



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

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2021-119-Planning, Development and Recreation
Prepared By: Alex Gatien, Development Planner
Meeting Date: August 9, 2021
Subject: Request for Removal of Part Lot Control from Falcon Home Construction Inc., on Lots 11 and 12 of Registered Plan 52M-33 – Eastridge Subdivision.

Purpose

The Planning Division has received an application from Falcon Home Construction Inc. to remove Part Lot Control from Lots 11 and 12 of Registered Plan 52M-33. This has been confirmed by a letter from the applicant's Barrister & Solicitor, Stephanie Lalonde. (See attachments for Lots 11 and 12).

It is not normal practise to show individual townhouse or semi-detached lots in a Registered Plan of Subdivision, rather, such lots are usually shown as full lots of blocks of land. A Reference Plan is then deposited to indicate the intended divisions of the lands to facilitate separate legal description and sale.

Recommendation

That Council approve the following:

- a. That Part Lot Control be removed from Lots 11 and 12 of Registered Plan 52M-33 – Eastridge Subdivision; and
- b. That Part Lot Control be reinstated on the semi-detached lots in the Eastridge 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 piece 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 practise 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 bylaw 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.

Document Title:	Part Lot Control, Lots 11 and 12, Plan 52M33-Eastridge Subd.-2021-119-PDR.docx
Attachments:	- Part Lot Control, Lot 11, 52M33, Eastridge Subd.pdf - Part Lot Control - Lot 12, 52M33, Eastridge Subd.pdf
Final Approval Date:	Aug 3, 2021

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

Mary Joyce-Smith - Jul 29, 2021 - 3:07 PM

Mark A. Boileau - Jul 29, 2021 - 3:58 PM

Maureen Adams - Aug 3, 2021 - 12:23 PM