



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

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2021-41-Planning, Development and Recreation
Prepared By: Lindsay Parisien, Development Planner
Meeting Date: March 22, 2021
Subject: Memorial Park – Lot 2 Plan 52M-51 – Part Lot Control Exemption

Purpose

To request Council's approval for the proposed Part Lot Control Exemption application submitted to the Planning Division.

The Planning Division has received an application from Memorial Park Developments Inc. to remove Part Lot Control from Lot 2 on Registered Plan 52M-51 in the Memorial Park Subdivision. This has been confirmed by an application form received from the applicant's agent, Mr. Maurice Gatien (Attachment 1).

It is not always normal practice to show the individual townhouse lots on a Registered Plan of Subdivision, rather, such lots are usually shown as one complete lot and identified as a townhouse 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

- a. That Part Lot Control be removed from Lot 2 on Registered Plan 52M - 51, City of Cornwall; and
- b. That Part Lot Control be reinstated on the townhouse lots in the Memorial Park Subdivision, once the subject lots have been created by the appropriate procedure.

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 by-law to remove Part Lot Control from all or part of a Registered Plan of Subdivision. Such a by-law 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 townhouse dwelling unit 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 each townhouse 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. Therefore, 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 2 on Registered Plan 52M-51, City of Cornwall; and
- (b) That Part Lot Control be reinstated on the townhouse lots in the Memorial Park Subdivision, once the subject lots have been created by the appropriate procedure.

Document Title:	Memorial Park Lot 2-Part Lot Control Exemption - 2021-41-PDR.docx
Attachments:	- Attach. 1 - Memorial Park Application - Lot 2.pdf - Attach. 2 - Memorial Park - Plan Lot 2.pdf
Final Approval Date:	Mar 16, 2021

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

Mary Joyce-Smith - Mar 16, 2021 - 12:46 PM

Mark A. Boileau - Mar 16, 2021 - 1:47 PM

Maureen Adams - Mar 16, 2021 - 3:20 PM