section 50 (5) of the Planning Act institutes part lot control that has the effect of preventing the division of land in a registered plan, other than that allowed for in the approved plan of subdivision, without further approvals.

However, Section 50 (7) of the Planning Act allows the Council of a local municipality to pass by-laws that remove part lot control from all or any part of a registered plan or plan of subdivision.

The approval of a part lot control exemption by-law has the effect of allowing the further division or re-alignment of an individual lot or block. It is appropriate when the resulting changes will not affect the nature or character of the registered plan of subdivision. A reference plan that depicts the resulting lot plotting is deposited at the Land Registry Office. Subsequently, the part lot control exemption is removed from the lands so that no further division may occur.

This approach is commonly used for semi-detached and townhouse developments as the individual lots are not normally indicated on the registered plan of subdivision due to the difficulty the builder has in ensuring the common centre wall between two dwelling units is constructed exactly on the property line.

#### 4. Department Comments

On June 19, 2015 a notice of part lot control exemption was circulated to internal departments directly affected by the proposed application.

To date, the following comments have been received:

- Department of Public Works
  - No objection to the application (refer to Appendix 4).
- Department of Fire and By-law Services
  - No objection to the application (refer to Appendix 5).
- Building Department
  - No objection to the application (refer to Appendix 6).

#### 5. Public Comments

For Council's information, the Planning Act does not require circulation for part lot control applications.

#### 6. Staff 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 of seven (7) street townhouse dwelling units.

Planning staff have reviewed the submitted reference plans, 59R-15351 (refer to Appendix 2) and 59R-15352 (refer to Appendix 3), and have confirmed that the application conforms to the Town's Zoning By-law 1136 (1987), as amended by By-law No. 3511 (2014).

Planning staff have reviewed the reference plans, 59R-15351 (refer to Appendix 2) and 59R-15352 (refer to Appendix 3), and the registered plan of subdivision, 59M-399 (refer to Appendix 1), and have confirmed that the new lotting pattern does not trigger an amendment to the subdivision agreement.

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 two 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 Part of Block 46, 59M-399, depicted as Parts 1 to 6 on 59R-15351 and Parts 1 to 8 on 59R-15352, receive exemption from part lot control in order to facilitate the individual sale of the seven (7) street townhouse dwelling units.

Prepared by: Julie Hannah, Planner

Reviewed by: Mike Zimmer, CBO, Acting Director of Community Planning and Development

#### Alternatives

Council may choose to not approve a part lot control exemption by-law that would hinder the individual sale of the seven (7) street townhouse dwellings.

#### Recommendation

**THAT**, Council **RECEIVES** this Issue Summary Report for information as it pertains to application File No. PLC-03-15 for the Part of Block 46, 59M-399, depicted Parts 1 to 6 on 59R-15351 and Parts 1 to 8 on 59R-15352, municipally known as 73, 75, 77, 79, 89, 91, and 93 Abbott Place.

**AND FURTHER THAT**, Council **CONSIDERS** approving the part lot control exemption by-law for the Part of

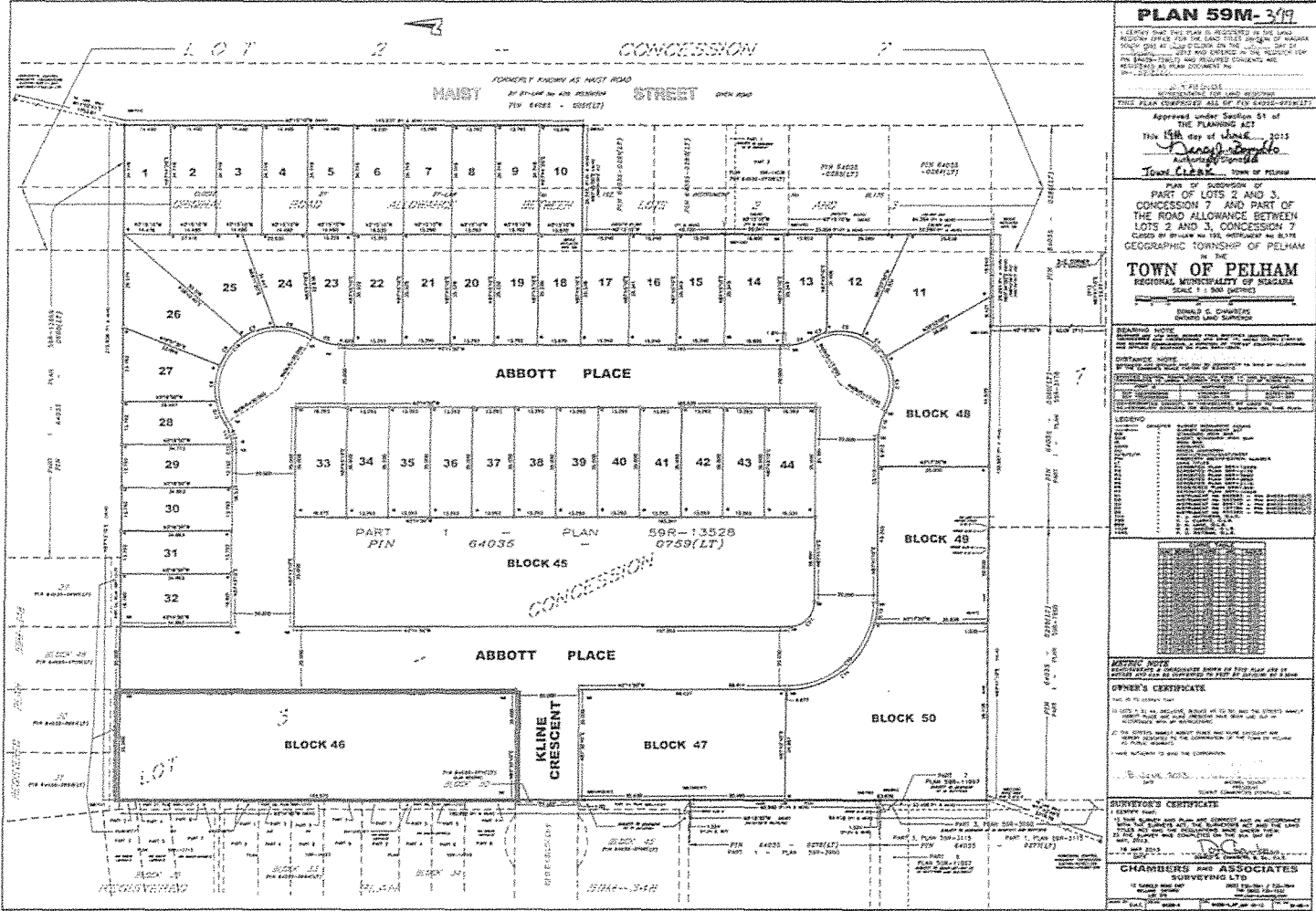
Block 46, 59M-399, depicted as Parts 1 to 6 on 59R-15351 and Parts 1 to 8 on 59R-15352, municipally known as 73, 75, 77, 79, 89, 91, and 93 Abbott Place.

**Additional Information**

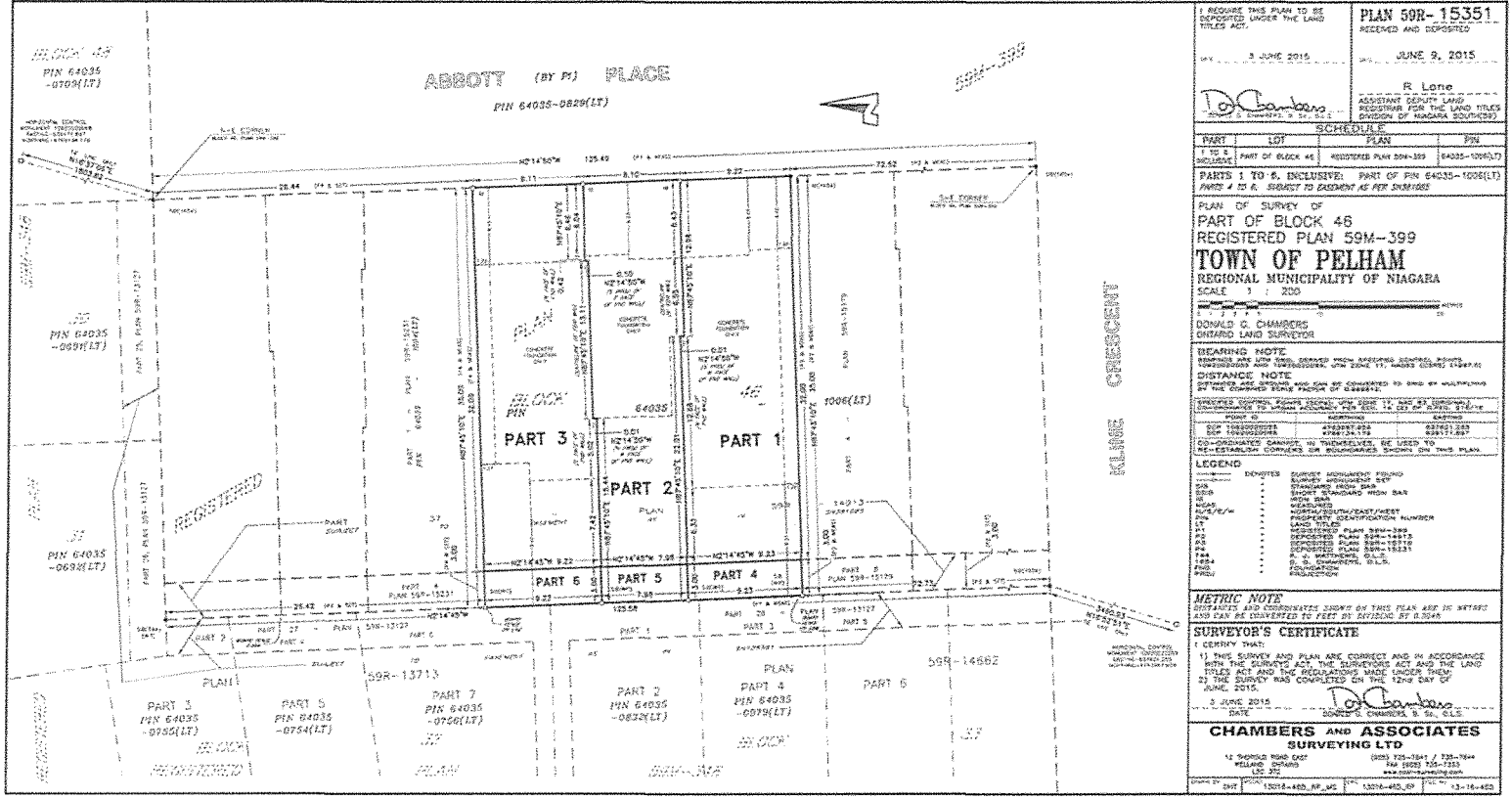
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4. d) **Strategic Plan** : Goal 1: Feel like a small town. The development maintains the scale and character of the community.

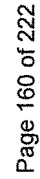
Appendix 1: Location Map



Appendix 2: 59R-15351







## Appendix 1 for 12.2.1.: Appendixes

## Appendix 4: Department of Public Works

Town of Pelham  
Director of Public Works & Utilities  
**Attention: Andrea Clemencio**

<p><b>Pelham</b> NIAGARA</p> <p>www.pelham.ca</p>	
<p><b>Director of Public Works &amp; Utilities</b> <b>Attention: Andrea Clemencio</b></p>	
	<p><b>Date:</b> Friday June 19, 2015</p> <p><b>What:</b> Application for Approval of a Part Lot Control By-law Exemption</p> <p><b>Owner:</b> Schout Communities (Fonthill) Inc. – Greg Schnarr</p> <p><b>Agent:</b> n/a</p> <p><b>Location:</b> West Side of Abbott Place lying North of Kline Crescent. (please see reverse side for the proposed part lot control locations)</p> <p><b>File No.:</b> File No. PLC 03-15</p>
	<p><b>WHAT IS THIS?</b></p> <p>An application for a part lot control by-law exemption was received for lands located on the west side of Abbott Place, lying north of Kline Crescent. The subject lands are Part of Block 46, 59M-399 (Weiland Heights Subdivision, File No. 26T19-02004) and are depicted as Parts 1 to 3 on 59R-15351 and Parts 1 to 4 on 59R-15352.</p> <p>The applicant is seeking approval by Council for Part Lot Control By-law Exemption to facilitate the development of street townhouse dwellings.</p>
	<p><b>HAVE YOUR SAY</b></p> <p><b>REQUEST FOR COMMENTS</b></p> <p>Town Staff would like to offer your agency an opportunity to review and provide comments on the proposed Part Lot Control By-law Exemption application.</p> <p>Please provide your comments regarding this application by <b>Friday June 26, 2015</b>. If the Town does not receive your agency's comments by the date mentioned above, Town Staff will assume that you have no objection.</p> <div style="display: flex;"> <div style="flex: 1;"> <p><i>Public Works</i></p> <p>Name of Agency</p> <p><input checked="" type="checkbox"/> No Objection</p> <p>AGENCY COMMENTS</p> </div> <div style="flex: 1;"> <p><i>Peter Dimitrakidis</i></p> <p>Person Submitting Comments</p> <p><i>June 26, 2015</i></p> <p>Date</p> </div> </div>
	<p><b>NEED MORE INFORMATION? CONTACT US!</b></p> <p>Please contact Mr. Andrew Gameiro, Planner, Community Planning and Development Department at 905-892-2607, ext. 324 or email at <a href="mailto:agameiro@pelham.ca">agameiro@pelham.ca</a>.</p>
	<p></p>
	<p>Town of Pelham Community Planning &amp; Development Department</p>

Appendix 5: Department of Fire and By-law Services

Julie Hannah

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From:

Sent:

To:

Subject:


Bob Lymburner

Thursday, June 25, 2015 12:59 PM

Julie Hannah

RE: Weiland Heights part lot control (PLC-03-15)

We have no concerns



**Pelham**

NIAGARA

Vibrant - Creative - Caring

Bob Lymburner

Fire Chief

Fire & By-Law Services

e: [blymburner@pelham.ca](mailto:blymburner@pelham.ca)

p: 905.892.2607 x203

c: 905.327.4411

[pelham.ca](http://pelham.ca)

177 Highway 20 West

P.O. Box 323

Fonthill, ON L0S 1E0

**Appendix 6: Building Department**



*Vibrant • Creative • Caring*

Date May 28, 2015

To Julie Hannah  
Planner

From Mike Zimmer CBO

RE: Comments Regarding Part Lot Control By-Law Exemption  
File No. PLC 03-15

I have reviewed the proposed Part Lot Control By-Law Exemption

I do not have any issues with this applications

Mike Zimmer  
CBO



From the Department of

**Community Planning  
& Development**

20 Pelham Town Square P.O. Box 400 • Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.8055  
[pelham.ca](http://pelham.ca)

The applicant(s) hereby applies to the Land Registrar.

Properties

PIN

64035 - 1010    LT

☒ Redescription

Description

PT BLOCK 46 PL 59M399; DESIGNATED AS PARTS 1 TO 8, BOTH INCLUSIVE ON 59R-15352; S/T EASEMENT IN GROSS OVER PT 37 59R14913 AS IN SN381085; TOWN OF PELHAM AND BEING THE WHOLE OF THE PIN

Address

FONTHILL

PIN

64035 - 1006    LT

☒ Affects Part of Prop

Description

PART BLOCK 46, PLAN 59M399; DESIGNATED AS PARTS 1 TO 6, BOTH INCLUSIVE ON 59R-15351; S/T EASEMENT IN GROSS OVER PT 37 59R14913 AS IN SN381085; TOWN OF PELHAM

Address

FONTHILL

Applicant(s)

This Order/By-law affects the selected PINs.

Name

THE CORPORATION OF THE TOWN OF PELHAM

Address for Service

P. O. Box 400  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

I, Dave Augustyn, Mayor and Nancy J. Bozzato, Town Clerk, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-Law No. 3637 (2015) dated 2015/07/20.

Schedule: See Schedules

Signed By

Monica Evelyn Wolfe

39 Queen St. P.O. Box 24022  
St. Catharines  
L2R 7P7

acting for  
Applicant(s)

Signed

2015 07 24

Tel

9056881125

Fax

9056885725

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

DANIEL & PARTNERS LLP

39 Queen St. P.O. Box 24022  
St. Catharines  
L2R 7P7

2015 07 24

Tel

9056881125

Fax

9056885725

Fees/Taxes/Payment

Statutory Registration Fee

\$60.00

Total Paid

\$60.00

File Number

Applicant Client File Number :                      43029

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 3637 (2015)

Being a By-law to exempt a certain block, being <sup>(Part) 46</sup> Block 46 in Registered Plan 59M-399 from Part Lot Control pursuant to Section 50 of the Planning Act, 1990.

Weiland Heights [Schout Communities (Fonthill) Inc.]  
File No. PLC-03-15

WHEREAS the Council of the Corporation of the Town of Pelham deems that the lands described in Section 1 of this by-law should be exempted from the provisions of Section 50 (5) of the *Planning Act* since such lands are to be used for street townhouse dwelling units as permitted by Zoning By-law No. 1136 (1987), as amended;

NOW THEREFORE, the Council of the Corporation of the Town of Pelham enacts as follows:

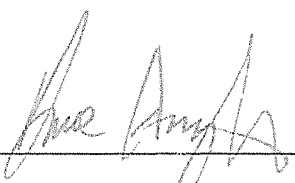
1. THAT the provisions of Section 50 (5) of the *Planning Act*, R.S.O. 1990, c.P. 13 as amended shall not apply to the lands described as follows:

- (a) <sup>Part 46</sup> Block 46, Plan 59M-399, Pelham, being Parts 1 to 6 on 59R-15351 and Parts 1 to 8 on 59R-15352

for the purpose of creating seven (7) lots for street townhouse dwelling units as follows:

- i) Parts 1 and 4 on Reference Plan 59R-15351
    - ii) Parts 2 and 5 on Reference Plan 59R-15351
    - iii) Parts 3 and 6 on Reference Plan 59R-15351
    - iv) Parts 1 and 5 on Reference Plan 59R-15352
    - v) Parts 2 and 6 on Reference Plan 59R-15352
    - vi) Parts 3 and 7 on Reference Plan 59R-15352
    - vii) Parts 4 and 8 on Reference Plan 59R-15352
2. THAT in accordance with Section 50 (7.3) of the *Planning Act*, R.S.O. 1990, c.P. 13 as amended, this By-law shall expire two years from the date of the registration of this By-law in the Land Registry Office at which time Section 50 (5) of the *Planning Act* R.S.O 1990 shall apply to those lands in the registered plan described in Section 1 of this by-law.
3. THAT upon final passage of this by-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

ENACTED, SIGNED AND SEALED THIS  
20<sup>th</sup> DAY OF JULY, 2015 A.D.

  
MAYOR DAVE AUGUSTYN

  
CLERK NANCY J. BOZZATO