

Bill No. 204
2019

By-law No. CPOL.-_____

A by-law to enact a new Council policy entitled “Part-Lot Control Policy” to guide the consideration of request for exemption to Part-Lot Control.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a new Council Policy entitled “Part-Lot Control Policy” to guide the consideration of requests for exemption to Part-Lot Control;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Part-Lot Control Policy”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on June 11, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 11, 2019
Second Reading – June 11, 2019
Third Reading – June 11, 2019

Schedule “A”

Part-Lot Control Exemption Policy

Policy Name: Part-Lot Control Exemption Policy

Legislative History: Enacted _____ (By-law No. CPOL.- _____ - ____)

Last Review Date: May 9, 2019

Service Area Lead: Director, Development Services

1. Policy Statement

The Part-Lot Control Exemption Policy is established to guide the consideration of requests for exemption to Part-Lot Control. In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from Part-Lot Control.

2. Definitions

Not applicable.

3. Applicability

This policy applies to all applications for exemption from Part-Lot Control. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

4. The Policy

4.1 Objective

The primary objective of the policy is to ensure that any by-law passed by the Municipality to exempt all, or parts of registered plans of subdivision from part-lot control is in accordance with the provisions of the *Planning Act*, Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the Planning Act allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block.

4.2 Exemption requests

Requests for exemption to Part-Lot Control will be considered as follows:

- a) appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;
- b) exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;
- c) the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;
- d) the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;
- e) references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and
- f) the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.