

**To:** **COUNCIL**

**Meeting Date:** **11/23/21**

**Subject:** **64, 66, 68 & 70 Hilldale Dr., Extension of Part Lot Control By-law – Norrich West Inc.**

**Submitted By:** **Lisa Prime, Chief Planner**

**Prepared By:** **Jacqueline Hannemann, Senior Planner – Development**

**Report No.:** **21-300(CD)**

**File No.:** **PTLT12/19**

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## Recommendations

THAT report 21-300(CD) – 64, 66, 68 and 70 Hilldale Dr. – Extension to Part Lot Control By-law, Norrich West Inc. – be received,

AND THAT the by-law attached to report 21-300(CD) be passed.

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## Executive Summary

### Purpose

- The properties municipally known as 64, 66, 68 and 70 Hilldale Drive (Block 13, Registered Plan 58M-626) are currently a block in a registered plan of subdivision (30T-16102) which was registered in July 2017.
- The current application before Council is to request an extension to the previously approved by-law that provided approval for exemption of part lot control. If approved, a new by-law would be approved to permit exemption to part lot control for an additional two years.

### Key Findings

- Part lot control has the effect of preventing the division of land in a registered plan of subdivision without approval of the municipality.
- The provisions in the Planning Act allow a municipality to pass a by-law to remove part lot control from all or any part of a registered plan of subdivision. This by-law has the effect of permitting the sale of a portion of the property to

allow for separate ownership without approval from the Committee of Adjustment through a severance application.

- Exemption to part lot control is required in this case to permit the separation of the block into four separate lots each with one townhome, that can each be sold as a separate freehold unit on its own lot.
- The applicant received approval for exemption from part lot control to further divide Block 13 into separate freehold lots for individual sale by Council at its meeting on December 17, 2019.
- This by-law will permit the exemption to part lot control for an additional two years and avoid the lapse of the previous approval.

## **Financial Implications**

- The planning application fee for part lot control exemption in the amount of \$2,120 was paid to the City to process the original application. There is no fee associated with the request to extend the previously approved application.
- There are no additional financial impacts of this application. The financial impacts have been addressed through the previous plan of subdivision.

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## **Background**

### **Part Lot Control General Information**

Part lot control exemption is another form of land division in addition to plans of subdivision and severances. Section 50(7) of the Planning Act allows a municipality to pass a by-law that excludes lands within a registered plan of subdivision from the Planning Act's part lot control regulations. This allows a land owner to divide parts of blocks and lots within a registered plan of subdivision for land for sale, conveyance, lease or mortgage, make minor boundary adjustments, or establish maintenance easements by way of a Reference Plan. Exemption from part-lot control is appropriate when a number of land transactions are involved, but the resulting changes will not affect the nature or character of the subdivision or development.

Exemptions from part lot control are used to facilitate single detached, semi-detached and townhouse developments to ensure that the common centre wall between two dwelling units is constructed on the property line.

An approved part lot control exemption by-law is in place for two years. After that, the by-law expires and the part lot control regulations of the Planning Act come back into effect and no further division of the land can occur without a severance application.

If Council does not agree with staff's recommendation to approve a new by-law, the previously approved part lot control by-law will lapse and the property can no longer be divided into smaller freehold lots for individual sale and ownership. The townhouse units would continue as a cluster development on Block 13 of Registered Plan 58M-626 and could not be sold as individual freehold units.

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## Analysis

### Strategic Alignment

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

Goal #1 - Community Wellbeing

Objective 1.4 Promote, facilitate and participate in the development of affordable, welcoming and vibrant neighbourhoods.

The part lot control application creates a further division of a block in a registered plan of subdivision to create freehold lots for townhouse units, as was anticipated through the previously approved planning applications. This application would allow the previous approval to continue to exist for the next two years.

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## Comments

The subject property municipally described as 64, 66, 68 and 70 Hilldale Dr. is also referred to as Block 13 on Registered Plan 58M-626.



**Figure 1 – Property Location Map**

By-law 19-189 was approved by City of Cambridge Council at a meeting held on December 17, 2019. Please refer to Attachment 1 which is a copy of the approved by-law 19-189. The by-law included a stipulation that it would remain in force and effect until December 17, 2021. The applicant has requested that City of Cambridge Council provide an extension to the approval timeframe as the townhouse units located on the subject property are currently being used as model homes for the development and are not yet ready for sale to the public. This will allow the townhouse unit to continue to operate as model homes in the near future, but be sold as individual freehold units within the next two years.

If the attached by-law is approved, the part lot control exemption by-law will remain in place for the next two years. If the current by-law expires the part lot control regulations of the Planning Act come back into effect and no further division of the land can occur without a severance application.

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## Existing Policy/By-Law

Section 50(7) of the Planning Act allows a municipality to pass a by-law that excludes lands within a Registered Plan of Subdivision from the Planning Act's Part Lot Control regulations. This allows a land owner to divide parts of blocks and lots within a registered plan of subdivision. Council approval of the by-law is required to allow the exemption from Part Lot Control to continue for an additional two years.

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## Financial Impact

There are no financial impacts due to this application. The financial impacts have been addressed through the previous plan of subdivision process.

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## Public Input

This application does not require public notification or public input. This report has been posted publicly as part of the report process.

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## Internal/External Consultation

There is was no internal/external consultation conducted as this application is a request to extend a previous approval. There are no changes to the previous approval except for the timeframe in which the by-law will remain in force and effect.

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## Conclusion

City of Cambridge Development Planning Staff recommends that Council pass the attached by-law to permit an extension to the previously approved part lot control exemption on the subject lands at 64, 66, 68 and 70 Hilldale Dr. (Block 13, 58M-626) until November 23, 2023.

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## Signature

### Division Approval



**Name: Lisa Prime**  
**Title: Chief Planner**

Reviewed by the CFO

Reviewed by Legal Services

## Departmental Approval



**Name: Hardy Bromberg**

**Title: Deputy City Manager, Community Development**

## City Manager Approval



**Name: David Calder**

**Title: City Manager**

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## Attachments

- Appendix 1 – By-law 19-189 (approved on December 17, 2019)
- Appendix 2 – Draft By-law xxx-21
- Appendix 3 – Reference Plan 58R-20702





BY-LAW 19-189

of the

CORPORATION OF THE CITY OF CAMBRIDGE

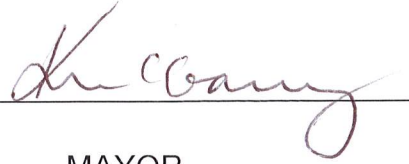
Being a By-law of the Corporation of the City of Cambridge to exempt certain lots or blocks pursuant to subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (Part Lot Control Exemption) – 64, 66, 68 & 70 Hilldale Drive.

**WHEREAS** subsection 50(7) of the Planning Act R.S.O. 1990, c. P.13, as amended, provides that a municipal Council may by by-law provide that subsection 50(5) of the Planning Act R.S.O. 1990, c. P.13, as amended, (Part Lot Control) does not apply to land within plans or parts of plans designated in the by-law and that when the by-law is approved by the appropriate approval authority, subsection 50(5) ceases to apply to the lands therein described:

**NOW THEREFORE BE IT RESOLVED THAT** the Corporation of the City of Cambridge enacts as follows:

1. THAT Subsection 50(5) of the Planning Act R.S.O 1990, c.P.13, as amended, shall not apply to Block 13, Registered Plan No. 58M-626;
2. THAT this by-law shall be restricted in its application only to divide the blocks and create easements as cited in accordance with Reference Plan No. 58R-20702 and Schedule 'A' attached hereto;
3. THAT this by-law shall remain in force and effect for a period of two (2) years from the date of its passing and shall expire on **December 17<sup>th</sup>, 2021**;
4. THAT it is Acknowledged and Directed that the office of the City Solicitor or designate be authorized to register electronically this by-law pursuant to subsection 50(28) of the Planning Act on the title to the lands described herein;
5. THAT this By-law shall come into full force on the day it is passed.

**PASSED AND ENACTED** this 17<sup>th</sup> day of December, 2019.

A handwritten signature in dark ink, appearing to read "K. Cooney", is written over a horizontal line.

MAYOR

A handwritten signature in dark ink, appearing to read "J. Alator", is written over a horizontal line.

CLERK



## **Schedule 'A' to By-law 19-189**

### **Block 13, Registered Plan No. 58M-626**

#### **Parts 1 to 10**

#### **Parts and Proposed Easements**

<b>POTL/LOT</b>	<b>PARTS AND PROPOSED EASEMENTS</b>
1	Parts 1 and 2 - subject to storm easement on Part 2 (WR1172757)
2	Parts 3 and 4 - subject to storm easement on Part 4 (WR1172757)
3	Parts 5, 6 and 7 – subject to storm easement on Parts 6 and 7 (WR1172757); subject to access easement in favour of Parts 1, 2, 3 and 4 over Part 7
4	Parts 8, 9 and 10 – subject to storm easement on Parts 9 and 10 (WR1172757); subject to access easement in favour of Parts 1 to 7 over Part 10



BY-LAW 21-XXX

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of Cambridge to exempt certain lots or blocks pursuant to subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (Part Lot Control Exemption) – 64, 66, 68 & 70 Hilldale Drive.

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3. THAT this by-law shall remain in force and effect for a period of two (2) years from the date of its passing and shall expire on **November 23<sup>rd</sup>, 2023**;
4. THAT it is Acknowledged and Directed that the office of the City Solicitor or designate be authorized to register electronically this by-law pursuant to subsection 50(28) of the Planning Act on the title to the lands described herein; and,
5. THAT this By-law shall come into full force on the day it is passed.

**PASSED AND ENACTED** this 23<sup>rd</sup> day of November, 2021.

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MAYOR

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CLERK

**Schedule ‘A’ to By-law No. 21-XXX**

**Block 13, Registered Plan No. 58M-626**

**Parts 1 to 10**

**Parts and Proposed Easements**

POTL/LOT	PARTS AND PROPOSED EASEMENTS
1	Parts 1 and 2 - subject to storm easement on Part 2 (WR1172757)
2	Parts 3 and 4 - subject to storm easement on Part 4 (WR1172757)
3	Parts 5, 6 and 7 – subject to storm easement on Parts 6 and 7 (WR1172757); subject to access easement in favour of Parts 1, 2, 3 and 4 over Part 7
4	Parts 8, 9 and 10 – subject to storm easement on Parts 9 and 10 (WR1172757); subject to access easement in favour of Parts 1 to 7 over Part 10

Appendix 3 - Reference Plan 58R-20702



SCHEDULE				
PART	BLOCK	PLAN	PIN	AREA m <sup>2</sup>
1	ALL OF 13	58M-626	ALL OF 22652-0167(LT)	195.79
2				43.98
3				133.14
4				30.49
5				133.70
6				21.34
7				9.15
8				262.22
9				39.91
10				16.86

I REQUIRE THIS PLAN TO  
BE DEPOSITED UNDER THE  
LAND TITLES ACT.

DATE: Nov. 20, 2019

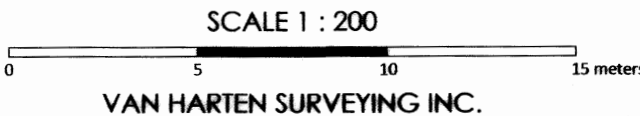
  
JOHN S. SCOTT, O.L.S.

PLAN 58R-20702  
RECEIVED AND DEPOSITED



DATE: November 20, 2019

"T. Steinkraw"  
REPRESENTATIVE FOR  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF WATERLOO No. 58

**PLAN OF SURVEY OF  
ALL OF BLOCK 13  
REGISTERED PLAN 58M-626  
CITY OF CAMBRIDGE  
REGIONAL MUNICIPALITY OF WATERLOO**



LEGEND:

-  DENOTES SURVEY MONUMENT SET
-  DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
- IB DENOTES .015 x .015 x 0.60 IRON BAR
- SSIB DENOTES .025 x .025 x 0.60 SHORT STANDARD IRON BAR
- RP DENOTES .015 DIA. X 0.07 ROUND IRON BAR WITH STAMPED WASHER
- PB DENOTES .025 x .025 x 0.30 PLASTIC BAR
- CC DENOTES CUT CROSS
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
- P1 DENOTES REGISTERED PLAN 58M-626

BEARING AND COORDINATE NOTE:

- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
- DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99959755
- COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

UTM COORDINATES (METRES)		
POINT ID	NORTHING	EASTING
A	4,803,664.91	555,342.50
B	4,803,669.35	555,368.79
C	4,803,638.54	555,375.11

THESE COORDINATE VALUES COMPLY WITH SECTION 14(2) O. REG 216/10. THESE COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

NOTE: ALL BARS SET ARE IB UNLESS OTHERWISE NOTED  
ALL BARS ARE (VH) UNLESS OTHERWISE NOTED

METRIC:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 11TH DAY OF JUNE, 2019

DATE: NOVEMBER 13, 2019

  
JOHN S. SCOTT  
ONTARIO LAND SURVEYOR



**Van Harten**  
SURVEYING INC.  
LAND SURVEYORS and ENGINEERS

Kitchener  
Ph: 519-742-8371

Guelph  
Ph: 519-821-2763

Orangeville  
Ph: 519-940-4110

www.vanharten.com

info@vanharten.com

DRAWN BY: S.J.

CHECKED BY: J.S.S.

PROJECT No. 26335-18

Nov 18, 2019-11:22am  
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