



**PLANNING ADVISORY/COMMITTEE OF ADJUSTMENT/PROPERTY  
STANDARDS COMMITTEE AGENDA**

On JANURY 25, 22 @ 6:00 PM  
Via Teleconference and Video Conference

**Teleconference Toll Free Number – 1-833-311-4101, Access Code: 2631 373 4461**  
**Video Access:**

<https://townofgananoque.webex.com/townofgananoque/j.php?MTID=m2afd56cac6db4f94d8d926fe0190bac7>

		Attachment
1.	<b>Call Meeting to Order</b>	
2.	<b>Adoption of the Agenda</b>	
3.	<b>Disclosure of Pecuniary Interest &amp; General Nature Thereof</b>	
4.	<b>Approval of Minutes</b>	
	<ul style="list-style-type: none"><li>Minutes of November 30, 2021</li></ul>	Motion
5.	<b>Public Question/Comments</b> (only addressing items on the agenda) *Note: Members of the public are permitted to speak to Planning Act applications under Reports/New Business or Correspondence at the time of discussion.	
6.	<b>Unfinished Business</b>	
	<ul style="list-style-type: none"><li>235 Georgiana Street</li></ul>	
7.	<b>Reports/New Business</b>	
	<ul style="list-style-type: none"><li>DP2021-24 – 341 Garden Street</li></ul>	
8.	<b>Correspondence/Other</b>	
	<ul style="list-style-type: none"><li>UCLG – Secondary Suite Program</li></ul>	
	<ul style="list-style-type: none"><li>MAH – Letter to Head of Council on Bill 13 and Bill 276</li></ul>	
	<ul style="list-style-type: none"><li>Guide to the Planning Act Amendments (unauthorized) by Sidney H. Troister</li></ul>	
	<ul style="list-style-type: none"><li>2022 Meeting Schedule</li></ul>	
	<ul style="list-style-type: none"><li>Official Plan Update:<ul style="list-style-type: none"><li>Focus Groups – summary</li><li>Open House – February 2022</li></ul></li></ul>	
9.	<b>Next Regular Meeting – February 22, 2022</b>	
10.	<b>Questions From the Media</b>	
11.	<b>Adjournment</b>	

The Town invites and encourages people with disabilities to attend and voice their comments in relation to accessibility related reports. For those who are unable to attend, the Town encourages the use of the Customer Feedback Form found on the Accessibility Page on the Town’s website.



## PLANNING ADVISORY/COMMITTEE OF ADJUSTMENT/PROPERTY STANDARDS COMMITTEE MEETING MINUTES

On Tuesday, November 30, 2021 @ 6:00 PM  
Via Webex Teleconference Meeting

COMMITTEE MEMBERS PRESENT		STAFF PRESENT
<b>Chair:</b>	Mayor Ted Lojko	Brenda Guy, Manager of Planning and Development
<b>Members:</b>	Brian Brooks	Chanti Birdi, Assistant Planner
	Lynda Garrah	
	Emery Groen	
	Councillor Mike Kench	
	Chris McDonald	
	Jana Miller	
	Marion Sprenger	
<b>Regrets:</b>	John Beddows	
<b>1.</b>	<b>Call Meeting to Order</b> Chair Mayor Ted Lojko called the meeting to order at 6:02 PM.	
<b>2.</b>	<b>Adoption of the Agenda</b> <b>PAC-COA-PSC Motion #2021-44</b> <b>Moved by:</b> Marion Sprenger <b>Seconded by:</b> Jana Miller BE IT RESOLVED THAT PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/PROPERTY STANDARDS COMMITTEE ADOPT THE AGENDA DATED NOVEMBER 30, 2021. <div style="text-align: right;"><b>CARRIED</b></div>	
<b>3.</b>	<b>Disclosure of Pecuniary Interest &amp; General Nature Thereof – None</b>	
<b>4.</b>	<b>Adoption of Minutes</b> <b>PAC-COA-PSC Motion #2021-45</b> <b>Moved by:</b> Emery Groen <b>Seconded by:</b> Brian Brooks BE IT RESOLVED THAT PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/PROPERTY STANDARDS COMMITTEE ADOPT THE MINUTES DATED OCTOBER 26, 2021. <div style="text-align: right;"><b>CARRIED</b></div>	
<b>5.</b>	<b>Public Question/Comments – None</b>	
<b>6.</b>	<b>Unfinished Business – None</b>	
<b>7.</b>	<b>Reports/New Business</b>	
	<b>SD2021 – Rocky Acres Subdivision Application</b>	

	<p>Kyle Nielissen (Forefront Engineering) presented a summary of the proposal for the Committee, including blasting protocols (monitored by a third party), and stormwater pond details (dry pond will be gated and fenced).</p> <p>The Committee discussed aspects of the proposal including:</p> <ul style="list-style-type: none"> <li>• Location of park or parkette within proposed subdivision or in larger area,</li> <li>• Connection of neighbourhood and subdivision to King Street and other areas of Town,</li> <li>• Potential park and trail connections to Maple St N and/or Birch St,</li> <li>• Stormwater management concerns in the area,</li> <li>• Configuration of sidewalks discussed, including road-adjacent sidewalks vs. boulevard-separated sidewalks and their relation to pedestrian accessibility, and</li> <li>• Lighting, to be addressed via photometric plan reviewed by Public Works.</li> </ul> <p>Member of the public Bruce McLeod spoke to concerns over existing stormwater patterns in the area, concern over increased area traffic and lack of recreation facilities in the area.</p>
	<p><b>PAC-COA-PSC Motion #2021-46</b>  <b>Moved by:</b> Brian Brooks    <b>Seconded by:</b> Chris McDonald  BE IT RESOLVED THAT PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/PROPERTY STANDARDS COMMITTEE RECOMMENDS TO COUNCIL THAT SD2021-01 (ROCKY ACRES) BE ISSUED DRAFT PLAN APPROVAL SUBJECT TO THE DRAFT CONDITIONS AS PRESENTED IN THE PLANNING REPORT DATED NOVEMBER 30, 2021.  <b>CARRIED</b></p>
<b>8.</b>	<b>Correspondence/Other</b>
	<p><b>Acknowledgement Letter – OLT – Re: 70 Hickory Street</b></p> <ul style="list-style-type: none"> <li>• Received for Information</li> </ul>
	<p><b>Housing Affordability Task Force (Leeds Grenville Joint Services Committee) – Secondary Suites</b></p> <ul style="list-style-type: none"> <li>• Received for information</li> </ul>
	<p><b>Housing Affordability Task Force (Leeds Grenville Joint Services Committee) – Summary and Recommendations</b></p> <ul style="list-style-type: none"> <li>• Received for information</li> </ul>
	<b>OP Update (verbal): Focus Groups – December 9, 2021</b>
<b>9.</b>	<b>Next Regular Meeting – January 25, 2022</b>
<b>10.</b>	<b>Questions From the Media – None</b>
<b>11.</b>	<b>Adjournment</b>
	<p><b>PAC-COA-PSC Motion #2021-47</b>  <b>Moved by:</b> Marion Sprenger  THAT PAC/COA/PSC BE ADJOURNED AT 7:33 PM.</p>
<div> <div>_____</div> <div>Major Ted Lojko, Chair</div> </div> <div> <div>_____</div> <div>Brenda Guy, Committee Secretary</div> </div>	

## STAFF MEMO

To: Planning Advisory Committee

From: Brenda Guy, Manager of Community Development

Meeting

Date: January 25, 2022

Subject: Follow up: 235 Georgiana Street

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As per an email by a member of PAC regarding the above noted property, the intent of this is to provide clarity. Summary of the concern is as follows:

- *The problem is that the initial traffic study only examined the impact of the day care on Georgiana Street and stated it had little impact. The traffic study in question did not/not examine the impact of the day care related traffic on Charles Street North. The day care entrance for both cars and pedestrians is on Charles Street North, not Georgiana.*
- *Council issued a conditional approval for the construction, not a blanket approval*
- *The second point in the conditions speaks directly to traffic on Charles St N, an issue which was not addressed in the original 2018 traffic study which was submitted with the application and which the minutes attached speak to.*
- *The key question becomes: did the applicant comply with Council's condition to address concerns with the day care drop-off and pick-up areas on Charles Street North before construction started? I ask this because no new information on the impact of the daycare has been submitted to this PAC, and Council's conditional approval of the project was conditional on fulfillment of this condition.*
- *This is a critical procedural question about the fulfillment of the Planning Process here in Gananoque.*

### Staff Response:

At the PAC meeting in 2018, there was no representative from the school in attendance. Staff requested that they attend at the Council meeting as there was a question that Staff could not answer pertaining to the drop off and pick up, thus the condition in the motion.

Attached are the Council minutes of October 2, 2018 where Joan Stewart raised the same question to Council around drop off and pick up. A representative of the school board was in attendance and responded to the PAC query as noted in the minutes.

Staff recalls that the school board representative indicated that the day care was remaining separate from the existing school including drop off and pick up which spoke to the condition. The day care has a separate entrance off of Charles Street North and the front entrance will remain off of Georgiana Street. Council did not request anything further nor was the application deferred that it required information to come back to Council.

Following the October 2018 meeting, Public Works approved the traffic report as submitted and approved the final plans on January 8, 2020 which satisfied the condition.

Upon review of the study, the property itself has the civic address of 235 Georgiana Street. The Traffic Study notes the purpose and what was included in the review:

- The purpose of this study and report is to provide a review of existing conditions in the vicinity of the school site and a review of the proposed expansion from a transportation operations perspective with due consideration of associated impacts.
- The study further notes that “The study area for this review includes the four roads bounding the site as well as the site itself”.
- Figure 6 of the Study identifies traffic volumes which includes the intersections of Charles and Georgiana as well as Georgiana and William as well as others. Although it noted that the data available was collected in August 2018.
- The data identified the August 2018 to be LOS B and they also provided data with estimated school traffic which was still reasonable
- Pedestrian data noted that there are sidewalks on one or both sides of the streets to the school. The exception is east of William Street N where there is no sidewalks – ie Georgiana, Forsyth, North
- The addition of day care based on the projected volumes indicate that the same level of service is expected and they project volumes in 2023 which remain to be acceptable
- Attendees at the day care will be accompanied by a family member or parent

The conditions were addressed by the school board and the query answered at the Council meeting. Public Works reviewed the Traffic Study and approved the final plans on January 8, 2020.

Conditions do not come back to Committees or Council. That is the check list for staff to follow up on. The appropriate approval agencies clear their conditions which could be Public Works, CRCA, MTO, Eastern Ontario Power etc.

If the Committee or Council had concerns that this would impact their decision, the committee or Council would have deferred the application.

Building Permit was issued for excavation August 30, 2018 under Permit 2018-062 but did not move forward due to funding. Renewal permit issued May 25, 2020 under Permit 2020-022

## PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE

FROM: PLANNING AND DEVELOPMENT

MEETING  
DATE: TUESDAY, JANUARY 25, 2022

SUBJECT: DP2021-24 – 341 GARDEN STREET  
CLASS II DEVELOPMENT PERMIT

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### **BACKGROUND**

Property: 341 GARDEN STREET

Legal Desc: PLAN 86 LOT 205 GAN RIVER ES

Area: APPROX. 0.17 AC

Lot Coverage: 35% MAXIMUM

Official Plan: RESIDENTIAL

Development Permit: RESIDENTIAL

#### **Purpose and Effect:**

The applicant is seeking permission to utilize the existing building, with no alterations to the footprint of the main building, as a multi-residential building with five dwelling units.

#### **Background:**

Compliance letters are generally requested to confirm the designation of a property, confirmation of the permitted uses, site provisions under the Development Permit by-law, and any outstanding work orders. They are usually requested for the purposes of a sale or mortgage.

This Development Permit application was initiated as a result of a compliance letter request received by the Town. The request asked for confirmation of 5 dwelling units at the subject property.

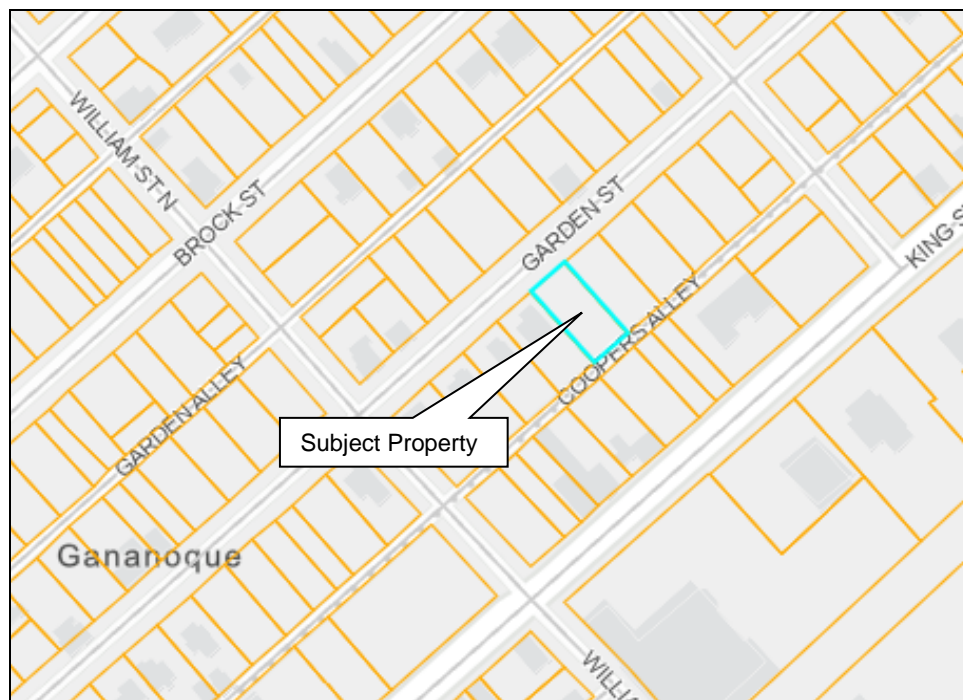
The Town was able to confirm 4 dwelling units at the subject property through municipal taxation records and a previous compliance letter which noted 4 dwelling units at the subject property. The compliance letter from the purchaser's legal firm to the Town sought confirmation of 4 legal dwelling units on the site.

The property owner indicated that at the time of purchase (1998), the building contained 5 dwelling units. In support of this claim, the owner has provided a rent receipt (dated June 1998) for the fifth unit and a letter (dated December 2022) from a previous resident attesting to the number of units (the letter may be sworn as true by way of affidavit).

In order for five units to be considered a legal non-conforming use, all five units would need to have been “*lawfully used for the such purpose on the day of the passing of the By-law so long as it continues to be used for that purpose*”. The previous zoning by-law of 1971 designated the property as R1 – Residential which did not permit the use of converted dwellings in this designation. The by-law in 1971 provides the same definition as the current DP by-law.

Due to the conflicting records, the property owner has applied for a Development Permit to seek approval for 5 legal units.

### **Property Location:**



### **POLICY ANALYSIS**

#### **Provincial Policy Statement:**

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein.

## 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

### 1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

### 1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.

## 1.4 Housing

### 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

To view the Provincial Policy Statement in its entirety, please visit  
<https://www.ontario.ca/page/provincial-policy-statement-2020>.

### **OFFICIAL PLAN:**

The subject property is designated Residential within the Official Plan. The intent of the residential designation is to preserve and consolidate existing residential neighbourhoods and to provide for a new residential opportunities through intensification and re-development of vacant buildings to allow a mix of commercial and residential use.

The goal of the residential designation is to promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community while providing opportunities to develop new residential uses in mixed use

buildings as well as non-residential neighbourhood components such as schools, community facilities, places of worship, parks and local commercial uses.

Permitted residential uses include the full range of dwelling types from low density single-detached dwellings to high density apartment dwellings.

Objectives of the Residential designation include to:

- Promote and support development which provides for affordable, freehold and rental housing with a full range of density types;
- Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing;
- Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of architectural design and density;
- Encourage housing opportunities that are in proximity to work, shopping, and recreation to reduce the need to drive and encourage walking and cycling;

**DEVELOPMENT PERMIT:**

The subject property is designated Residential within the Development Permit By-law. It is the intent of the Residential designation to allow for a varied density of residential uses.

**Use**

The proposed use is similar to that of a converted dwelling with a variance required for five dwelling units as opposed to four units as defined below:

Converted dwellings are discretionary uses within the Residential designation and defined as:

*A converted dwelling means a building originally designed as a single detached dwelling which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, none of which shall be located in the cellar of the dwelling but which may be located in the basement.*

The proposed use is not considered to be an apartment building based on the definition below:

*An apartment dwelling means the whole of a building that contains three or more dwelling units, which units are served by a common entrance from street level and by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards, or one or more of them. An apartment dwelling includes a garden suite, but does not include a quadruplex dwelling, a group of row dwellings, or a pair or group of semi-detached duplex or triplex dwellings, not any other dwelling otherwise defined herein.*

### Site Provisions

The Development Permit By-law does not provide required setbacks for the use of a converted dwelling as these conversions generally apply to existing buildings with varying existing setbacks.

The applicant has provided a site sketch identifying side yard setbacks, parking area sized and building footprint. The sketch is not to-scale and staff are recommending that a scaled plan be provided as a condition of approval.

The property would enjoy a legal non-complying status for the front yard setback in terms of the existing buildings as they were show to be established around 1912. The existing site provisions are identified as:

Lot Area	7,200sq.ft./669sq.m.
Lot Coverage	Approx. 32%
Lot Frontage	60ft./18.3 m
Front Yard Setback	10ft./3.05 m
Exterior Side Yard Setback	n/a
Interior Side Yard Setback	East – 7.25ft/ 2.21m West – 18.7ft/ 5.7m
Rear Yard Depth (min.)	79.7ft/24.3m (building) 33.5ft/10.2m (garage)

### Parking

The subject property currently provides parking off Garden Street and Coopers Alley. A walkway is provided from each parking area to the building.

The applicant submitted with their application a plan illustrating that the front yard parking area was 4m x 10m. A subsequent email was provided by the applicant that the dimensions are actually 5.7m x 13.7m and not the original size provided.

The Development Permit By-law does not provide parking requirements specific to converted dwellings, however, the calculation for similar uses (row and apartment dwellings) is 1.25 spaces per dwelling unit. At five units, the property would require 7 (6.25) spaces.

Based on the 5.7m by 13.7m dimensions, the front parking area provides 4 parking spaces at 2.85m by 6.85m in two tandem rows or 2 parking spaces at 5.7m by 6m in tandem.



Based on the rear yard dimensions of 18.29m by 7.62m, the rear parking provides 6 spaces measuring 3 m by 7.63 m.



In total, the applicant has indicated 10 parking spaces (6 standard size spaces and 4 reduced width spaces) or 8 parking spaces at standard size are provided on-site.

Comment: A scaled plan is generally required to proceed with Development Permit applications, staff accommodated the applicant to allow the application to proceed based on the footprint of the existing building and no exterior changes were being proposed. Within this application, assessment of parking area sizes are a key component of the site plan for the fifth dwelling unit.

Although it appears that the applicant can meet the parking requirements, there have been discrepancies in the site plan provided and subsequent updates, Staff recommend that a scaled plan be provided to the Town as a condition of approval.

### **Circulation to agencies**

Circulation of 120 m to adjacent property owners and prescribed agencies (comments received to date):

Bell Canada/Canada Post/ Enbridge Gas/Union Gas	
CAO	Five water meters (1 per unit) required.
Chief Building Official	No Objection on the condition that a regular Fire Inspection be carried out and updated before final approval of this application.
Cogeco	No Comment.
CRCA	
CDSBEO and UCDSB	
Eastern Ontario Power/Hydro One/ OPG	
Fire Department	Updated Fire Inspection required. Last inspection completed in 2007.
LG Paramedic/ Police Dept.	
LG Health Unit	
Ministry of Transportation (MTO)	
Water/Sewer Utilities	As per By-law 2008-20, separate water meters will be required for each dwelling unit
Public Works	

### **Options and Conditions**

The Committee has 4 options regarding the application. These decision options are:

1. Approve with no conditions,
2. Approve with conditions (as recommended or as amended by PAC),
3. Deny the application (with reason[s] provided), or
4. Defer the application (with reason[s] provided).

Should the Development Permit be denied, the owner will be required to reduce the number of unit to the number reflected in historic Town records. This may include legal enforcement and relocation of existing tenant(s).

The proposed use meets the general intent of the Residential designation providing adequate parking as per multi-residential criteria. Relief is being sought for a fifth unit as a converted dwelling is defined as containing up to four units.

Of the options noted above, staff recommend that the application be approved provided the following conditions are applied and met:

- The applicant obtain a scaled site plan of the property and submit to the satisfaction of the Town,
- Fire and/or Building Department Inspection and Approval,
- New water meters installed as per Public Works Utilities, and
- All costs associated with fulfilling the conditions of this decision are borne by the Owner.

Should the owner not be able to fulfill approvals from the Fire and/or Building Department, a Development Permit will not be issued.

<b>APPROVAL</b>	<hr/>
	<hr/>



## NOTICE OF PUBLIC MEETING

### Proposed Class II Development Permit

**TAKE NOTICE** that the Planning Advisory Committee/Committee of Adjustment for the Town of Gananoque will hold a Public Meeting on **TUESDAY, JANUARY 25, 2022 at 6:00 P.M.** via **TELECONFERENCE\*** to consider the following Class II Development Permit Application:

File No. **DP2021-24**

APPLICANT/OWNER: **THOMAS DAILEY**

The property municipally and legally described as

**341 Garden Street**

PLAN 86 LOT 205 GAN RIVER ES  
TOWN OF GANANOQUE

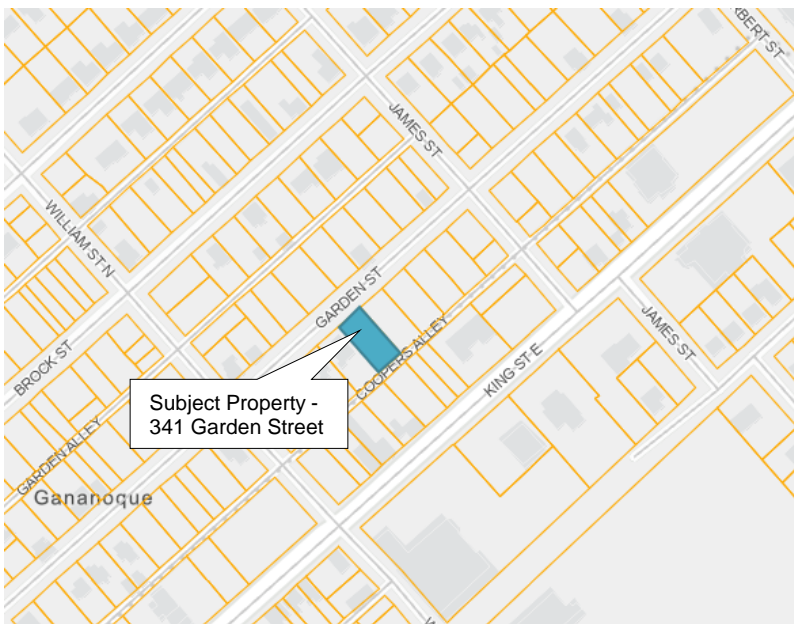
has applied to the Town of Gananoque for a Development Permit for  
**THE USE OF FIVE DWELLING UNITS WITHIN THE EXISTING BUILDING**

\*The **TOLL-FREE PHONE NUMBER** and **ACCESS CODE** can be found on the meeting agenda, posted to the Town website at <https://www.gananoque.ca/town-hall/meetings> prior to the meeting.

Additional information in relation to the proposed development permit is available for inspection on the Town website at <https://www.gananoque.ca/town-hall/meetings>, by emailing [assistantplanner@gananoque.ca](mailto:assistantplanner@gananoque.ca) or by calling Chanti Birdi 613-382-2149 ext. 1129.

If you wish to provide comment or input you may do so at the public meeting or in writing prior to the meeting.

**Note:** Only the applicant of a development permit has a right to appeal a decision or non-decision on an application to the Ontario Land Tribunal where the application meets the requirements established through the official plan and development permit by-law.



DATED this 3<sup>RD</sup> day **JANUARY, 2022**

\_\_\_\_\_  
Brenda Guy  
Manager of Planning and Development

DP 20 21 / 24**APPLICATION FOR DEVELOPMENT PERMIT APPROVAL****Section 70.2 of the Planning Act, RSO 1990, as amended**

This application form **MUST** be accompanied with **all** the submission requirements in order to be considered a complete application. **Incomplete applications will not be processed until all information is provided.**

A meeting with Planning and Development staff is **REQUIRED PRIOR TO SUBMISSION** of this application. At that time, approval stream and submission requirements will be determined. **ALL** applications require the following:

- ☒ Complete application form signed including declaration of applicant.
- ☒ Copy of the deed of property or offer to purchase and sale
- ☒ Two (2) large scale copies of all plans being submitted, two reduced 8.5" x 11" of each plan and one electronic copy in pdf format. Plans are to be in a standard scale format (1:250 1:500)
- ☒ Application fee payable to the Town of Gananoque:
  - Class I \$500
  - Class II \$1,500**
  - Class III \$1,700
  - Amendment to Class I, Class II or Class III \$700
- ☒ Deposit fee in the amount of \$2,000 payable to the Town of Gananoque for peer reviews of studies for a Class II/Class III
- ☒ Copy of the most recent survey of the subject property
- ☒ **Cataraqui Region Conservation Authority.** Subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority. See fee schedule. Clearance letter will be required by the Town.

**CONTACT INFORMATION**

Municipal Freedom of Information and Protection of Privacy Act – Personal Information on this form is collected under authority of The Planning Act and will be used to process this application.

Name of Applicant: Thomas Dailey	Complete Address including Postal Code: 341 Garden Street Apt 1 Gananoque, ON K7G 1J4	Phone: <u>613 329 0865</u> Fax: _____ E-mail: <u>tomdailey1@teksavvy.com</u>
Name of Property Owner (if different than applicant):	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____
Architect/Designer/Planner:	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____
Engineer:	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____
Ontario Land Surveyor:	Complete Address including Postal Code:	Phone: _____ Fax: _____ E-mail: _____

Street or Property Address (if applicable):  
341 Garden Street

**LEGAL DESCRIPTION**

Lot/Con/Plan:  
PLAN 86 LOT 205 GAN RIVER ES

Frontage:

Depth:

Area (sq.m):

Area (acres):

60 FT130 FT1-4-18100  
4093

**SUBMISSION REQUIREMENTS**

The applicant/agent is responsible for ensuring that the submission requirements are met, including confirming that all the information listed below is shown on the required plans by checking off each box.

- ☐ **Site Plan(s)** including scaled accurate measurements of:
- o Title, location and date of project including legend and scale (graphic bar scale as well as written ratio scale);
  - o Dimensions and areas of the site including existing natural and artificial features i.e.: buildings, watercourses, wetlands, woodlands.
  - o Dimensions and gross floor area of all building and structures to be erected;
  - o Existing structures to be retained, removed or relocated;
  - o Distances between lot lines and the various buildings, structures, parking areas, driveways and other features;
  - o Proposed elevation of finished grades including area to be filled or excavated, retaining walls, drainage ditches;
  - o Parking areas including number, size of spaces and dimensions. The plans shall have regard for **Ontario Regulation 413/12 made under Accessibility for Ontarians with Disabilities Act, 2005**. This shall include, but not be limited to, providing appropriate designated parking spaces and unobstructed building access features.
  - o Access driveways including curbing and sidewalks
  - o Proposed fire routes and fire route sign locations
  - o Dimensions and locations of loading zones, waste receptacles and other storage spaces;
  - o Location, height and type of lighting fixtures including information on intensity and the direction in which they will shine relative to neighbouring streets and properties;
  - o Location of sign (sign permit to be applied for through the Building Permit process) as per By-law 2005-41;
  - o Location, type and size of any other significant features such as fencing, gates and walkways.
- ☐ **Drainage Plan(s)** including scaled accurate measurements of:
- o Drainage Plan must demonstrate proposed development is handled on-site and does not infringe on neighbouring properties;
- ☐ **Landscape Plan(s)** including scaled accurate measurements of:
- o Landscape Plan showing size, type and location of vegetation, areas to be seeded or sod. Plan to show existing landscape features to be retained, removed or relocated;
- ☐ **Site Servicing Plan(s)** including scaled accurate measurements of:
- o Site Servicing Plan (plan/profile) including layout of existing water, sewer, gas lines, proposed connections, utility easements, fire hydrants, hydro poles, lighting, trees, transformers and pedestals.
- ☐ **Grade Control and Drainage Plan(s)** including scale accurate measurements of:
- o Existing elevations on subject and adjacent lands and long centerline or adjacent street lines, which are to be geodetic;
  - o Location of any creeks, ravines or watercourses with elevations and contours;
  - o Arrows indicating the proposed direction of flow of all surface water;
  - o Location and direction of swales, surface water outlets, rip-rap, catch basins, rock, retaining walls, culverts
  - o Existing and/or proposed right-of-ways or easements
- ☐ **Elevation and Cross-Section Plan(s)** including scale accurate measurements of:
- o Drawings that show plan, elevations and cross section views for each building or structure to be erected;
  - o Conceptual design of building;
  - o Relationship to existing buildings, streets and exterior areas to which members of the public have access to;
  - o Exterior design including character, scale, appearance and design features of the proposed building;
  - o Design elements of adjacent Town road including trees, shrubs, plantings, street furniture, curbing and facilities designed to have regard for accessibility
  - o Photographs of the subject land and abutting streetscape on both side of the street
- ☐ **Supporting Studies and Reports.** Technical reports/plans or studies may be required to assist in the review process of a Development Permit Application. Applications for Development Permit may be required to submit the following studies or reports. Applicants should consult with Municipal staff to determine site specific requirements:

- |   |   |
|---|---|
| <input type="checkbox"/> Servicing options report   | <input type="checkbox"/> Phase I Environmental Study and if investigation as required                                 |
| <input type="checkbox"/> Hydrogeological Study  | <input type="checkbox"/> Noise and/or vibration study   |
| <input type="checkbox"/> Drainage and/or stormwater management report   | <input type="checkbox"/> Source Water protection study  |
| <input type="checkbox"/> Environmental Impact Assessment for a natural heritage feature or area                             | <input type="checkbox"/> MDS I or II calculation  |
| <input type="checkbox"/> Archaeological Assessment  | <input type="checkbox"/> Minimum Separation distance calculation for an industrial use or a waste management facility |
| <input type="checkbox"/> Influence area study for development in proximity to a waste management facility or industrial use | <input type="checkbox"/> Confirmation of sufficient reserve sewage system capacity and reserve water system capacity  |
| <input type="checkbox"/> Traffic Study  | <input type="checkbox"/> Vegetation Inventory and/or Tree Preservation Plan   |
| <input type="checkbox"/> Heritage Resource Assessment   | <input type="checkbox"/> Supporting Land Use Planning Report  |
| <input type="checkbox"/> Mine hazard rehabilitation assessment  |   |

**Existing Use(s):**

Length of time the existing use of the subject lands have continued:

Has the property been designated as a Heritage Site?

☐ Yes☒ No

Is the property presently under a Site Plan Agreement?

☐ Yes☒ No

Has the property ever been subject of an application under Section 34 (Zoning), 41 (Site plan) or 45 (Minor Variance) of the Planning Act?

☐ Yes☐ No

If yes, provide the file number and the status of the application?

**Proposed Use(s):**

Is the Use permitted or permitted subject to criteria as set out in the development permit by-law and how have the applicable criteria have been addressed?

**Discretionary Use**

Is a variation requested? Demonstrate how the proposed variation meets the criteria as set out in the development permit by-law.

Abutting Land Use(s):

Is the Development to be phase?

☐ Yes☒ No

What is the anticipated date of construction?

Is the land to be divided in the future?

Are there any easements, right-of-ways or restrictive covenants affecting the subject land?

☐ Yes☒ No**Plan Details:**

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional
	Lot Area: <u>668.9</u> (sq.m)	Building Coverage: _____ (%) _____ (sq.m)	Landscape Coverage: _____ (%) _____ (sq.m)
Building Height: _____	No. of Storeys: <u>2 1/2</u>	No. of Units: <u>5</u>	Method of Garbage Storage: <u>PICK UP TOWN</u>
Parking Surface: Existing: <u>7.62x18.2</u> Proposed: <u>AND 4m x 10m</u>	Number of Parking Spaces: Existing: <u>8</u> Proposed: _____ Total: _____	Dimensions of Parking Spaces: <u>10 ft x 25 ft</u>	Number of Accessible Spaces: <u>8</u>
Loading Spaces:	Number of Loading Spaces: <u>2</u>	Dimensions of Loading Spaces: <u>10 ft x 25 x 2</u>	Other: <u>REAR OF Building</u>

**Heritage Tourist Inn/Bed and Breakfast:**

Is this an application for a Heritage Tourist Inn?	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Other _____	Is this an application for a Bed and Breakfast?	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> Other _____
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	

A Heritage Tourist Inn will require a Heritage Resource Assessment evaluating the heritage significance of the property including a description of historic features is required with the submission of this application.

EXISTING BUILDINGS:		Building 1	Building 2
	Type of Structure	HOUSE	GARAGE
	Date Constructed:		
	Front Line Setback:		
	Rear Lot Line Setback:		
	Side Lot Line Setback:		
	Side Lot Line Setback:		
	Height:	2 1/2 storey	SINGLE CAR
	Dimensions:	1801 sq ft	3315 sq ft
	Floor Area:		
PROPOSED BUILDINGS:		Building 1	Building 2
	Type of Structure:		
	Proposed Date of Construction:		
	Front Line Setback:		
	Rear Lot Line Setback:		
	Side Lot Line Setback:		
	Side Lot Line Setback:		
	Height:		
	Dimensions:		
	Floor Area:		
Attached Additional Page, if necessary			

**Access:**

<input checked="" type="checkbox"/> Municipal Street	<input type="checkbox"/> Unopen Road Allowance	<input type="checkbox"/> Existing Right-of-way	<input type="checkbox"/> Other _____
--	--	--	--------------------------------------

Name of Street/Road:

**Garden Street and Coopers Alley Access**

Entrance Approvals and Permit Number(s):

If the application will result in the creation of a new private road, a request for street naming will have to be submitted in conjunction with this application, to be approved by Council.

**Water Access** (where access to the subject land is by water only)

Docking Facilities (specify)

Parking Facilities (specify)

distance from subject land \_\_\_\_\_

distance from subject land \_\_\_\_\_

distance from nearest public road \_\_\_\_\_

distance from nearest public road \_\_\_\_\_

**Services:**

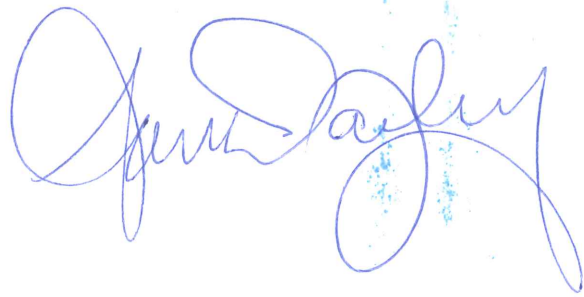
<input checked="" type="checkbox"/> Municipal Water and Sewer	<input type="checkbox"/> Municipal Water & Private Sewage	<input type="checkbox"/> Private Well and Municipal Sewage	<input type="checkbox"/> Private Well and Private Sewage
---	---	--	--

Water and Sewer Hook-up Approvals and Permit Number(s):

341 GARDEN ST.

1 to 5. APARTMENTS

- ① 5 units
- ② 2 PARKING AREAS    ① 4m X 10m  
   2 7.62m X 18.2m
- ③ EACH HAS SEPARATE  
ENTRANCES.
- ④ PASSED FIRE INSPECTION AS 5 ~~PL#~~ IN 2007 GFD  
(PLEX)
- ⑤ LOT PLAN 86 X LOT 205 GAN RIVER ES  
60 X 130 FT.
- 6 Both sides of property are fenced - EAST SIDE / WEST SIDE.

NOV 22/21  


**AUTHORIZATION BY OWNER**

I/We, the undersigned being the owner(s) of the subject land of this application for a consent, hereby authorize

Tom DAILEY

(print name) to be the applicant in the submission of this application.

Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purposes of conducting a site inspection with respect to the attached application.

Tom DAILEY

Owner Name (Please Print)

Owner Name (Please Print)

Signature of Owner

Signature of Owner

Signature of Witness (not applicant)

Date

**CONSENT BY OWNER**

Complete the consent of the owner concerning personal information set out below.

I/We, \_\_\_\_\_, am/are the registered owner(s) of the land that is the subject of this application for Development Purposes and for purposes of the Municipal Freedom of Information and Protection of Privacy Act. I/We hereby authorize the use, or disclosure, to any person or public body, of any personal information collected under the authority of the Planning Act of the purpose of processing this application.

Tom DAILEY

Signature of Owner

Signature of Owner

Signature of Witness (not applicant)

Date

**DECLARATION OF APPLICANT**

I, Tom DAILEY of the \_\_\_\_\_ Town \_\_\_\_\_ of \_\_\_\_\_ Gananoque \_\_\_\_\_ in the \_\_\_\_\_ County \_\_\_\_\_ of \_\_\_\_\_ Leeds \_\_\_\_\_ solemnly declare that:

I understand that the applicant/owner will be required to provide 100% security of the outside works in the form of a Letter of Credit or Certified Cheque until such time as the works are completed. A 15% holdback will be maintained for a period of one year after the works are completed. This will be applicable at the time of agreement.

Furthermore, I, being the applicant of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

All of the above statements contained in the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of *The Canada Evidence*

Declared/Sworn before me at \_\_\_\_\_ Act, \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of a Commissioner, etc

Signature of Applicant

<b>Office Use Only:</b>		Roll No: <u>0814 000 015 09800</u>
Official Plan Designation: <u>Residential</u>	Development Permit Designation: <u>Residential</u>	Other:
Access (Entrance Permits etc):	Water and Sewer Hookup (Permits etc):	Other:
Other Concurrent Applications: <input type="checkbox"/> Cash-in-Lieu of Parking	<input type="checkbox"/> Condominium Approval <input type="checkbox"/> Consent/Severance	<input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Subdivision Approval
Date Application Received: <u>11/26/2021</u>	Date Application Deemed Complete: <u>01/04/2022</u>	Fees Received: <input checked="" type="checkbox"/>

**Peer Review/Consultant Services**

In order to streamline the Town of Gananoque's planning process, peer review services may be contracted out by the Town under the current General Fees and Rates Bylaw. These may include but are not limited to the following:

Official Plan Amendment	Sanitary System Design
Condominium Applications	Site Plan Applications
Consent Applications	Subdivision Applications
Environmental Assessment	Storm Water Management
Minor Variance Applications	Traffic Studies
Noise Studies	Water Distribution System
Ontario Municipal Board Representation	Zoning By-law Amendment
Part Lot Control	Other Miscellaneous

The use of and choice of peer review contract consultants for either planning or engineering on any specific project are subject to the approval of either the Clerk/Manager of Planning and Development or the Director of Public Works, Community Services within their respective areas of jurisdiction.

All costs for the peer review consultants shall be fully paid by the applicant/developer.

Upon approval of the use of a peer review consultant, the applicant/developer shall execute the agreement below with the Town and post a security deposit of \$2,000 (two thousand dollars).

All submissions, correspondence etc. shall be directed to the Manager of Planning and Development, who shall be responsible for distribution.

All invoices from the peer review consultant shall be paid by the Town and subsequently invoiced to the applicant/developer. If payment is not received by the Town within 30 (thirty) days of receipt, then the Town will recover its costs for the security deposit or any other securities which have been posted for the project by the applicant/developer. In that event, the work shall cease on the project and will not commence again until the outstanding invoice has been paid in full, and the securities topped up to their original balance.

The securities will be held by the Town until the component of the project for which they were posted is complete. Authorization for the release of the securities shall be provided to the Treasury Department by either the Clerk or the Manager of Planning and Development, within their respective areas of jurisdiction.

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ solemnly declare that:

I am aware of the current Town of Gananoque General Fees and Rates for various services provided by the Town.

Furthermore, I accept the Town's peer review process whereby I agree to provide the Town of Gananoque with a deposit in the amount of \$2,000 (two thousand dollars) in order to conduct the necessary peer review(s) in the completion of my planning application. In the event that payment is not received for such peer reviews, the Town may use the deposit to do so or any other securities being held.

\_\_\_\_\_  
Print Name – Owner/Applicant

\_\_\_\_\_  
Signature – Owner/Applicant

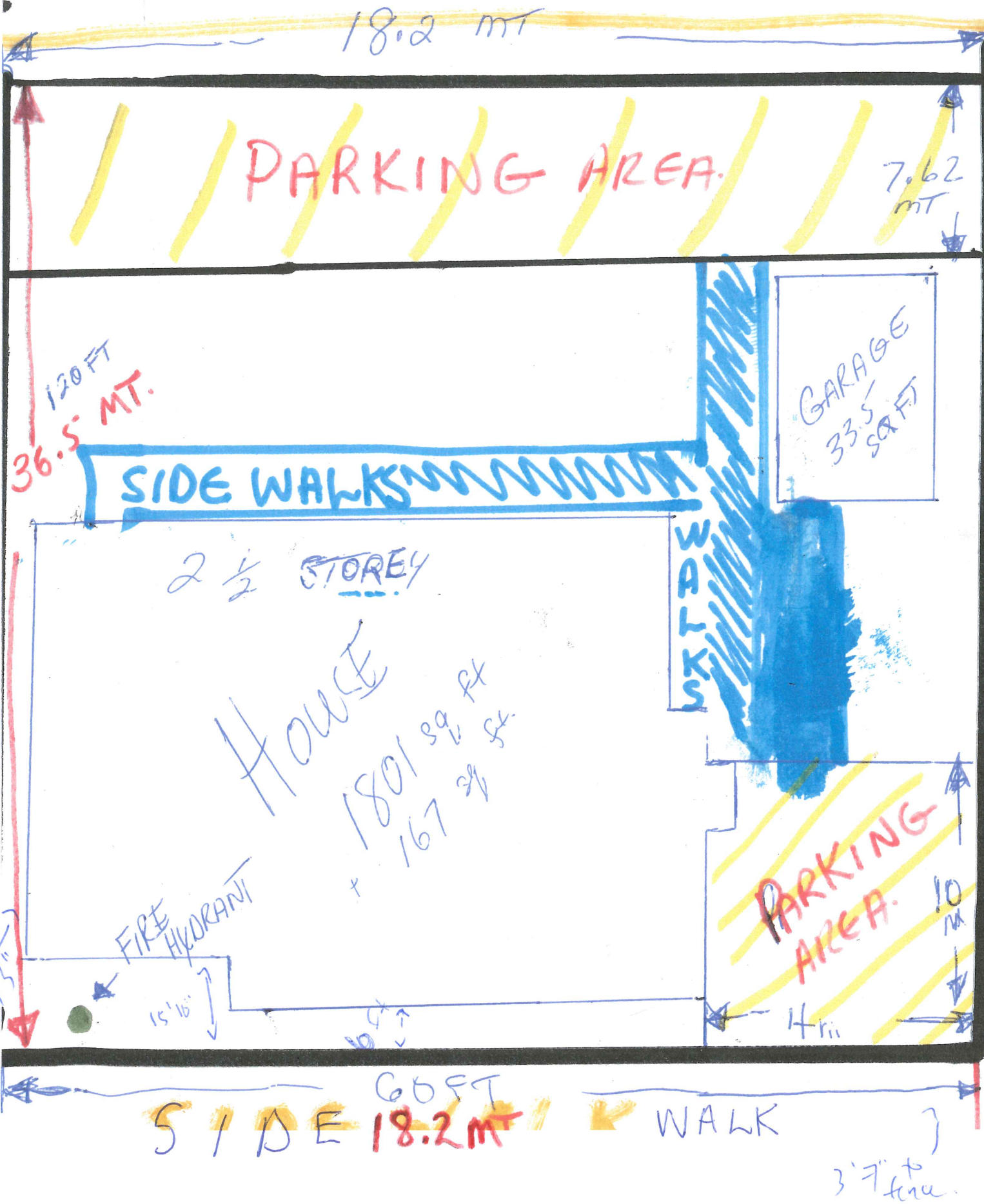
\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk or Manager of Planning and Development

# ← COOPERS ALLEY ←



# ← COOPERS ALLEY ←



**JANUARY 4, 2022**

**JOINT SERVICES COMMITTEE REPORT**

**REPORT NO. JSC-003-2022**

**SECONDARY SUITES PROGRAM**

**CHRIS MORRISON  
MANAGER, HOUSING DEPARTMENT**

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**RECOMMENDATIONS**

**THAT** the Leeds and Grenville Joint Services Committee approve the establishment of a Secondary Suites Program for 2022, to promote affordable housing in Leeds and Grenville.

**FINANCIAL IMPLICATIONS**

If the Ontario Priorities Housing Initiative (OPHI) funding is accessed for a residential home Secondary Suites Program, the amount of \$250,000.00 would be available as of April 1, 2022.

For a municipally funded Secondary Suites Program, the amount of \$312,000.00 is recommended which includes \$12,000 for legal fees, and would need to be included in the 2022 Housing Department Budget. This program could proceed upon budget approval.

**CLIMATE CHANGE IMPLICATIONS**

It is anticipated that the conversion or renovations to create a secondary suite will also include the use of more energy efficient products.

## **ACCESSIBILITY CONSIDERATIONS**

Although there are no priorities for this funding, it is anticipated that many of the secondary suite designs will address accessibility in order to accommodate seniors or persons requiring modifications.

## **COMMUNICATIONS CONSIDERATIONS**

Once the Secondary Suites Program is established, information on the criteria, and how to apply, will be made available to the local municipalities so the information can be shared. The general public will be able to access the program information, including the application through the Leeds Grenville website.

## **BACKGROUND**

As an initiative to increase the supply of affordable housing in Leeds and Grenville, the Affordable Housing Task Force requested staff investigate the initiation of a Secondary Suites Program for Leeds and Grenville.

The benefits of a Secondary Suites Program may include:

- An increase to the supply of rental housing, without having to build at a high density. As the majority of residential structures in Leeds and Grenville are single-family homes, a secondary suite should fit compatibly into a residential neighborhood's esthetics.
- Stability in housing for seniors, adults requiring assisted living alternatives, and young adults seeking an affordable alternative to traditional rental housing. Often a secondary suite is specifically created for an aging parent, or for an adult child.

At the November 17, 2021 meeting, the Affordable Housing Task Force endorsed Report No. HA-014-2021 which recommended the Joint Services Committee consider a Secondary Suites Program.

## **DISCUSSION/ALTERNATIVES**

Staff are recommending that if a Secondary Suites Program is approved, the Counties follow the established practice of the County of Simcoe and administer a dual-streamed Secondary Suites Program. Administering a dual-streamed Secondary Suite Program will offer the greatest opportunity to create new units. In addition, it will provide the data on which stream is the most effective for the creation of new units in Leeds and Grenville.

The following are the two recommended options for a dual-streamed Secondary Suite Program:

### **1. Ontario Priorities Housing Initiative (OPHI) Ontario Renovates – Secondary Suites**

As Service Manager for Community Housing, the United Counties of Leeds and Grenville has access to the provincial funding initiative Ontario Priorities Housing Initiative (OPHI) Ontario Renovates – Secondary Suites sub-component. Funded by the Ministry of Municipal Affairs and Housing, the Secondary Suites Program is intended to increase the supply of affordable rental housing for low-income households. The funding must follow the Ministry Guidelines, which are comprehensive in identifying who can apply, the period of affordability, and the terms of the loan.

An OHPI-funded stream would target the creation of units at a person's sole and principal residence. Under this program, the maximum funding for a secondary suite is \$25,000, in the form of an interest-free, forgivable loan. The period of loan forgiveness is twenty years, amortized equally over the twenty-year period, and begins on the project completion date.

To be eligible:

- The property must be located within the United Counties of Leeds and Grenville, or the municipalities of the City of Brockville, Town of Prescott, or Town of Gananoque.
- Applicants must reside in a home that is their sole and principal residence for the duration of the Affordability Period (i.e. 20 years). The applicant cannot own another property, including a cottage or have partial ownership of another property.

- A mortgage will be registered on title to secure loans in excess of \$7,000; a Promissory Note Agreement is required to secure loans of \$7,000 or less.
- Applicant's household income and assets are not subject to income or asset limits, ie. investments and vehicles.
- Property taxes and mortgage payments for the unit must be verified and up-to-date.
- The total of all mortgages and any other encumbrances registered on title, plus the Program Funding, cannot exceed the market value of the home.
- The applicants cannot be in the process of applying for bankruptcy or have an active bankruptcy filed.
- The property must be insured for the full value of the home or project, and property insurance must be verified as paid up-to-date.
- Rents must be charged at or below the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR), or Alternate Average Market Rent (AAMR), as applicable, for the Service Manager area for the entire loan forgiveness period, excluding the phase-out period, ie. One bedroom in Leeds and Grenville the AAMR would apply, and is \$1,112.00 –Affordable Rent at 80% would be \$890.00
- The Secondary Suite may only be rented to a household that is determined as eligible for Affordable Housing by the Social Housing Registry prior to occupying the unit.
- There cannot be any outstanding municipal or provincial work orders on the project property.

## **2. Leeds Grenville Local Secondary Suites Program (Municipally Funded)**

The second Secondary Suites Program option would be a municipally funded stream, with program criteria that would be tailored to Leeds and Grenville's specific needs, and contain program flexibility that the provincially funded program does not offer; allowing the program to be accessible to small landlords. A small landlord would be defined as owning up to 10 units

To be eligible a small landlord would need to meet the same criteria as the OPHI program, with these exceptions:

- The maximum funding for a secondary suite is \$25,000, in the form of a forgivable interest-free loan. The loan is repayable in full should the property be sold prior to the 15 year affordability period.

- The Secondary Suite can be in a new purpose built property, not only existing homes.
- The property does not have to be their sole and principal residence, and the applicant can own another property, or have partial ownership of another property.
- Rents would still need to be affordable; however, the definition of what constitutes an affordable rent would be determined by Leeds Grenville.

### **ATTACHMENTS**

Nil.

**CHRIS MORRISON  
HOUSING MANAGER**

**DECEMBER 8, 2021**

**PAT HUFFMAN  
TREASURER**

**DECEMBER 8, 2021**

**ALISON TUTAK  
DIRECTOR, COMMUNITY AND SOCIAL SERVICES**

**DECEMBER 8, 2021**

**RAYMOND CALLERY  
CHIEF ADMINISTRATIVE OFFICER**

**DECEMBER 15, 2021**

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2022-61

Dear Head of Council:

The supply of housing in Ontario has not kept up with demand over the past decade and everyone has a role to play in fixing Ontario's housing crisis. More than ever, we need municipalities, non-profits and private industry to work with us to encourage the building of different kinds of housing – so that Ontario families have more affordable options.

To help support this important priority, I am pleased to provide you with an update on recent changes our government has made to help streamline and simplify Ontario's planning system.

**Bill 13, the *Supporting People and Businesses Act, 2021***

Schedule 19 of Bill 13, the *Supporting People and Businesses Act, 2021* came into force December 2, 2021 upon royal assent.

Changes have been made to help streamline the planning system and, in some cases, help shorten approval timelines by providing municipal councils broader authority to allow more planning decisions to be made by committees of council or staff. Municipalities can now, subject to having appropriate official plan policies, delegate decisions dealing with minor amendments to zoning by-laws, such as temporary use by-laws and the lifting of holding symbols, should they choose to.

You can find more information about these changes on the Environmental Registry of Ontario ([019-4419](#)) and the Regulatory Registry ([21-MMAH025](#)) and some frequently asked questions are provided below.

At this time, I encourage you to review and update your existing delegation policies and consider exercising this new authority to help streamline your decision-making processes, and free up council's valuable time to focus on other more strategic matters.

**Bill 276, the *Supporting Recovery and Competitiveness Act, 2021***

As you know, we also recently made *Planning Act* changes related to control of the division of land, including subdivision control, plans of subdivision, consents and validations through Bill 276, the *Supporting Recovery and Competitiveness Act, 2021*, which received Royal Assent on June 3, 2021. I am writing to confirm that Schedule 24 of Bill 276 and associated regulations came into force on January 1, 2022.

We are proud to make these changes, which will help save time and money for those involved in the land division approval process, including municipalities, landowners, purchasers and some lease holders. Our changes will continue to protect Ontarians when they buy and sell property, while making the rules of subdivision control clearer and simpler.

Your municipality may wish to consider whether adjustments to your land division application and review processes to align with the changes would be beneficial.

More information about these changes and the feedback we received during our consultation can be found on the Environmental Registry of Ontario ([019-3495 and 019-3958](#)) and Regulatory Registry ([Proposal 21-MMAH008 and Proposal 21-MMAH015](#)). Some frequently asked questions are provided below. Any further questions about the changes to the *Planning Act* and related regulations can be directed to [ProvincialPlanning@ontario.ca](mailto:ProvincialPlanning@ontario.ca).

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark". The signature is fluid and cursive, with the first letters of "Steve" and "Clark" being capitalized and prominent.

Steve Clark  
Minister

c: Chief Administrative Officer

# FAQs

## Schedule 19 (Planning Act) to Bill 13, the Supporting People and Businesses Act, 2021

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### What changes have been made to the Planning Act?

- Changes to the Planning Act, Municipal Act, 2001 and City of Toronto Act, 2006 provide municipalities with discretionary authority to delegate additional decisions to committees of council or municipal staff for minor amendments to zoning by-laws like:
  - Temporary use by-laws
  - Lifting of holding provisions
- Before matters may be delegated, official plan policies will need to be developed to establish the type of minor zoning by-law amendments that may be delegated, such as authorization of temporary uses, the lifting of a holding symbol, and other minor zoning by-law amendments.

### What types of “minor” amendments to a zoning by-law may be delegated?

- If a municipality would like to use this authority, official plan policies will need to be established to scope and define the types of “minor” zoning amendments that may be delegated. This could include matters like temporary use by-laws and by-laws lifting holding provisions.
- This approach is intended to allow for a locally tailored approach that reflects input from the public.

### What types of conditions could council apply when delegating its authority?

- Council will have the ability to apply conditions on the delegation of its decision(s). These conditions would be determined locally when the official plan policies and implementing by-law for the delegation are being developed.

### Will this new delegation authority alter the public meeting or appeal rights of the matters delegated?

- The delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights.

### What other planning decisions can be delegated?

- Under the Planning Act, municipal council can delegate the following decisions to a committee of council, staff, or, in some cases, a committee of adjustment:
  - Community planning permit system permits
  - Approval of adopted lower-tier official plan amendments
  - Plans of subdivision and condominiums
  - Consents
  - Site plan
  - Validations
- Other planning matters, such as administrative functions related to by-laws, may be delegated by council based on the delegation provisions in the Municipal Act, 2001 (or City of Toronto Act, 2006).

## **Schedule 24 (Planning Act) to Bill 276, the Supporting Recovery and Competitiveness Act, 2021**

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### **What changes will be made to the Planning Act?**

- The changes include technical, administrative and policy changes to provisions in sections 50, 51, 53, 54, 55 and 57 of the Planning Act related to control of the division of land, as well as other housekeeping or consequential changes.
- Upon proclamation, the changes will:
  - provide new exceptions to subdivision control and part lot control (i.e., exceptions from the need for land division approval) – for example, by preventing parcels from merging with other lands in certain circumstances
  - change the plan of subdivision process – for example, by aligning the requirements for public notice, information, and public meetings with other instruments under the Act
  - change the consent application process – for example, by requiring a municipality or the Minister, where requested, to issue a certificate for the retained land in addition to providing a certificate for the lands that are subject to the consent application, and
  - make other changes regarding subdivision control and its related processes – for example, by requiring that a decision on a validation conform with the same criteria which are applicable to consents.

### **What changes will be made with respect to “lot mergers”?**

- Changes will be made to the subdivision control provisions to prevent lots from merging where lands were previously owned by, or abutted land previously owned by, joint tenants and where the ownership would have otherwise merged as a result of the death of one of the joint tenants.
- Outside of a “death of a joint tenant” scenario, lot mergers will continue to occur.

### **What changes will be made to the consent application process?**

- Changes will be made to the consent application process to, for example:
  - permit a purchaser of land or the purchaser’s agent to apply for a consent
  - establish a new certificate of cancellation
  - provide for certificates to be issued in respect of retained land in addition to the lands that are subject to the consent application
  - provide for a standard two-year period during which the conditions of a consent must be satisfied, and
  - permit a consent application to be amended by an applicant prior to a decision about the consent being made by the consent-granting authority.
- Municipalities may need to modify or update certain administrative processes as a result of some of these changes.

### **What is a certificate for retained land?**

- Changes to the Planning Act will provide for a consent-granting authority to issue a certificate for the retained land (the other part of the parcel approved through the land division process) resulting from certain consents.
- This certificate will show that the retained land has “consent” status.
- An applicant will need to specify in their application whether they are requesting a retained land certificate, and if so, require that a statement from a solicitor

confirming the extend of the owner's retained land be included as part of that application.

### **What is a certificate of cancellation?**

- In some situations, the original consent granted for a parcel of land may no longer be wanted or needed. This could occur, for example, where a parcel created by consent may need to be widened to accommodate a driveway. In these cases, the original consent may need to be cancelled to ensure the revised parcel will function as a single unit.
- Changes to the Planning Act will allow owners to apply to the consent-granting authority for a certificate of cancellation for a parcel that was previously severed with a consent. The consent-granting authority may also require the owner to apply as a condition of approval.
- Once a certificate of cancellation is issued, the parcel would be treated as though the previous consent had not been given. This could mean that the parcel would merge with neighbouring lands that are owned by the same person.

### **What considerations need to be applied to validation requests?**

- A validation can be used in place of obtaining a consent to the contravening transaction (transfer or other transaction that was made in breach of the Planning Act requirements) in certain situations; for example, where the landowners at the time of the contravention are not available to sign the new transfer documents.
- The validation allows the validation authority to consider each situation on its merits and decide whether a request to validate title should be supported. The validation authority may, as a condition to issuing the validation, impose conditions as it considers appropriate.
- Bill 276 will make changes to require that a decision regarding a validation must conform with the same criteria which are applicable to consents, for example:
  - having regard to provincial interests and the land division criteria set out in the Planning Act
  - ensuring the validation is consistent with the Provincial Policy Statement and conforms, or does not conflict, with provincial plans, and
  - ensuring the validation conforms with all applicable official plans.

**A PROCEDURAL GUIDE TO THE ONTARIO *PLANNING ACT* AMENDMENTS 2022.**  
**(An Unauthorized Guide for Consenting Authorities)**

**Sidney H. Troister, LSM**  
**Torkin Manes LLP<sup>1</sup>**

On April 15, 2021, the Ontario Government introduced in Bill 276 amendments to the *Planning Act*, which controls the subdivision of land in the province. Bill 276 was given Royal Assent on June 3, 2021. Proclamation occurred on January 1, 2022 and the amendments are now law.

Some of the amendments affect the business of consenting authorities. This procedural guide is intended to offer guidance to consenting authorities, lawyers, planners, and the public on the procedural amendments to the *Planning Act* and how the amendments should be implemented and applied.

**THE TIME FOR SATISFYING CONDITIONS IS NOW 2 YEARS, NOT ONE.**

Section 53(41) has been amended to provide that the period for satisfying conditions under a provisional consent is now 2 years after which, if unfulfilled, the application for consent is deemed to have been refused. The two year period now takes the pressure off applicants to get conditions satisfied when there may be delays due to the inability to retain a surveyor, weather conditions preventing surveying, or the need to obtain the cooperation of others including municipal bodies to facilitate the satisfaction of conditions.

For clarity, if an application has been deemed refused after one year but the period of two years from decision has not yet lapsed, the applicant cannot seek to resurrect the application and satisfy the conditions withing that window of time. Once the application has been deemed refused, section 53 (41.1) makes it clear that the application gets no benefit from the new legislation.

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**Note to consenting authorities:** Consenting authorities will likely want to amend their standard form conditions to change the usual one year period for satisfying conditions to two years in accordance with the legislation.

## The applicable sections

### Conditions not fulfilled

(41) If conditions have been imposed and the applicant has not, within a period of two years after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of two years from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33).

### Transition

(41.1) For greater certainty, subsection (41), as it reads on and after the day subsection 4 (11) of Schedule 24 to the *Supporting Recovery and Competitiveness Act, 2021* comes into force, does not apply with respect to an application that was, before that day, deemed to have been refused under subsection (41), as it read immediately before that day.

## Timing examples-does the new provision apply to outstanding decisions?

Provisional consent issued November 2, 2020 and conditions not satisfied within the one year period following decision	The decision lapsed on November 2, 2021 and is deemed refused; 1 year only to satisfy conditions since it lapsed before January 1, 2022, the date of proclamation of the amendment.
Provisional consent issued November 2, 2021.	2 years to satisfy the conditions even though decision issued before January 1, 2022, the date of proclamation of the amendment.

## CONSENT CERTIFICATES FOR THE RETAINED LAND

Section 53(42) provides that where consent has been given, the clerk shall give a certificate of the consent to the applicant. This provision remains the same. However, the Ministry recognized that with any consent other than a consent that is stipulated (for a lot addition for instance), 2 or more separate parcels are created with the decision: the applied for lot and the retained land, the land abutting the lot for which consent was sought. An applicant can ask for and the consenting authority shall give a consent for the retained land.

The recognition that two or more parcels are created with an unstipulated consent has been built into the *Planning Act* with the following provisions. Section 53(12) sets out what the authority must consider in deciding whether to issue a provisional consent.

(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

The added section 53(12.1) makes it clear that the same considerations for the applied for land applies to the retained land.

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land.

The terminology in the legislation is somewhat confusing and not intuitive so first, some definitions.

1. In this guide and in the legislation, “subject land” refers to the land that is both the land for which a consent is sought and also the retained land. It is essentially all of the land under consideration in the application.
2. “Applied for land” or “conveyed land” is that part of the subject land for which consent is sought.
3. Retained land is a new definition and is what we usually consider the land that abuts the land that is the land for which consent is applied. Its statutory definition is as follows:

Section 50(1.0.0.1) For the purposes of this section and section 53, a reference to “retained land” refers to the whole of a parcel of land that abuts land that is the subject of a certificate given under subsection 53 (42) allowing the conveyance by way of a deed or transfer with a consent that was given on or after March 31, 1979 and that did not stipulate that subsection (3) or (5) applies to any subsequent conveyance or other transaction.

The definition has other purposes in the Act but for our purposes is the remainder of the applicant’s land that is not the applied for land.

At times, applicants may want or need a certificate for the retained land. For example, a builder of two adjacent homes obtains a consent for parcel 1 but will sell parcel 2 first and needs a certificate for parcel 2. It is recognized that the practice in Ontario was inconsistent: some consenting authorities granted a certificate for both the applied for land and the retained land; others refused on the basis that the applicant was only entitled to a certificate for the parcel applied for as the land to be conveyed.

Now, under section 53(42.1), an applicant can request a certificate, not only for the applied for land but also for the retained land. The second certificate shall be issued if the applicant asks that it be issued and provides a registrable description for the retained land. (In this guideline, I refer to the certificate for the retained land as the “second certificate.”)

The following is the current section 53 provision that authorizes the certificate for the applied for land.

(42) When a consent has been given under this section, the clerk of the municipality or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had

jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent.

The following is the new provision that adds the applicant's entitlement to a certificate for the retained land.

(42.1) If a consent has been given under this section to a conveyance of a part of a parcel of land and the consent did not stipulate that subsection 50(3) or (5) applies to any subsequent conveyance or other transaction, the clerk of the municipality or the Minister, as the case may be, shall give the same form of certificate described in subsection (42) to the applicant for the retained land resulting from the consent, if the applicant, in making the application for consent,

(a) requests that the certificate be given; and

(b) provides a registrable legal description of the retained land.

### **How will this work-what the consenting authority has to do?**

First, consenting authorities have to revise their application forms for consents. The form of application for consent needs to be amended. Ontario regulation 197/96 sets out what needs to go in a consent application. There are many different application forms for consents across the province but all of them have the basic requirements set out in Schedule 1 to the regulation.

Sections 14.1 and 14.2 of the regulation now adds two provisions:

1. The application form must now ask if the applicant is requesting a certificate for the retained land. This could be a yes or no checked box on the application.
2. According to section 14.2, if the answer is yes, the applicant must provide a lawyer's statement that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act.

The language is somewhat confusing but it works this way. Ordinarily, the public thinks of the subject land as the land for which a consent is sought and the retained land as the land abutting it. However, as I noted above, the regulation defines subject land as both the land for which consent is sought and the retained land and that language is continued in the new section 14.2.

Essentially, the requirement asks for confirmation that when a second certificate is sought, the applicant does not own any land other than the subject land i.e. the land for which a consent is sought and the retained land. The only permitted exception in section 14.2 is if the applicant owns additional land that abuts the subject land provided that that land can be conveyed in compliance with the *Planning Act*.

The legislation makes it more complicated than it really is and it is best explained with these examples.

#### **Example 1**

This will be the typical situation where the applicant is seeking a simple consent to create two lots out of one. The applicant does not own any land other than the subject land.

Parcel A consent sought for this parcel	Parcel B the land abutting the land for which consent is sought This is the retained land.
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Here, Parcels A and B are the subject land and in accordance with the regulation, the applicant's lawyer must state that there is no land abutting the subject land that is owned by the owner of the subject land. That will be most cases and very straightforward. The lawyer just states that the owner does not own any land other than what will be the two parcels.

### Example 2

The second example below is to address the remote possibility that the applicant owns more than the just the subject land A and B and owns another parcel of abutting land as well. This scenario is what the required statement is attempting to address.

In this example, the owner owns A, B and C. The "subject land" is parcels A and B. A is the applied for land and B is the abutting retained land. The regulation wants clarification that there is no land that is owned by the owner of A and B (the subject land) that abuts the subject land that cannot be conveyed in compliance with the Act. Since Parcel C has been previously conveyed with consent, the statement can be made. A second certificate can issue for parcel B.

It will be only the unusual case, in my view where an owner does not include all of its land in the application and the part not included is otherwise merged with the subject land and is not separately conveyable in accordance with the *Planning Act*.

Parcel A consent sought for this parcel	
Parcel B Abuts Parcel A and C but is merged with Parcel A. it is the retained land.	Parcel C Abuts Parcel A and B but parcel C was previously conveyed with an unstipulated consent.

### Example 3

In this common example where one application is intended to create 3 parcels of land, not only will a second certificate be available but so is a third certificate.

Parcel A	Parcel B	Parcel C
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Parcels A, B and C are the subject parcel. B is the applied for parcel. There is no land abutting the subject parcel i.e. all of A, B and C are owned by the applicant. The lawyer's statement can again be given and a second and third certificate can be issued for the parcels that are the retained land.

### **The legal description of the retained land.**

It follows that a request for a second certificate indicates that the applicant will want to register it on title and as a result, it requires a registrable description. In many cases, the legal description of the retained land may be identified as part on a reference plan.

Alternatively, the legal description for the retained land may not be available from the land registry office until the first certificate is registered and the land registrar creates a new PIN for the consented parcel and the retained land. (This might occur where a farm house is severed from a large farm holding and the retained farm holding will be described by all of the land except the farm house property).

There is no reason for or requirement that the two certificates to be issued at the same time. If the request is made, a certificate must be issued on the production of a registrable legal description for the retained parcel. The description may be available at the same time as the issue of the first certificate or it may be available only after the creation of a PIN for the retained parcel.

**Note to consenting authorities:** A request for a second certificate is not considered a second application deserving of a second application fee. It was noted that, but for lot additions applications, a consent application always considers the viability of both the applied for land and the retained land. Clearly, once the applied for land is dealt with, the retained land stands separately conveyable as well and so it is implicit that the planning and other consultations consider both parcels of land for compliance with land severance criteria. The request for a second certificate is administrative only and does not involve any further due diligence than if a second certificate was not asked for.

### **CERTIFICATE OF CANCELLATION**

There are rare times when an owner owns property that is the subject of an unstipulated consent and wants it cancelled. Remembering that once land is conveyed with a consent, section 50(12) applies and the owner never needs another consent to deal with the identical parcel of land. As a matter of law, it is a separately conveyable parcel of land.....forever.

But there may be times when a prior consent is standing in the way of further uses of the property. Two examples. Parcel A was conveyed with consent. The abutting owner of parcel B is seeking a consent to convey a small strip of his land as a lot addition to Parcel A. The consenting authority notes that if the owner of A plus the strip from B ever transferred A alone, it would leave a small

strip of land as a stand-alone parcel. This would be an unintended consequence and potential concern for the application for the lot addition. An ideal solution with the owner of A's approval would be the cancellation of the certificate for A.

Similarly, an owner owns two abutting parcels of land, one of which has the benefit of a prior consent. Owner wants to develop the two properties as one but the planning authorities are concerned that the owner could still transfer the consented half of the property when the intention is that it be a merged property with the abutting parcel.

Section 53(45) permits an owner of a parcel land previously conveyed with an unstipulated consent to apply for the issuance of a certificate of cancellation.

(45) An owner of land that was previously conveyed with a consent, or the owner's agent duly authorized in writing, may apply to the council or the Minister, whichever is authorized to give a consent in respect of the land at the time of the application, for the issuance of a certificate of cancellation of such consent. The certificate must provide that subsection 50(12) does not apply in respect of the land that was the subject of the consent and that subsection 50(3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land.

### **What is the effect of a cancellation certificate?**

The effect of the cancellation certificate is that from the time of registration on title, the parcel is considered no longer to have been conveyed with an unstipulated consent and section 50(12) no longer applies to the parcel. It causes the merger of the previously conveyed property with any abutting land that the owner might own. Section 53(49) provides as follows:

(49) After the registration of a certificate of cancellation referred to in subsection (45),

(a) subsection 50(3) or (5), as the case may be, applies to any subsequent conveyance or other transaction involving land that is the subject of the certificate despite subsection 50(12); and

(b) for the purposes of subsection 50(3) or (5), as the case may be, the land that is the subject of the certificate is deemed not to be land that was previously conveyed by way of a deed or transfer with a consent.

To be clear, cancelling a consent does not affect anything that happened previously. It only affects transactions subsequent to the registration of the cancellation certificate. As section 53 (45) states "The certificate must provide that subsection 50(12) does not apply in respect of the land that was the subject of the consent and that subsections 50(3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land.

### **What is the procedure and the criteria?**

It is likely that such applications will be rare and many consenting authorities may never see such an application. There is no mandated form of application or required components of an application. The issues that might apply in a consent or even a validation application are not applicable. The cancellation causes merger, and not the creation or validation of a parcel of land. A simple letter applying a cancellation certificate is likely all that is needed to initiate the process.

(47) An application referred to in subsection (45) shall be accompanied by any prescribed information and material and such other information or material as the council or the Minister, as the case may be, requires.

There is no prescribed information.

**What information does the authority need?** Other than a letter requesting cancellation, the application should include information about the title, why the cancellation certificate is being sought, and evidence of the certificate to be cancelled that includes the legal description of the property, all of which is included in the transfer for which the consent was originally given.

**What kind of fee would be appropriate?** Given that the goal of cancellation is the merger of parcels and not the creation of parcels, there is seemingly no need for consultation, conditions or otherwise. The consent that was given is akin to an asset, a benefit that applies to a parcel of land. One would think the fee represents the cost of processing the application and as noted below, since there is no planning input involved, one would think it would be limited to simple administrative costs of opening a file and issuing a certificate.

**Are there or should there be any criteria?** No. Logically, the benefit of the certificate of consent belongs to the owner. And if the owner wants to give up that benefit that will result in a merger of its consented parcel with abutting land, that is his or her right. It causes merger and there does not seem to be a good reason why a municipality would want to avoid or prevent parcels of land from merging.

**Does it involve a planning policy issue?** No for the same reasons. The default (as one might term it) is to have merger and cancelling a certificate will result in merger and the creation of a larger parcel, not a smaller one.

**Is there a need for circulation, notices, posting, etc.?** There is no statutory requirement and logically, none is needed. Statutorily, those are required for consent applications. The cancellation of a certificate does not affect planning issues, neighbourhoods, traffic, official plan, zoning or otherwise. Any development matters that might arise from a cancellation of a consent is not an issue for the consenting authority. It is for the owner to satisfy other municipal departments on zoning and other development issues but they are not a function of the consent that is sought to be cancelled.

**What does the certificate say?**

Section 53(45) says what the certificate has to say. The certificate needs only to track the language of the section as noted below.

(45) ..... The certificate must provide that subsection 50(12) does not apply in respect of the land that was the subject of the consent and that subsection 50(3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land.

The following is a form of cancellation certificate.

## **CERTIFICATE OF CANCELLATION**

### **Section 53 (45) of the *Planning Act***

Subsection 50(12) of the *Planning Act* does not apply in respect of the land described as follows:

(insert legal description of the land that was the subject of the consent).

Subsection 50(3) or (5) applies to a subsequent conveyance or other transaction involving the land.

This Certificate of cancellation is issued in accordance with Section 53(45) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the decision of the Committee of Adjustments of the City of \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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### **Who has jurisdiction to issue cancellation certificates?**

The amendment revises the several provisions in the Act that grant authority to councils that issue consents and by delegation to committees of adjustment and land division committees to issue certificates of cancellation. The sections dealing with jurisdiction are set out on schedule to this guideline.

### **AMENDING APPLICATIONS--ANYTIME UNTIL A DECISION IS MADE**

Some authorities take the view that once a consent application has been filed, it cannot be amended but, instead, the process must begin anew. Amendments can range from simple omissions such as forgetting to include the need for a right of way for access, or adjusting a boundary line to comply with zoning requirements, to more significant changes for the relief sought.

The more rigid response to requests to amend may cause greater expense and delay to applicants and the duplication of work by authorities. The amendment clarifies that amendments can be made to applications at any time prior to a decision with discretion to the authority to determine how best to address planning issues if necessary.

In particular, on a request to amend, the authority can impose terms that may include requiring more information and extending the times set out in the Act for conducting a hearing. Some amendments may be made at the hearing itself where the authority can decide if there is a need for more information or further circulation of the application to responding departments. Others may be made much earlier in the process. Where an amendment is minor, or is well understood by the authority, there may be no need for terms at all.

The key to the amendment is to give authorities the discretion and ability to focus on the planning issues and not be distracted by what might be a perceived legal or technical limitation on their ability to make a proper planning decision.

#### **Amendment to application**

(4.2.1) An application may be amended by the applicant at any time before the council or the Minister gives or refuses to give a consent.

#### **Terms**

(4.2.2) If an application is amended by the applicant, the council or the Minister may impose such terms as the council or Minister considers appropriate, including terms, (a) requiring the provision of additional information and material in relation to the amendment; and (b) specifying that the time period referred to in subsection (14) is deemed not to have begun until the later of, (i) the date the application was amended, and

(ii) if additional information and material was required under clause (a), the date on which all the information and material was provided.

#### Fees

(4.2.3) For greater certainty, the council or the Minister may include fees in respect of an amendment to an application in its fees established under section 69 or 69.1, as the case may be.

#### Other

(4.2.4) For greater certainty, subsection (4.2.1) shall not be construed as preventing a person from amending any other type of application under this Act.

### **PURCHASER CAN ALSO APPLY FOR CONSENT**

Section 53(1) permits only an owner or a mortgagee or their agent to apply for consent. At times, a property is sold where it is the purchaser that seeks to bear the expense of obtaining land division. Procedurally, the purchaser can only act as the owner's agent and not bring the application in its own right. The right of a purchaser to bring an application is now permitted provided that the purchaser provides to the authority that portion of its agreement of purchase and sale that gives the purchaser the right to apply.

53(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

(1.1) For the purposes of subsection (1), a purchaser of land is a person who has entered into an agreement of purchase and sale to acquire the land and who is authorized in the agreement of purchase and sale to make the application.

Section 18.1 is added to regulation 197/96 to assist the authority in assessing whether the purchaser has the right to bring the application. Simply, the purchaser applicant needs only to provide to the authority "copy of the portion of the agreement of purchase and sale that authorises the purchaser to make the application".

### **VALIDATION CERTIFICATE**

Like cancellation certificates, there is no mandated or regulated form for validations of title under section 57. Some consenting authorities have their own forms; other simply ask for the filing of their consent application form with appropriate alterations to suit the circumstances.

The information required on the consent application form (which is mandated by regulation 197/96) is not appropriate for validations because there is rarely if ever land abutting the land to be validated. More often than not, using the consent forms involves noting that some information required for consents is "not applicable".

Validations correct or make effective prior registered instruments that contravened the *Planning Act*. Typically, the land involved is already recognized practically as a separate parcel of land.

Validations of title involve legal ownership and title and usually not a planning issue involved in validations. As a result, the authority needs to understand the history of the ownership of the property and how the error occurred. Rarely is there a planning issue with validations.

**Note to consenting authorities:** Consenting authorities should consider instructing intake personnel that validation applications are not the same as consent applications and are not subject to the same rules. Such applications perhaps should be “flagged” for further senior review. For example, a sworn affidavit by the owner or agent is required by the regulations on a consent application. There is no such requirement for validation applications. Terminology on consent applications is not applicable. There is no abutting land that is necessarily relevant. Similarly, there are no requirements for notices, posting, circulation or rights of appeal. Reference plans are not required if the parcel to be validated already has a registrable legal description and PIN. Section 53, which addresses consent applications has no application to validations.

Validations involve a different process because the considerations are different. With validations, authorities are fixing a prior usually technical error in conveyancing. Planning issues with validations are rare. Unlike consent certificates, validation certificates have no future on going benefit. Consents contemplate future dealings. Validations only validate or cure past dealings.

Section 57 of the *Planning Act* used to require that no validation could occur without compliance with prescribed criteria which were set out in Regulation 144/95. The prescribed criteria were that the property conform with Official Plan and local zoning bylaws. That requirement has been repealed.

As an aside and curiously, neither consent applications nor validation applications require compliance or conformity with official plans and zoning. Validation applications did but do not any longer. Recognizing a past error and what was the status quo was more onerous to owners and applicants than a land division consent for future use. Validations then often required usually unnecessary minor variance or OP amendments in order to qualify. They do not any longer.

Section 57(6) and (7) of the *Planning Act* and the prescribed criteria Regulation 144/95 are repealed.

**What then are the criteria for validations? And by extension for consents?**

**Section 57(6) now provides**

Criteria for certificate

(6) No certificate shall be issued under subsection (1) unless the land described in the certificate of validation conforms with the same criteria that apply to the granting of consents under section 53.

This is important. There is now no need to conform to OP and zoning for validations but the authority need only consider the same criteria that apply to consents.

That invites a critical question. What are the statutory criteria for the granting of consents? Some committees through the advice and recommendation of their local planners believe that it is

mandatory that consents be issued only if there is conformity with OP and zoning. This adds to expense, and delay for applicants with often, no particular benefit to the municipality.

Statutorily, these are the requirements for consents and validations.

Section 53(1) says that a consent can issue if the authority is “satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.”

The first criterion for the authority is the consenting authority being satisfied that no plan of subdivision is required. If the decision is that a plan of subdivision is not required, are there then any statutory criteria? The criteria for consents and validations are set out in sections 53(12) and (13) of the act as follows.

(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, section 32.

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. 2021, c. 25, Sched. 24, section 4 (4).

The critical question of the section 51(24) checklist of criteria is whether anything is mandatory? The language of section 51(24) seems to indicate that nothing in the list is mandatory including compliance or conformity with either Official Plan or zoning bylaws.

The preamble to the criteria for plans of subdivision in the Act makes it clear that it is up to the authority to decide what is relevant to their decision. There is no absolute precondition to approval of a subdivision and by extension to the granting of consents or validations. The section requires that the authority have “regard” to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and regard as well to a number of other considerations but it does not mandate conformity with Official Plans and does not even mention compliance with zoning bylaws. As to conformity with official plans, the list only requires that consideration be given to “whether” the plan conforms to the official plan and not that the plan must conform.

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

(b) whether the proposed subdivision is premature or in the public interest;

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use, and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

## FREQUENTLY ASKED QUESTIONS

### Mergers and the death of a joint tenant

In the past, if parcel 1 was owned by A and B as joint tenants and parcel B was owned by A alone to keep them separate and then B died, there was an automatic merger as a matter of law.

<p><b>PARCEL A</b> Owned by Mr and Mrs. as joint tenants.</p> <p>Mrs. has died.</p>	<p><b>PARCEL B</b> Owned by Mr alone</p>
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That is no longer the case. A new exception in sections 50(3) and (5) provides that a person can deal separately with a parcel of land if the land is the whole of a parcel that was previously owned by, or abutted land previously owned by joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants.

Using the above example. The survivor, Mr. qualifies for the exception for both parcels. The land was previously owned by joint tenants (parcel A) or abutted land previously owned by joint tenants (parcel B) and if it were not for this clause, the ownership would have merged as result of the death of Mrs.

Does it apply to deaths prior to January 1, 2022? The *Planning Act* has never directly answered the question of retroactivity of its provisions. Given that legislation is intended to be remedial and this new section was inserted to solve a practical unfairness in the Act arising from the unexpected or unplanned for death of one of the joint owners, a fair and reasonable interpretation indicates retroactivity. From a planning policy viewpoint, but for the death of the joint tenant, the properties would always have been separate. There does not seem to be a good reason to prefer merger as a result of an act of fate or bad timing. Lawyers can come to their own conclusions on the issue and ensure validity in a subsequent transaction by signing *Planning Act* statements.

(a.1) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;

### Are second certificates required in every consent application?

No, and the likelihood that such requests will not be typical, except perhaps where an owner is unsure which of two properties will be dealt with first. Even then, it may not be required.

The Act has been amended to now permit land that is retained land i.e., land that abuts land previously conveyed with consent to be an exception to the prohibition.

Section 50(3b) and (5a) now provides an exception to the abutting land rules where the land in question abuts an identical parcel of land that was previously conveyed with a consent given after March 31, 1979.

<p><b>PARCEL A</b> Mr. owns</p> <p>It was previously conveyed with consent</p>	<p><b>PARCEL B</b> Mr. owns</p> <p>It has never been conveyed with consent.</p>
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In this example, Mr. owns both A and B; A was previously conveyed with consent. B has never been conveyed with consent. Until the amendment, A could be dealt with as a separate parcel because it was identical to land previously conveyed with consent and got the benefit of section 50(12). However, B was never previously conveyed with consent and Mr. owns abutting land. B could not be conveyed separately unless Mr. did a work around and change the ownership of A.

Now, land previously conveyed with consent and land abutting land previously conveyed with consent can be dealt with separately. It gives real meaning to “once a consent, always a consent” in that a consent now creates two separate parcels of land and it does not matter what the order is in the dealing, so long as one of the two has been conveyed, even to oneself with consent.

Why is March 31, 1979 relevant. Until that date, consents could be given for lot additions and the concern was that this rule would make lot additions separate parcels of land. While the concern involved a highly remote possibility, the rule only applies to consents given from and after March 31, 1979.

(b) the person does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than,

- (i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,
- (ii) land that is within a registered description under the Condominium Act, 1998, or
- (iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (5) applies to any subsequent conveyance or other transaction;

### **Reference plans of survey; when you need them, when you don't**

There is an inconsistent practice in Ontario about requiring a reference plan of survey with every application for consent and sometimes, even for validations. Reference plans of survey can be very expensive and can cause delay in completing a matter, often because of weather or even the level of business of local surveyors.

The need for reference plans arose in the land registry offices. Historically, land was described by a metes and bounds legal description, often prepared by a land surveyor. The legal description

described the land by compass bearings and distances and except perhaps in a simple rectangular parcel of land could be very complicated.

The applicable legislation was amended in the 1970s to require that any new legal description usually arising from a division of land required a reference plan of survey that would illustrate the property in question and describe it as a “part” on the plan. Reference plans were registered with the number of the land registry office, followed by the letter R followed by a sequential number such 66R-12345.

They differ clearly from land titles plans of subdivision with the prefix M such as 66M and a reference to “lots” and “blocks”, roads and reserves. They typically contain a warning that they are not registered plans of subdivision.

In typical consent applications where a land division is occurring i.e., where an existing parcel of land is being divided into new separate parcels that have never had their own specific legal description or where new easements or rights of way are being created, a reference plan is required for registration on title. This is important. The reference plan requirement is a land registry office requirement; it is not a requirement for consenting authorities unless a new legal description is being created on the application. Consenting authorities typically need a sketch to understand the land division and if consent is granted and a new legal description is to be created in the land registry office, then the authority needs a reference plan to identify the land for land registration purposes.

But if there is no new legal description, typical with technical severances and validations, no reference plan is necessary. Technical severances involve separate parcels of land, historically separate for all purposes that get merged because the owner of one parcel also owns the other. While owners take pains to keep them under separate ownership and avoid merger, merger can happen inadvertently for example through lawyer’s mistake or as a matter of law. But each property retains its own PIN or parcel register and individual legal description. Similarly, with validations, there was merger of two previously separate parcels but one of the two parcels has since been dealt with separately resulting in a contravention of the *Planning Act* and the resulting voiding of the transfer or mortgage on title. Again, that separate parcel that requires validation has its own PIN and legal description and so, no reference plan of survey is required for registration.

### **Don’t I need a reference plan to confirm compliance with zoning bylaws?**

Before answering that question, the better question is does the consenting authority need to confirm compliance with zoning bylaws. It may be the local municipality’s planner’s mindset to want confirmation of compliance with zoning bylaws but there is nothing in the criteria for consents or validations that a parcel that is the subject of an application must conform to local zoning. This is particularly important on applications involving long standing buildings requiring technical consent of validation where the property is clearly a legal non-conforming use.

If a municipality’s planner wants to be satisfied about zoning compliance, a survey may suffice. Although it seems that there is much more to zoning bylaws than side yards and setbacks that surveys or reference plans will not answer. Which is why I don’t quite understand the knee jerk requirement that some municipalities impose that there be a reference plan when one is not really

necessary for the consent application. A municipality may prefer a survey but again, reference plans are land registry requirements where a new legal description is being created.

### **Imposing conditions on severance consents**

Many authorities have what they call their “standard conditions”. At times, the conditions are not relevant to the subject of the planning decision and yet are imposed on the applicant before it can implement the planning decision.

Some of them may impose unnecessary hardship and expense to the applicant. Some of them take advantage of the applicant in the application process and are unrelated to the purpose of the application. Some just cannot be satisfied.

#### **Examples:**

##### **The obligation to consolidate two parcels or PINs into one.**

Consolidating PINs is in the jurisdiction of the land registry office and is not automatic. Land titles and Teranet cannot consolidate two PINs that are not identical in quality or character. Most common, they cannot consolidate two PINs where one is an absolute title PIN and the other is a converted qualified PIN. Absolute titles have certain characteristics in the land titles system; converted qualified titles (LTCQ PINs) have very different characteristics and they do not match and therefore cannot be consolidated.

Before you impose such a condition, ensure by a review of the two PINs that are before you that they are of the same type.

##### **Requiring road widenings or other municipal conveyances.**

Planners reviewing applications often see an opportunity to take something for the municipality that they would not be otherwise able to obtain but for the application for consent and the imposition of a condition of granting consent. Consenting authorities often go along and impose the condition because the planning staff asks for it, even though it is not relevant to the application itself. Road widenings are a common “ask”, even though the road widening has nothing to do with the planning decision before the authority.

In a recent case where the applicant appealed a road widening condition, the LPAT made it clear that the requirement was not relevant to the planning decision before it, the municipality was taking advantage of the situation and set aside the condition.

## **Schedule of sections of the act regarding delegated authority for cancellation certificates.**

(46) A delegation by the Minister under section 4 or by a council or planning board under section 5 of the Minister's authority for the giving of consents under this section shall be deemed to include the authority to issue certificates of cancellation under subsection (45). 2021, c. 25, Sched. 24, s. 4 (13).

Same, application

54 (2.1) If council has delegated its authority to give consents under subsection (1), (1.1), (2), (2.3), (4) or (5), that delegation shall be deemed to include the authority to issue certificates of cancellation under subsection 53 (45) and to issue certificates of validation under section 57 in respect of land situate in the lower-tier municipality. 1993, c. 26, s. 61 (1); 1994, c. 23, s. 33 (3); 2002, c. 17, Sched. B, s. 21 (2).

Delegation to committee of council, etc.

(4) Except as delegated under subsection (1) or (1.1), the authority or any part of such authority of the council of an upper-tier municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee. R.S.O. 1990, c. P.13, s. 54 (4); 1994, c. 23, s. 33 (7); 2002, c. 17, Sched. B, s. 21 (3).

Delegation, single-tier municipalities

(5) The council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under section 53 or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment. 2002, c. 17, Sched. B, s. 21 (4).

Committee of adjustment

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, section 53 applies with necessary modifications and subsections 45 (4) to (20) do not apply in the exercise of that authority. 1994, c. 23, s. 33 (9).

54(6.1) Where, under subsection (2) or (5), a committee of adjustment has the authority to issue certificates of cancellation under subsection 53 (45) and the authority to issue certificates of validation under section 57, subsections 45 (8) to (8.2) apply in the exercise of that authority, but subsections 45 (4) to (7) and (9) to (20) do not apply. 2021, c. 25, Sched. 24, s. 5 (3).

Conditions

(7) A delegation of authority made by a council or a municipal planning authority under this section may be subject to such conditions as the council or the municipal planning authority by by-law provides and the council or the municipal planning authority may by by-law withdraw the delegation of authority but, where authority delegated under subsection (1) or (1.1) is withdrawn, all applications for consent, for the issuance of a certificate of validation under section 57 or for the issuance of a certificate of cancellation under subsection 53 (45) made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn. 1994, c. 23, s. 33 (10).

District land division committee, delegation

55 (1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he or she considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 53, to issue certificates of cancellation under subsection 53 (45) or the authority to issue certificates of validation under section 57 in respect of such lands situate in a territorial district as are defined in the order. R.S.O. 1990, c. P.13, s. 55 (1); 1993, c. 26, s. 62 (1).



PLANNING ADVISORY COMMITTEE  
COMMITTEE OF ADJUSTMENT  
PROPERTY STANDARDS

MEETING SCHEDULE FOR 2022 (subject to change)

Meetings are generally held on the 4<sup>th</sup> Tuesday of each month  
Located at the Town Hall, Council Chambers at 6:00 pm  
(at this time Meetings are held virtually until further notice)

If you **cannot** attend a meeting, please provide notice to Staff in advance of a meeting to ensure quorum ([bguy@gananoque.ca](mailto:bguy@gananoque.ca) or [assistantplanner@gananoque.ca](mailto:assistantplanner@gananoque.ca)).

**January 25, 2022**

**February 22, 2022**

**March 22, 2022**

**April 26, 2022**

**May 24, 2022**

**June 28, 2022**

**July 26, 2022**

**August 23, 2022**

**September 27, 2022**

**October 25, 2022**

**November 22, 2022**

# MEMORANDUM



**J.L. Richards  
& Associates Limited**  
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Kingston, ON Canada  
K7L 5N4  
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Page 1 of 3

To: Brenda Guy  
Manager of Planning and Development  
Town of Gananoque

Date: January 21, 2022

JLR No.: 28367-000

CC:

From: Tori Ruck, Planner

Re: Focus Group Themes - Gananoque Official Plan and  
Zoning By-law Review

Planners from J.L. Richards & Associates and Planning staff from the Town of Gananoque hosted a number of Official Plan Review Focus Groups on Thursday December 9, 2021. The Focus Groups were made up of Town Councillors, Planning Advisory Committee Members, and other relevant Town committees and working groups and external organizations.

The topic of each Focus Group and list of attendees is as follows:

Focus Group 1: Source Water Protection, Natural Heritage and Natural and Manmade Hazards  
Attendees:

- Cataraqui Conservation Authority
- Frontenac Arch Biosphere
- Council Committee – Trees and Trails
- Council Working Groups – Waterfront, Environment
- Horticultural Society

Focus Group 2: Tourism and Economic Development  
Attendees:

- 1000 Islands Gananoque Chamber of Commerce
- Gananoque Business Improvement Area
- Thousand Islands Accommodations Partners
- Council Working Groups – Tourism Advisory Panel
- Economic Development

Focus Group 3: Housing  
Attendees:

- Leeds and Grenville Social Services – Hampton Heights, Family Housing
- Council Working Group – Affordable Housing
- Gananoque and Area Food Access Network
- Community Gardens

Focus Group 4: Cultural Heritage and Culture  
Attendees:

- Artefact oversight
- Council Committee – Heritage Advisory Panel
- Council Working Group – Arts Council
- 1000 Islands History Museum
- 1000 Islands Boat Museum

Focus Group 5: Parks and Recreation and Mobility  
Attendees:

- Council Working Groups – Canada 150 Rink, Sports and Recreation, Public Transit, Senior Council
- Council Committee – Planning Committee
- Municipal Marina

Please note that at the time of this memo Focus Group 1: Source Water Protection, Natural Heritage, and Natural and Manmade Hazards had not yet taken place, due to participant availability. This memo will be updated following this group meeting to incorporate their comments.

### **What We Heard**

Throughout each focus group a number of comments were noted, and a few running themes emerged in each group. As the project moves forward, these themes will help to narrow the focus of the necessary policy updates. The below is a list of the main reoccurring themes from each focus group:

#### *Focus Group 2: Tourism/Economic Development*

- Continue to promote the arts as an economic driver
- Continue to utilize opportunities in the Marina and Lowertown Areas and along the waterfront
- Determine what employment lands are available vs. designated in order to assess long-term usage and need
- Explore how to make the Town more appealing for tourists – what opportunities are there for economic recovery due to COVID?
- Utilize the Town's location along the Windsor-Montreal corridor
- Focus on providing opportunities and services for full-time residents

#### *Focus Group 3: Housing*

- Concern surrounding the lack of affordable housing
- Town feels housing demand pressures from larger municipalities
- There can be difficulty in recommending secondary and rental suites as some owners are concerned about problematic and difficult tenants
- Lack of variety of new types of housing
- New developments seem to be skewed towards luxury builds
- Parking requirements can make the provision of secondary and rental suites difficult
- There should be policies that allow for alternative residential lot sizes and building types
- Needs to be greater accessibility of information for all individuals

#### *Focus Group 4: Cultural Heritage and Culture*

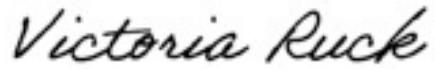
- Want to preserve existing character of the Town
- Believe there should be more education about the Town's heritage for residents and visitors
- Culture is not just buildings, it is also the social, physical, and natural features
- Town is proud of its cultural heritage and wants to preserve it for future
- Would like to see more walkability and less vehicles in Lowertown and along the waterfront
- Promote culture and heritage as an economic driver

#### *Focus Group 5: Parks and Recreation*

- Enhance pathway connections throughout Town
- Streets can be redesigned and upgraded to promote active transportation.
- Provide for significant community open space to host large events
- Emphasis on tree canopies and preserving trees
- Lack of accessibility committee and consequently, lack of accessibility awareness
- Should follow the 8 to 80 streetscapes to promote accessibility and use for all age groups
- If the infrastructure is provided, people will use it
- Need to improve linkages and signage on pathways, and explore different rights-of-way

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

A handwritten signature in cursive script that reads "Victoria Ruck".

Tori Ruck, M.Pl.  
Planner

Reviewed by:

A handwritten signature in cursive script that reads "Jason Ferrigan".

Jason Ferrigan, RPP, MCIP  
Associate; Senior Planner

TR:jf