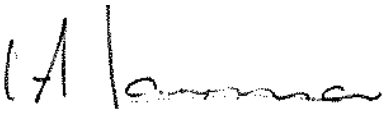




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 11, 2023
SUBJECT/REPORT NO:	Application to Deem lands Being Block 14 of Registered Plan 62M-1161 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Ancaster) (PED23097) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 2978
SUBMITTED BY:	Ashraf Hanna Director, Growth Management and Chief Development Engineer Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to deem Block 14 of Registered Plan 62M-1161 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 PED23097, on the following basis:

- (a) That the draft By-law, as Appendix “D” to Report PED23097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal to deem Block 14 of Registered Plan 62M-1161 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.

EXECUTIVE SUMMARY

The Owner / Applicant has submitted an application for approval of a By-law in order to deem Block 14 of Registered Plan 62M-1161 (shown on Appendix “B” to Report PED23097) not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*.

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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 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 subject lands are part of Registered Plan of Subdivision 62M-1161, which was registered on September 9, 2011, being more than the required eight years.

The purpose and effect of the application is to allow for the parcel of land (Block 14 of Plan 62M-1161) to merge with adjacent lands, as required by Committee of Adjustment Consent to Sever applications AN/B-21:114 and AN/B-21:115, in order to establish four single detached residential lots. The lands to be added to are identified as Part 4 on the Committee of Adjustment sketch as Appendix “C” to Report PED23097.

As per Subsection 50(28) of the *Planning Act*, the attached 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 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*.

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

Additionally, a certified copy or duplicate copy of the deeming By-law will be registered against the title to the lands in the land registry office. This By-law shall come into force and take effect when registered in the Land Registry Office.

Lastly, notice of passing of the By-law will be given within 30 days of the date of passing to each person appearing on the last revised assessment roll to be the owner of land to which the By-law applies.

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HISTORICAL BACKGROUND

Proposal

The subject lands are located on the northwest side of Fair Street, Ancaster, as identified on Appendix “A” to Report PED23097.

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 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 Block 14 of Registered Plan 62M-1161 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 September 9, 2011, being more than the required eight years under Subsection 50(4) of the *Planning Act*.

The purpose and effect of the application is to allow for the parcel of land (being Block 14 of Registered Plan 62M-1161) to merge with adjacent lands as part of Committee of Adjustment Consent to Sever applications AN/B-21:114 and AN/B-21:115, as Appendix “C” to Report PED23097. The consent applications are further described below.

Consent Applications

Consent applications AN/B-21:114 and AN/B-21:115 for the lands located at 455 Springbrook Drive were approved by the Committee of Adjustment on January 20, 2022. Application AN/B-21:114 severed the lands identified as Part 4 on Appendix “C” to Report PED23097 from the remainder of the property, to be used as a future single detached dwelling lot. Application AN/B-21:115 further severed the remaining portion of the lands into three lots for future single detached dwellings fronting onto Springbrook Avenue (Parts 1, 2 and 3 on Appendix “C” to Report PED23097).

As can be seen on Appendix “C” to Report PED23097, the lands identified as Part 4 do not have frontage on a public road. As a condition of approval of both consent applications, the applicant is required to acquire the two adjacent blocks which are shown in hatching on Appendix “C” to Report PED23097 and merge these Blocks with Part 4 to gain frontage to Fair Street. These Blocks are identified as Block 14 of Registered Plan 62M-1161 (the lands subject to this report) and Part of Block 102 of

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Registered Plan 62M-1116. At the time of the approval of the consent applications, Block 14 and Part of Block 102 were City-owned parcels. Subsequent to the consent approval, Block 14 and Part Block 102 have been sold to the current owner from the City.

To allow the lands identified as Part 4 to merge with the subject lands (Block 14 of Registered Plan 62M-1161), the current application to deem Block 14 not to be part of a Registered Plan of Subdivision is required. Of note, the other Block that will be merged with Part 4, being Part of Block 102 on Registered Plan 62M-1116, is not required to be de-registered prior to merging due to being a Part Block and not a Full Block in a Registered Plan.

Chronology

- January 20, 2022 Consent applications AN/B-21:114 and AN/B-21:115 for the lands located at 455 Springbrook Drive were approved by the Committee of Adjustment.
- March 20, 2023 Subject lands transferred from the City to the current property owner.
- April 14, 2023 Application to Deem Block 14 of Registered Plan 62M-1161 not to be part of a Registered Plan of Subdivision deemed complete.

Details of Submitted Application:

- Location:** Block 14 of Registered Plan 62M-1161
(See Appendices “A” and “B” to Report PED23097)
- Owner/Applicant:** Rotuka Development Inc.
- Agent:** NPG Planning Solutions
- Property Description:** **Lot Frontage:** 4.3 m
- Lot Depth:** irregular
- Lot Area:** 12.25 sq m
- Servicing:** 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	Residential “R4-706” Zone, Modified
<u>Surrounding Land Uses:</u>		
North	Residential	Residential “R4-706” Zone, Modified
South	Residential	Residential “R4-606” Zone, Modified
East	Residential	Residential “R4-706” Zone, Modified
West	Residential	Residential “R4-606” Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS).

As the proposal will facilitate the merging of the subject lands with adjacent lands in order to clear conditions of Consent Applications 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 Urban Hamilton Official Plan. Further, the subject lands are identified as “Low Density Residential 2b” on the Meadowlands Neighbourhood IV Secondary Plan.

As noted above, the proposal is to accommodate proper land titles for this parcel, and subsequent merger with lands as part of Committee of Adjustment Consent to Sever applications AN/B-21:114 and AN/B-21:115 in order to establish four single detached residential lots.

Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan (UHOP) states:

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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“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 UHOP recognizes the City’s ability, in accordance with the *Planning Act*, to deem lands not to be a registered plan of subdivision provided the Plan has been registered for eight years or more. Registered Plan No. 62M-1161 was registered on September 9, 2011 and therefore conforms to the requirement of eight years or more of the plan having been registered.

Therefore, the proposal to deem Block 14 of Registered Plan 62M-1161 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 of the subject lands with the adjacent parcel, conforms with the Urban Hamilton Official Plan and is supported by staff.

RELEVANT CONSULTATION

- Corporate Services Department, Legal Services Division; and,
- Planning and Economic Development Department, Planning Division and Growth Management Division.

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 30 days of the passing of the By-law by registered mail (as prescribed in the By-law as Appendix “D” to Report PED23097). Of note, the By-law will come into force and effect upon registration on title.

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 Urban Hamilton Official Plan; and,
 - (iii) The proposed By-law will facilitate the merging of the subject lands with adjacent lands in order to clear conditions of consent to establish four single detached residential lots which are compatible with existing land uses in the immediate area and represent good planning.

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ALTERNATIVES FOR CONSIDERATION

If the application is denied, the Block would remain within the existing Registered Plan of Subdivision 62M-1161. The Block would be unable to merge with the adjacent parcel, rendering Part 4 on Appendix “C” to Report PED23097 undevelopable. The conditions of consent applications AN/B-21:114 and AN/B-21:115 could not be cleared and the severance would lapse.

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.

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 PED23097 - | Location Map |
| Appendix “B” to Report PED23097 - | Registered Plan of Subdivision 62M-1161 |
| Appendix “C” to Report PED23097 - | Sketch for Committee of Adjustment Consent to Sever applications AN/B-21:114 and AN/B-21:115 |
| Appendix “D” to Report PED23097 - | By-law to Deem Lands not to be Part of a Registered Plan |

HT/tb