



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2019-227-Planning, Development and Recreation
Prepared By: Karl Doyle, Senior Planner
Meeting Date: December 9, 2019
Subject: Falcon Homes - Part Lot Control

Purpose

The Planning Division has received applications from Falcon Homes Construction Inc. to remove Part Lot Control from Lot(s) 6, 8, 9 and 10 on Registered Plan 52M-43 in the Belfort Estates Subdivision. This has been confirmed by letters received from the applicant's agent, Mr. Mathieu E. Quesnel (Attachment 1).

It is not always normal practice to show the individual semi-detached lots on a Registered Plan of Subdivision, rather, such lots are usually shown as one complete lot and identified as a semi detached lot without the dividing lot line. Reference plans are deposited to indicate the intended division of the said lots to facilitate separate legal description and sale (Attachment 2).

Recommendation

That Council approve the following:

- (a) That Part Lot Control be removed from Lot(s) 6, 8, 9 and 10 on Registered Plan 52M-43, City of Cornwall; and
- (b) That Part Lot Control be reinstated on the semi-detached lots in the Belfort Estates Subdivision, once the subject lots have been created by the appropriate procedure.

Financial Implications

Strategic Priority Implications

Background / Discussion

What is Part Lot Control? Once a Plan of Subdivision has been approved under Section 50 of The Planning Act and registered, a landowner may sell any complete lot on that registered plan even though he may own abutting lots. However, a landowner may not sell a part of his lot or block on a Registered Plan without further consent under Section 50 (5) of The Planning Act. This is referred to as part lot control and has the effect of preventing any division of land in a Registered Plan, other than that allowed for in the approval Plan of Subdivision without approval of the Committee of Adjustment.

The Effect of Removing Part Lot Control: The exception to the above is that Section 50 (7) of The Planning Act enables a municipality to pass a bylaw to remove Part Lot Control from all or part of a Registered Plan of Subdivision. Such a bylaw has the effect of allowing the conveyance of a portion of a lot without requiring the severance approval of the Committee of Adjustment. It is important to note that it has been the traditional practice of developers to use the consent process, as opposed to the removal of Part Lot Control process in further subdividing semis and townhouses once the structures are built. However the surveying to create individual parts for each semi-detached dwelling is essentially the same whether a landowner proceeds with a technical severance or with a Part Lot Control Exemption By-law. It becomes the Surveyor's responsibility to ensure that the dividing line between both dwellings is correctly placed along the centre line of the demising wall between dwelling units. The overriding advantage of the Part Lot Control Exemption By-law is the efficiency it brings to the process. The reason it was created is the overall realization to simplify processes once and only once all the Planning issues have been dealt with. Such is the case with this Subdivision, where the public was notified twice through the Zoning and Subdivision processes. The municipality has exercised its' responsibilities in arriving at a Subdivision Agreement to ensure that all adjacent interests have been addressed. Furthermore, any conditions of development are already imposed as part of the Subdivision Agreement. This is why the Part Lot Control Exemption By-law is more efficient, not only from the builder's point of view but, more importantly, from the municipality's point of view.



Motion to approve the following:

- (a) That Part Lot Control be removed from Lot(s) 6, 8, 9 and 10 on Registered Plan 52M-43, City of Cornwall; and
- (b) That Part Lot Control be reinstated on the semi-detached lots in the Belfort Estates Subdivision, once the subject lots have been created by the appropriate procedure.

Accessibility Impact

Document Title:	Falcon Homes - Part Lot Control - 2019-227-Planning, Development and Recreation.docx
Attachments:	- Attachment 1 - Request Letter and Applications.pdf - Attachment 2 Lots 6-8-9-10 RPlans.pdf - Attachment 3 Registered Plan 52M-43.pdf
Final Approval Date:	Dec 3, 2019

This report and all of its attachments were approved and signed as outlined below:

Mary Joyce-Smith - Dec 3, 2019 - 11:51 AM

No Signature - Task assigned to Mark A. Boileau was completed by workflow administrator Manon L. Levesque

Mark A. Boileau - Dec 3, 2019 - 12:02 PM

Maureen Adams - Dec 3, 2019 - 3:29 PM