

Staff Report

Report To: Council
Report From: Lorelie Spencer, Manager of Planning & Development
Meeting Date: February 7, 2023
Subject: Durham Meadows Road Realignment

Recommendations:

That in consideration of staff report Durham Meadows Road Realignment, council directs staff to bring forward a bylaw to declare the old road system surplus in order to accommodate a road configuration related to a pending plan of subdivision application.

Highlights:

- Pre-consultation has been ongoing for a pending plan of subdivision application on the subject lands.
- During the due diligence process it was determined that the subject lands are considered to be an old plan of subdivision within the meaning of the Planning Act.
- Unopened and unmaintained roads exist which must be declared surplus to permit a new plan of subdivision layout on the subject lands.

Strategic Plan Alignment:

Pillar: Work together
Goal: Build partnerships
Strategy: Support development

Previous Report/Authority:

None.

Analysis:

The Registry Act defines a “plan of subdivision” in section 1 as “...as plan by which the owner of land divides the land into areas designated on the plan, but does not include a

plan under the Cemeteries Act or the Expropriations Act or any predecessor of such Acts.” The Land Titles Act contains similar definitions in sections 1 and 145(2): “Where land is being subdivided for the purpose of being sold or conveyed in lots, the person making the subdivision shall register in the proper land titles office a plan of the land prepared by an Ontario land surveyor.”

The Law of Subdivision Control in Ontario (3rd edition), states that “A registered plan of subdivision within the definition of either of these Acts should satisfy the “registered plan of subdivision” requirement of the Planning Act.

The subject lands are located on plan 508 for the purpose of subdividing the lands included. This plan would fall within the definition of a plan of subdivision. As a result, the municipality has ownership over several unopened and unmaintained road allowances from the original plan of subdivision on the subject lands. To permit a new plan of subdivision on the subject lands, council needs to consider declaring the lands surplus. This will convey the lands to the developer, at their cost, so a new road system can be accommodated for the new development. Once the new road system is constructed the roads will be conveyed back to the ownership of the municipality for assumption and maintenance.

The existing plan was created in 1851 pre-planning act and does not take into consideration current policies under the province, county and local official plan. To avoid the appearance of bonusing, the lands would need to be conveyed in a land exchange under the Municipal Act. This will require consultation with the municipal solicitor to ensure any existing agreements and easements remain intact to the subject lands.

Financial Implications:

None.

Communication Plan:

None.

Consultation:

- Municipal solicitor

Attachments:

1. Request for council consideration
2. Property identification map

Recommended by:



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
Manager of Planning and Development

Submission reviewed by:

Laura Johnston, Chief Administrative Officer

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