

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2021-0099

FOR THE CONSIDERATION OF  
COUNCIL

November 17, 2021

**SUBJECT: APPLICATION FOR PART LOT CONTROL EXEMPTION APPROVAL  
1354056 ONTARIO INC. PLAN  
PART OF BLOCK 79, 65M-3538, PARTS 4 AND 5, 65R-2461**

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1. **RECOMMENDATIONS:**

1. That Council receive Report No. DS-2021-0099 prepared by the Development Planning Division, Development Services Department, dated November 17, 2021, respecting the application for part lot control exemption approval for the property legally described as Part of Block 79, Plan 65M-3538, and more particularly described as Parts 4 and 5 on Reference Plan 65R-24615, and municipally addressed as 5 and 7 Crittenden Drive, Keswick.
2. That Council approve the application submitted by 1354056 Ontario Inc. to exempt the property legally described as Part of Block 79, Plan 65M-3538, and more particularly described as Parts 4 and 5 on Reference Plan 65R-24615, and municipally addressed as 5 and 7 Crittenden Drive, Keswick, from part lot control as per Section 50 (7) of the *Planning Act*.
3. That Council pass a by-law to exempt the property legally described as Part of Block 79, Plan 65M-3538, and more particularly described as Parts 4 and 5 on Reference Plan 65R-24615, and municipally addressed as 5 and 7 Crittenden Drive, Keswick, from part lot control as per Section 50 (7) of the *Planning Act*.
4. That the Planning Division forward a copy of Council's resolution and the by-law to the Applicant for registration.

2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis and recommendations on the Part Lot Control Exemption (PLCE) application for the property legally described as Part of Block 79, Plan 65M-3538, and more particularly described as Parts 4 and

5 on Reference Plan 65R-24615, and municipally addressed as 5 and 7 Crittenden Drive, Keswick.

The Subject Property is proposed to be divided into two (2) part lots, as defined on Reference Plan 65R-24615 as Part 4 and 5, and outlined in red on Attachment 4. Each part lot contains an existing townhouse dwelling. Part 4 and Part 5 merged on title when they entered common ownership after February 18, 2003.

The proposed PLCE would enable the separate conveyance of Part 4 from Part 5, whereas they are currently merged on title and are not separately conveyable.

**3. BACKGROUND:**

OWNER/APPLICANT: 1354056 Ontario Inc.

PROPERTY: (refer to Attachments 1 to 4)  
5 and 7 Crittenden Drive, Keswick  
Part of Block 79, 65M3538, Parts 4 and 5, 65R-24615  
Roll #: 142-936-36 and 142-936-34

File Number: 04.74

The Subject Property is located on the east side of Crittenden Drive, Keswick, southwest of the Crittenden Drive and Joe Dales Drive intersection in the residential development in Keswick known as Simcoe Landing.

Plan 65M-3538 (Attachment 5) was registered at the Land Registry Office in 2001 and had the effect of creating Block 79 (outlined in red).

On February 18, 2002, Town Council passed PLCE By-law 2002-0021 (PL-4), being a by-law exempting Blocks 79 and 80, Plan 65M-3538 from part lot control under Section 50 (5) of the Planning Act. This had the effect of creating Parts 1 – 23, 65R-24615.

Following the registration of the PLCE by-law, Part 4 and Part 5, 65R-24615, were separately conveyed to two (2) separate owners. PLCE By-law 2002-0021 (PL-4) lapsed on February 18, 2003.

Part 4 and Part 5, 65R-24615 merged after entering the common ownership of 1354056 Ontario Inc sometime after February 18, 2003. The Planning Act requires that, where two part lots or part blocks are owned by the same individual or entity, the parts cannot be separately conveyed and are therefore merged on title.

Following the lapsing of PLCE by-law 2002-0021 (PL-4), it is no longer possible to divide properties within Blocks 79 and 80 since Part Lot Control now applies. A new PLCE By-law is required to re-divide Part 4 and Part 5, RP 65R-24615

The Applicant is proposing a new PLCE By-law to enable the separate conveyance of Part 4 from Part 5. The proposed PLCE by-law is included in the By-laws section of this Agenda.

**4. ANALYSIS:**

**4.1 PART LOT CONTROL**

Once a plan of subdivision has been approved under Section 50 of the *Planning Act*, and registered, a landowner may convey only a complete lot or block on a registered plan, this is known as part lot control. Section 50(7) of the *Planning Act* enables a Municipal Council to pass a by-law to remove part lot control from all or part of a registered plan of subdivision.

PLCE By-laws are often used to create part lots for semi-detached and townhouse dwellings. PLCE By-laws may only be used to divide landholdings that were previously subject to a Plan of Subdivision.

When the PLCE by-law lapses, part lot control will again apply to the blocks. Following the lapsing of the PLCE on February 18, 2003, both Part 4 and Part 5 on Reference Plan 65R-24615 merged after entering common ownership under 1354056 Ontario Inc.

Approval of the subject application would allow the applicant to divide the Subject Property into two (2) part lots, each containing an existing townhouse dwelling, so that each part lot can be separately conveyed to new property owners.

It is the practice of the Town to include a one-year lapsing date on part lot control exemption by-laws as it typically provides adequate time for parcels to be conveyed.

The Director of 1354056 Ontario Inc, being a Mr. Gilbert Moreau, passed away shortly after making the PLCE application. The subject property subsequently became part of Mr. Moreau's estate. Given the potential complexity of settling estates, Staff are of the opinion that a longer two (2) year lapsing date is appropriate.

**4.2 KESWICK SECONDARY PLAN**

The subject property is designated 'Neighbourhood Residential' and is within the 'South Keswick Development Area Overlay' on Schedule 'F1', Land Use Plan to the Keswick Secondary Plan (KSP). Medium density forms of housing are permitted, provided that an average density of 16.6 units per gross hectare is not exceeded. Townhouse dwellings are a medium-density form of housing.

The proposed PLCE complies with the policies of the KSP.

#### 4.3 ZONING BY-LAW NO. 500

The Subject Property is zoned site-specific 'Medium Density Urban Residential (R3-32)' on Map 1A to Schedule 'A' of Zoning By-law No. 500. Townhouse dwellings are permitted within the zone.

Staff note that no modifications have been made to the R3-32 zone since its original implementation, whether by way of a Zoning By-law Amendment or Minor Variance.

The R3-32 zone requires a minimum lot frontage of 6 metres and a minimum lot area of 180 metres. The proposed PLCE would enable the creation of part lots that comply with these minimums and the other requirements of the R3-32 zone.

Staff also note that the current PLCE proposal is identical to the original PLCE approval in 2002 insofar as it relates to Part 4 and Part 5, Reference Plan 65R-24615. The applicant has confirmed that the previous Surveyor's Certificate remains valid.

#### 5. FINANCIAL AND BUDGETARY IMPACT:

There are no financial concerns or budgetary impacts on the Town as a result of this application.

#### 6. CORPORATE STRATEGIC PLAN:

This report addresses the following strategic priority:

- Promote a high quality of life

#### 7. PUBLIC CIRCULATION:

Pursuant to Section 50 of the *Planning Act*, as amended, there are no public notice requirements associated with applications for exemption from part lot control.

#### 8. CONCLUSION:

Staff recommend that Council approve the subject part lot control exemption application submitted by 1354056 Ontario Inc. and request that Council also pass the implementing by-law for same.

### APPROVALS

Prepared By: Connor McBride, MCIP, RPP  
Planner II

Reviewed By: Janet Porter, MCIP, RPP  
Manager of Development Planning

Recommended By: Harold Lenters, M.Sc.Pl., RPP  
Director of Development Services

Approved By: Ryan Cronsberry  
Acting Chief Administrative Officer

*Attachment 1 – Context Map*

*Attachment 2 – Key Map*

*Attachment 3 – Aerial Map*

*Attachment 4 – Plan 65-65M3538*

*Attachment 5 – Reference Plan (RP) 65R-65R24615*

*Attachment 6 – Original Part Lot Control Exemption By-law*