

EXEMPTION FROM PART LOT CONTROL

Guidelines & General Information



TOWN OF OAKVILLE
Planning Services Department
1225 Trafalgar Road
Oakville, ON L6H 0H3

- 1) The Town of Oakville can pass a by-law exempting a parcel of land situated in a registered plan of subdivision from part lot control to allow the registration of a reference plan to divide the land into a number of parcels or to change existing lot lines.
- 2) The applicant is required to file a complete application. A file number will not be assigned and the processing of the application will not commence until all the required material has been submitted.
- 3) To proceed with an exemption from part lot control, the proposal **must** conform to the Town of Oakville's Official Plan and Zoning By-law. If not, a rezoning or minor variance application must be submitted, approved and finalized prior to Council enacting the exemption part lot control by-law.
- 4) The application will be reviewed, and if deemed appropriate, a report and the exempting by-law will be forwarded to Council for approval.
- 5a) For subdivisions applications filed prior to January 1, 1999, the by-law is forwarded to the Region of Halton for its approval, and eventual registration.
- 5b) For subdivisions filed from January 1, 1999 onward, the by-law is final approved by the Town and then registered.
- 6) Where site plan approval is required, applications for part lot control shall be submitted after the site plan approval is granted. Where site plan approval is not required part lot control exemption applications may be submitted after the registration of the M-Plan.
- 7) The by-law will contain a sunset clause causing the exemption from part lot control to lapse after a maximum period of one year (or a lesser period of time depending on the circumstances of the application). Lots cannot be created or adjusted after this lapsing date has expired. The area to which the exemption from part lot control by-law is to apply and the timing of submission should be considered in the context of this expiration date.

At the request of the property owner, Council may, at its discretion, extend the term of the exempting by-law for a maximum period of one year. The exempting by-law may not be extended after it has lapsed.

- 8) Additional information may be required by the Planning Services Department before the application can be processed or finalized. You will be notified should this be the case.
- 9) Once foundation plans are available they should be submitted to the Building Services Department, Zoning Section, to confirm compliance with the Zoning By-law.

- 10) The Planning Department will not process any requests for exemption from part lot control that will have the effect of creating additional lots within existing communities, unless the development proposed under the exemption from part lot control request has been subject to a recent planning application, which clearly indicated the proposed changes to the lot configuration and which involved public participation. Proposals for the creation of lots in existing developed areas may be made through the land division process.

Subject to the above-noted condition, the Town of Oakville will accept the following types of applications for exemption from part lot control:

- creation of townhouse lots
- creation of semi-detached lots
- mechanical severances such as additions to lots, the creation of easements and land dedications, etc.

The exemption from part lot control process shall not be used to realign lots within an existing residential plan of subdivision to create additional building lots.

The owner of the land, or the applicant, should complete the following **Submission Checklist, Application Form** and **Affidavit/Owner's Authorization** and submit them along with the necessary documents to:

Planning Services Department
TOWN OF OAKVILLE
1225 Trafalgar Road
Oakville ON L6H 0H3
Phone: (905) 845-6601, ext. 3035 or 3917

NOTE: Personal information on the following forms is collected under the authority of the *Planning Act* and will be used by the Town of Oakville's Planning Services Department in the processing of applications for exemption from part lot control. The information may be used by other departments and agencies for the purpose of assessing the proposed development and for preparing comments to the Planning Services Department. This information may also be released to the public. Questions about the collection of this information should be directed to:

Mark Simeoni, Director of Planning Services
TOWN OF OAKVILLE
1225 Trafalgar Road
Oakville, ON L6H 0H3
Phone: (905) 845-6601

Submission Checklist



TOWN OF OAKVILLE
 Planning Services Department
 1225 Trafalgar Road
 Oakville, ON L6H 0H3

The owner or applicant is to complete the following and submit it with the Application Form.

A. GENERAL DESCRIPTION		
APPLICATION/OWNER NAME:		
SITE LOCATION:		
PROPOSAL: (Provide a brief description, including land use)		
B. DRAWINGS & DOCUMENTS TO BE SUBMITTED	REQUIRED	SUBMITTED
REGISTERED PLAN	12	
DIGITAL COPY OF REGISTERED PLAN	1	
8 ½" x 11" REDUCTION OF REGISTERED PLAN	1	
REFERENCE PLAN (all existing buildings and setbacks must be shown)	12	
DIGITAL COPY OF REFERENCE PLAN	1	
8 ½" x 11" REDUCTION OF REFERENCE PLAN	1	
AFFIDAVIT/OWNER'S AUTHORIZATION	1	
O.L.S. CERTIFICATE OF FRONTAGES AND AREAS (showing frontage at street line and at 7.5 m back from street line, area of each part shown on reference plan and use of each part i.e. easements, right of ways, etc.)	1	
ENGINEER'S LETTER (including a brief description of existing and/or proposed municipal services, confirming that all service utility connections are in place to suit the new lot lines)	1	
C. APPLICATION FEES		
Town of Oakville Base Fee*		\$4,265.00
Variable Fee: _____ lots @ \$217.00/ lot		
TOTAL TOWN OF OAKVILLE FEE (cheque payable to 'Town of Oakville')		
REGION OF HALTON FEE* (cheque payable to 'Region of Halton')		\$558.51

* The fee for an EXTENSION to an exemption from part lot control is \$2,126.00 payable to the Town.

Authorized Signature _____

Date _____

Please allow six to eight weeks for the processing of an application for exemption from part lot control

Application Form



TOWN OF OAKVILLE
Planning Services Department
 1225 Trafalgar Road
 Oakville, ON L6H 0H3

1. LOCATION OF THE SUBJECT SITE

MUNICIPAL ADDRESS: (contact the Public Works Dept. if no address has been assigned)		POSTAL CODE:
LEGAL DESCRIPTION:	LOT(S):	CONCESSION(S):
ROLL NUMBER:	2401 _ _ _ _ _	
REGISTERED PLAN:		BLOCK(S)/LOT(S):
REFERENCE PLAN:		BLOCK(S)

2. OWNER OF THE SUBJECT SITE (required only if different from applicant)

COMPANY NAME:	
CONTACT NAME(S):	
ADDRESS:	
CITY:	POSTAL CODE:
PHONE NO.:	FAX NO.:

3. APPLICANT/CONTACT PERSON (if applicable)

COMPANY NAME:	
CONTACT NAME(S):	
ADDRESS:	
CITY:	POSTAL CODE:
PHONE NO.:	FAX NO.:

4. SOLICITOR

COMPANY NAME:	
CONTACT NAME(S):	
ADDRESS:	
CITY:	POSTAL CODE:
PHONE NO.:	FAX NO.:

5. ONTARIO LAND SURVEYOR

COMPANY NAME:	
CONTACT NAME(S):	
ADDRESS:	
CITY:	POSTAL CODE:
PHONE NO.:	FAX NO.:

Affidavit & Owner's Authorization



TOWN OF OAKVILLE
Planning Services Department
1225 Trafalgar Road
Oakville, ON L6H 0H3

AFFIDAVIT

I, _____ of the _____
(Town, City)

of _____ in the _____
(Region, County)

of _____

SOLEMNLY DECLARE THAT all of the above statements outlined in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*. Further, upon completion of all conveyances, I will so advise the Town of Oakville.

Declared before me at the _____ of _____
(Town, City, Region, County)

this _____ day of _____, A.D. 201__.
(Month)

SIGNATURE OF OWNER OR AUTHORIZED AGENT

A COMMISSIONER, ETC.

OWNER'S AUTHORIZATION

If an agent is used, the owner must also complete the following. If the owner is an incorporated company, the corporate seal should accompany the signature.

I, _____ being the registered owner of the subject land, hereby
(name of owner, individual or company)

authorize _____ to prepare and submit a request for exemption
(name of agent)

from part lot control.

SIGNATURE OF OWNER
Signing Officer for the Owner if the
Owner is a Corporation

DATE

February 2003

NOTE TO SOLICITORS AND SURVEYORS

IF YOU ARE INVOLVED IN "SUBDIVISION BY REFERENCE PLANS" PLEASE CONSIDER THE APPROACH OUTLINED IN THE ATTACHED MEMO, WHICH WOULD ALLEVIATE MANY DESCRIPTION AND EASEMENT PROBLEMS INHERENT IN THESE TRANSACTIONS.

MEMORANDUM TO: Land Registrars in Automating Offices
 FROM: Kate Murray, Director of Titles
 RE: SUBDIVISION BY REFERENCE PLAN

In many land registry offices, developers are developing blocks of contiguous lands by way of reference plans and exemptions from part lot control. In the automated system, this results in a lengthy process for the clients and staff when subsequent transfers and charges are registered on such a PIN. Clients must ensure that the same part on the reference plan has not already been sold and that the easements, appurtenant to the subject property, are properly described in all associated documents. Staff must also duplicate this effort at the time of registration.

As a result, an optional procedure which will assist clients in expediting the registration process and facilitate a simplified registration process for staff has been developed. It applies only to blocks of contiguous lands and is set out below.

-) If all lands are owned by the same entity and subject to the same encumbrances, consideration should be given to consolidating all lands within the block to one PIN. This will reduce the effort later required for splits.
-) The developer deposits a reference plan indicating how the block of land will "potentially" be subdivided.
-) The developer conveys utility easements and other lands required by the municipality as a condition of planning approval.
-) The developer registers a Transfer from itself to itself "in trust" which sets out separate descriptions in schedules for all of the potential new parcels, including any together with easements and subject to easements, all referring to the reference plan. Registrars should ensure the subject to and together with easements are consistent between the dominant and servient tenements. In the accompanying Land Transfer Tax Affidavit, there is to be a statement to the effect that "this transfer is registered only to parcelize the land in the manner in which the transferor intends to ultimately convey it to third parties".
-) The Transfer is certified and the appropriate splits take place immediately, creating separate PINS based upon the schedules contained in the Transfer document.
-) The Property Index Map is updated to indicate the newly created PINS. The developer's lawyer should be given a table indicating the relationship of the PINS to the parts on the reference plan. The lawyer can use this in communication with the purchasers. This table can be placed with the office "set" of Property Index Maps for use by the staff.
-) When subsequent registrations are submitted, the transaction of each property can take place in a less cumbersome fashion as the parcels have already been created in the automated system. The "as in number" for the access/maintenance easements would be the registration number of the transfer from the developer to itself.

This procedure will ensure that the descriptions for the new parcels are created in a way that makes the easements consistent between parcels.

In order to realize the benefit, land registry office staff will need to communicate with the developer to time the processing of the registration of the initial Transfer, which sets out the parts to be conveyed, and any subsequent transfers which depend upon the splits having occurred.

Kate Murray