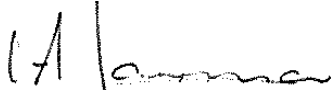




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2025
<b>SUBJECT/REPORT NO:</b>	Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Stoney Creek) (PED25015) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Heather Travis (905) 546-2424 Ext. 2978
<b>SUBMITTED BY:</b>	Ashraf Hanna Director, Growth Management and Chief Development Engineer Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to deem Blocks 187, 188 and 189 of Registered Plan 62M-987 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 PED25015;
- (b) That the draft By-law, attached as Appendix “D” to Report PED25015, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

**EXECUTIVE SUMMARY**

The Owner / Applicant has submitted an application for approval of a By-law in order to deem Blocks 187, 188 and 189 of Registered Plan 62M-987 (shown on Appendix “A” to Report PED25015) 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

**SUBJECT: Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (PED25015) (Ward 10) – Page 2 of 7**

---

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-987 (Appendix “B” to Report PED25015), which was registered on August 29, 2003, being more than the required eight years.

The purpose and effect of the application is to allow for the parcels of land (Blocks 187, 188 and 189 of Plan 62M-987) to merge with adjacent lands, known as Part 4 of 32 Sandbeach Drive, in order to ultimately establish three single detached residential lots (to be established through a future consent application). The subject lands and the adjacent lands to which they will be added are identified on the sketch attached as Appendix “C” to Report PED25015.

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.

**SUBJECT: Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (PED25015) (Ward 10) – Page 3 of 7**

---

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject lands are located on the north side of Kingspoint Circle, Stoney Creek, as identified on Appendix “A” to Report PED25015.

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 Blocks 187, 188 and 189 of Registered Plan 62M-987 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 August 29, 2003, 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 parcels of land (being Blocks 187, 188 and 189 of Registered Plan 62M-987) to merge with adjacent lands known as Part 4 of 32 Sandbeach Drive, in order to ultimately establish three single detached residential lots. The *Planning Act* applications required to facilitate this merger are described below.

### **Consent Application SC/B-22:114**

Consent application SC/B-22:114, approved on August 24, 2023, was applicable to the lands north of the subject lands, known as 32 Sandbeach Drive (Parts 1 to 4), as identified on Appendix “C” to Report PED25015. It is intended that Part 4 of 32 Sandbeach Drive will be merged with the subject lands of this Report (Blocks 187, 188 and 189 of Registered Plan 62M-987). To facilitate this future merger, a condition was added to the approval of SC/B-22:114 which required the applicant to apply for and receive final approval of a Zoning By-law Amendment application (see below).

### **Zoning By-law Amendment Application ZAC-24-017**

As per the required condition of Consent, Zoning By-law Amendment application ZAC-24-017 was approved by Council on August 16, 2024 (By-law No. 24-152). The lands described as Part 4 (32 Sandbeach Drive) were re-zoned to Single Residential “R3-12(H)” Zone, Modified, Holding. The Single Residential “R3-12” Zone, Modified is

**SUBJECT: Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (PED25015) (Ward 10) – Page 4 of 7**

---

consistent with the zoning of the subject lands (Blocks 187, 188 and 189 of Registered Plan 62M-987).

The Holding Provision applicable to both the subject lands and Part 4 of 32 Sandbeach Drive, as modified through By-law No. 24-152, requires “that the subject lands identified as Block 3 on Schedule “A” be consolidated with abutting lands described as Blocks 187, 188 and 189, Plan 62M-987, to the satisfaction of the Director of Planning and Chief Planner.” It should be noted that Block 3 in the Holding Provision corresponds to the lands described as Part 4 of 32 Sandbeach Drive, as shown on Appendix “C” to Report PED25015. As such, this current application to de-register Blocks 187, 188, and 189 is necessary to fulfil this land consolidation and clear the Holding Provision.

A future application for a Zoning By-law Amendment (Holding Removal) will be required upon successful completion of this application to de-register Blocks 187, 188 and 189 of 62M-987 and upon confirmed consolidation of the lands. In addition, a future consent application will be required to facilitate the creation of three single detached dwelling lots on the merged lands.

### **Chronology**

- |                 |   |
|-----------------|---|
| August 14, 2023 | Consent application SC/B-22:114, applicable to the lands north of the subject lands known as 32 Sandbeach Drive, approved by the Committee of Adjustment. |
| August 16, 2024 | Zoning By-law Amendment application ZAC-04-017, applicable to the lands known as Part 4 of 32 Sandbeach Drive, approved by Council.                       |
| October 2, 2024 | Application to Deem Blocks 187, 188 and 189 Registered Plan 62M-987 not to be part of a Registered Plan of Subdivision deemed complete.                   |

### **Details of Submitted Application:**

**Location:** Blocks 187, 188 and 189 Registered Plan 62M-987  
(See Appendices “A” and “B” to Report PED25015)

**Owner/Applicant:** Fifty Road Joint Venture Inc.

**Agent:** A.J. Clarke & Associates Ltd.

**Property Description:** For Blocks 187, 188 and 189 combined:

**SUBJECT: Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (PED25015) (Ward 10) – Page 5 of 7**

---

**Lot Frontage:** approx. 38 m

**Lot Depth:** varies from 14.47 to 22.71 m

**Lot Area:** approx. 770 sq m

**Servicing:** Existing Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Single Residential “R3-12(H)” Zone, Modified, Holding
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Vacant	Single Residential “R3-12(H)” Zone, Modified, Holding
<b>South</b>	Residential	Single Residential “R1-12” Zone, Modified
<b>East</b>	Residential	Single Residential “R1-12” Zone, Modified
<b>West</b>	Residential	Single Residential “R1-12” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Statement (2024)**

The application has been reviewed with respect to the Provincial Planning Statement.

As the proposal will facilitate the merging of the subject lands with adjacent lands in order to establish three single detached residential lots within the existing urban area, the proposal is consistent with the Provincial Planning 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

**SUBJECT: Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (PED25015) (Ward 10) – Page 6 of 7**

---

lands are designated “Low Density Residential 2b” within the Urban Lakeshore Secondary Plan.

As noted above, the proposal is to facilitate the merger of the subject lands with adjacent lands to the north, as required by the applicable Holding Provision, in order to establish three single detached residential lots.

Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan (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 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-987 was registered on August 29, 2003 and therefore complies to the requirement of eight years or more of the plan having been registered.

Therefore, the proposal to deem Blocks 187, 188 and 189 of Registered Plan 62M-987 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, complies 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.

## **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 PED25015). 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 Planning Statement (2024);

**SUBJECT: Application to Deem lands Being Blocks 187, 188 and 189 of Registered Plan 62M-987 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (PED25015) (Ward 10) – Page 7 of 7**

---

- (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 satisfy the condition of the Holding Provision applicable to the lands, and allow for the development of three single detached residential lots which are compatible with existing land uses in the immediate area and represent good planning.

**ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the Blocks would remain within the existing Registered Plan of Subdivision 62M-987. The Blocks would be unable to legally merge with the adjacent parcel, rendering Part 4 on Appendix “C” to Report PED25015 undevelopable. The Holding Provision applicable to the subject lands could not be cleared.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED25015 -	Location Map
Appendix “B” to Report PED25015 -	Registered Plan of Subdivision 62M-987
Appendix “C” to Report PED25015 -	Sketch for Committee of Adjustment Consent to Sever application SC/B-22:114
Appendix “D” to Report PED25015 -	By-law to Deem Lands not to be Part of a Registered Plan

HT/tb