



SUBJECT: Deregistration By-law for lands on Upper Middle Road and Georgina Court

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-35-20

Wards Affected: 5

File Numbers: 510-01/18 (24T-18001/B)

Date to Committee: August 11, 2020

Date to Council: August 24, 2020

Recommendation:

Approve By-law XX-2020, as shown in Appendix A of Report PL-35-20, being a by-law to deem Lots 8, 9 and Blocks 262 and 263 in Plan 20M-824 as not being registered lots and blocks within a Plan of Subdivision, pursuant to Section 50(4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

Background and Discussion:

On January 27, 2020, City Council approved a draft plan of subdivision consisting of four lots, three blocks and a public road at 5219 Upper Middle Road, 2004 & 2005 Georgina Court and Blocks 262 & 263 of Plan 20M-824, subject to conditions contained in Appendix B of staff report PL-05-20. The purpose of the plan of subdivision is to establish development parcels in accordance with Zoning By-law 2020.395, a by-law approved by City Council in 2018 to allow the redevelopment of the lands with a mix of detached, semi-detached and townhouse units.

Condition 8 of the conditions of subdivision approval requires the existing registered lots and blocks comprising the subject site to be deregistered prior to the registration of the new draft approved plan of subdivision:

8. The Owner shall complete the following to the satisfaction of the Director of Community Planning and the City Solicitor of the City of Burlington:
 - a) That a by-law be adopted by Burlington City Council to de-register Lots 8, 9, Block 262 and Block 263, Plan 20M824, all owned by Upper Middle Road Enclave Inc. prior to registration of this plan of subdivision.

The purpose of this condition is to facilitate land consolidation and ensure the orderly development of land. Currently, the subject site is comprised of five parcels of land: two lots and two blocks within a plan of subdivision registered in 2002 (shown shaded in Figure 1 below), and one parcel with the municipal address of 5219 Upper Middle Road that is not currently within a registered plan of subdivision (labeled “PIN 07184-0009” in Figure 1).

Under the *Planning Act*, a landowner can sell whole lots and blocks within a registered plan of subdivision. Landowners can also sell land that is not within a registered subdivision, provided the landowner does not retain ownership of any abutting land, unless the abutting land is within a registered plan of subdivision. Effectively, under the *Planning Act*, it is possible for the existing parcels making up the subject development site to be separately conveyed without the need for City approval.

Because the existing parcel fabric is no longer consistent with the City’s Zoning By-law, which envision the lands to be redeveloped comprehensively with a new lotting pattern (see Figure 2), it is not desirable for these parcels to continue to remain separately conveyable parcels under the *Planning Act*. If one or more

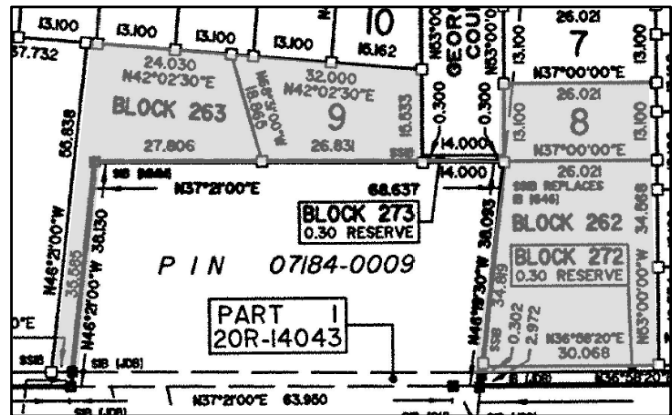


Figure 1 – Registered Plan 20M-824
(Shaded = recommended to be deregistered)

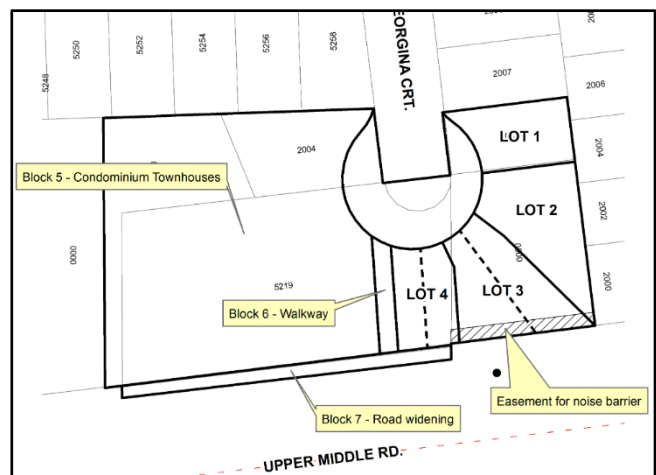


Figure 2 – Draft Approved Subdivision Layout

of the existing parcels are sold to a different landowner, it would not be possible for the site to be redeveloped as contemplated by the Zoning By-law and the new draft approved plan of subdivision.

Section 50(4) of the *Planning Act* allows municipalities to pass by-laws to deem any plan of subdivision or parts of a plan of subdivision that has been registered for eight years or more to be not a registered plan of subdivision. Staff thus recommend that City Council pass a by-law to deem the above noted lots and blocks to be not within a registered plan of subdivision. Once deregistered, the parcels will merge on title, and the landowner will not be able to sell any part of the subject site without further approvals, e.g. until the new plan of subdivision is registered.

Options Considered

If the subject lands are not deregistered from the existing plan of subdivision, the existing lots and blocks will remain separately conveyable parcels, and the applicant will not be able to clear Condition 8, receive final subdivision approval, and register the new plan of subdivision. Ultimately, not deregistering the lands will prevent the lands from being redeveloped comprehensively as contemplated by the City through Zoning By-law 2020.395 and Council's draft approval of the new plan of subdivision.

Financial Matters:

Not applicable.

Climate Implications

Not applicable.

Engagement Matters:

The owner of the subject lands was consulted and is supportive of staff's recommendation to deregister the lands at this time.

Notice will be completed in accordance with the *Planning Act*. The landowner affected will be notified of the passing of the by-law within 30 days following the passing. No notice or hearing is required prior to the passing of a deregistration by-law under section 50(4) of the *Planning Act*.

Staff note that there is no right of appeal for property owners of Council's decision to remove lands from a registered plan of subdivision under section 50(4) of the *Planning Act*.

Conclusion:

Community Planning staff recommends the enactment, passing and subsequent registration of a by-law under section 50(4) of the Planning Act to deem Lots 8, 9, Block 262 and Block 263 of Plan 20M-824 as not being lots and blocks within a registered plan of subdivision.

Respectfully submitted,

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Planner II, Development Review

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Appendices:

A. Draft By-law XX-2020

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.

Appendix A

THE CORPORATION OF THE CITY OF BURLINGTON

CITY OF BURLINGTON BY-LAW XX-2020

A By-law deeming Lots 8 and 9, Blocks 262 and 263 of Plan 20M-824 not to be lots or blocks in a registered plan of subdivision for the purpose of Section 50(4) of the Planning Act,

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WHEREAS subsection 50(4) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that a council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight (8) years or more, not to be a registered plan of subdivision for the purposes of subdivision control under subsection 50 (3) of the Planning Act;

AND WHEREAS the lands described below are lots and blocks within a registered plan of subdivision registered for a period of eight (8) years or more;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1.THAT those lands described as Lots 8 and 9, and Blocks 262 and 263 of Plan 20M-824 in the City of Burlington, Regional Municipality of Halton, are hereby deemed not to be Lots and Blocks within a registered plan of subdivision for the purpose of Section 50(3) of the *Planning Act*.

2.THAT this by-law shall take effect on the date of its registration in the Land Titles Office for Halton (No. 20).

3.THAT notice of the passing of this by-law shall be given within 30 days of the passing thereof in accordance with Section 50(29) of the Planning Act.

Enacted and passed this 24th day, of August, 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____