



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 9, 2022
SUBJECT/REPORT NO:	Application to Deem lands Being Blocks 131-134, Inclusive, of Registered Plan No. 62M-1085 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Hamilton) (PED22157) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	George T. Zajac (905) 546-2424 Ext 3933
SUBMITTED BY:	Ashraf Hanna Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to deem lands being Blocks 131-134, inclusive, of Registered Plan No. 62M-1085, not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix “A” to Report PED22157, on the following basis:

- (a) That the draft By-law, attached as Appendix “C” to Report PED22157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal to deem Blocks 131-134, inclusive, of Registered Plan 62M-1085, not to be part of a registered plan of subdivision is consistent with the Provincial Policy Statement (2020) and complies with the Urban Hamilton Official Plan (UHOP).

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EXECUTIVE SUMMARY

The Owner / Applicant has submitted an application for a By-law in order to deem the Blocks 131-134, Inclusive, of Registered Plan No. 62M-1085 not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*.

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision was registered on July 19, 2007, being more than the required eight (8) years. The purpose and effect of the application is to allow for the parcels of land (being Blocks 131-134, Inclusive, of Registered Plan No. 62M-1085) to merge with lands per Committee of Adjustment Consent to Sever applications HM/B-21:126, HM/B-21:127, HM/B-21:128, HM/B-21:129, HM/B-21:130, HM/B-21:131 and HM/B-21:132 (See Appendix “B” to Report PED22157), in order to establish four single detached residential lots.

Pursuant to the *Planning Act*, a By-law under 50(4) is required to merge Blocks 131-134 on 62M-1085 with the retained lands under the above-referenced consent applications.

However, notwithstanding S.50(27) of the *Planning Act*, it is intended that this By-law shall come into force and take effect when registered in the Land Registry Office. As such, staff is supportive of the proposed By-law.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Per the *Planning Act*, a Public Meeting is not required to consider a By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

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A copy of this By-law will be lodged with the Minister of Municipal Affairs and Housing.

Additionally, a certified copy or duplicate copy of this deeming By-law will be registered against the title to the lands in the proper registry office.

That notwithstanding s. 50(27) of the *Planning Act*, it is intended that this By-law shall come into force and take effect when registered in the Land Registry Office by the Clerk of the municipality.

Lastly, notice of passing of this By-law will be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person, by registered mail.

HISTORICAL BACKGROUND

Proposal

The subject lands, totalling 0.0626 hectares (626.8 square metres), are located on the east side of Woodvalley Court, as identified on Appendix “A” attached to Report PED22157.

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

The Owner / Applicant has therefore submitted an application pursuant to Subsection 50(4) of the *Planning Act*, for approval of a By-law to deem Blocks 131-134, inclusive, of Registered Plan No. 62M-1085 not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.

In review, the subject Plan of Subdivision was registered on July 19, 2007, being more than the required eight (8) years under Subsection 50(4) of the *Planning Act*.

The purpose and effect of the application is to allow for the parcels of land (being Blocks 131-134, inclusive of 62M-1085) in order to accommodate proper land titles for these parcels, and subsequent merger with lands as part of Committee of Adjustment Consent to Sever applications HM/B-21:126, HM/B-21:127, HM/B-21:128, HM/B-

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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21:129, HM/B-21:130, HM/B-21:131 and HM/B-21:132, attached as Appendix “B” to Report PED22157.

The proposed merger is in order to establish four single detached residential lots. As such, staff is supportive of the proposed By-law. As such, staff supports the proposed By-law.

Chronology:

June 2, 2022: Application to deem Blocks 131-134, inclusive, of Registered Plan No. 62M-1085 not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act* submitted and deemed complete.

Details of Submitted Application:

Location: Blocks 131-134, inclusive, of Registered Plan No. 62M-1085 (See Appendix “A” to Report PED22157)

Owner/Applicant: Winzen Ancaster Homes (Phase II) Limited

Agent: T. Johns Consulting Group Ltd. (c/o Katelyn Gillis)

Property Description:

<u>Lot Frontage:</u>	Block 131	– 7.962 m
	Block 132	– 8.059 m
	Block 133	– 7.172 m
	Block 134	– 7.486 m
<u>Lot Depth:</u>	All Blocks	– Irregular
<u>Lot Area:</u>	Block 131	– 583.9 m ²
	Block 132	– 17.80 m ²
	Block 133	– 3.20 m ²
	Block 134	– 21.90 m ²
	Total	– 0.0626 Ha
<u>Servicing:</u>	Existing Full Municipal Services	

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Urban Protected Residential, etc. “C/S-1534-H”
<u>Surrounding Land Uses:</u>		
North	Residential	Urban Protected Residential – One and Two Family Dwellings, etc. “D/S-587”
South	Residential	Urban Protected Residential, etc. “C/S-1534”
East	Residential	Urban Protected Residential, etc. “C/S-1534-H”
West	Residential	Urban Protected Residential, etc. “C/S-1534”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Of note, there are no proposed changes to the existing buildings and / or residential use of the subject lands.

As the proposal is to deem Blocks 131-134, inclusive, of Registered Plan No. 62M-1085 not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*, to merge with lands as part of Committee of Adjustment Consent to Sever applications HM/B-21:126, HM/B-21:127, HM/B-21:128, HM/B-21:129, HM/B-21:130, HM/B-21:131 and HM/B-21:132 (See Appendix “B” attached to Report PED22157), in order to establish four single detached residential lots, the proposal is consistent with the Provincial Policy Statement and is supported by staff.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and are designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of Volume 1 of the UHOP.

As noted above, the proposal is to accommodate proper land titles for these parcels, and subsequent merger with lands as part of Committee of Adjustment Consent to Sever applications HM/B-21:126, HM/B-21:127, HM/B-21:128, HM/B-21:129, HM/B-

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21:130, HM/B-21:131 and HM/B-21:132, in order to establish four single detached residential lots.

Lastly, in review, Policy F.1.14.1.5 of Volume 1 of the UHOP states:

“If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the *Planning Act* to deem it not be a registered plan of subdivision.”

Accordingly, the Registered Plan No. 62M-1085 was registered on July 19, 2007 and therefore conforms to the requirement of eight (8) years or more of the plan having been registered.

Therefore, the proposal to deem lands being Blocks 131-134, inclusive, of Registered Plan No. 62M-1085 not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding corporate ownership details, conforms with the UHOP and is supported by staff.

RELEVANT CONSULTATION

Due to the nature of the application, Legal Services and the Planning Division were consulted.

PUBLIC CONSULTATION

Due to the nature of the application and per the *Planning Act*, public notice is not required for the subject application. Notice of the By-law is to be given to the Owner within thirty (30) days of the passing thereof by registered mail as prescribed in the proposed By-law attached as Appendix “C” attached to Report PED22157. Of note, the By-law will come into force and effect upon registration on title; and, final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020);
 - (ii) It complies with the policies of the UHOP; and,

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- (iii) The proposed By-law will permit the continued use of the parcels for residential purposes which are compatible with existing land uses in the immediate area and represents good planning.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the blocks would remain within the existing Registered Plan of Subdivision 62M-1085.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report PED22157 – Location Map
Appendix “B” to Report PED22157 – Committee of Adjustment Notices for applications HM/B-21:126, HM/B-21:127, HM/B-21:128, HM/B-21:129, HM/B-21:130, HM/B-21:131 and HM/B-21:132
Appendix “C” to Report PED22157 – By-law

GZ/