

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** Exemption from Part-Lot Control  
Application By: Kenmore Homes (London) Inc. c/o Ric Knutson  
Address: 1750 Finley Crescent

**Meeting on:** February 7, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application by Kenmore Homes (London) Inc., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on February 15, 2022 to exempt Block 101, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

## Executive Summary

### Summary of Request

Request for approval to exempt Block 101, Plan 33M-733 from the Part Lot Control provisions of the *Planning Act*.

### Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of eight (8) street townhouse units, with access provided by way of Finley Crescent.

### Rationale for Recommended Action

The conditions for passing the Part-Lot Control By-law have been satisfied and it is appropriate to allow the exemption from Part-Lot Control. The cost of registration of the by-law is to be borne by the applicant, all in accordance with the previous Council Resolution.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

## Analysis

### 1.0 Background Information

On December 20, 2017, the City of London Approval Authority granted final approval to the phase 2 of draft plan 39T-08502. This phase contained ninety-seven (97) single detached residential lots, eight (8) multi-family residential blocks, served by four (4) new local streets. The subject lands were part of this phase being one of the multi-family residential blocks. The draft plan of subdivision 39T-08502 was registered in February 2018 as plan 33M-733.

### 1.1 Previous Reports Related to this Matter

**January 2011** – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

**March 26, 2012** - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

**November 5, 2012**- Report to Planning and Environment Committee relating to the appeal of to the Ontario Municipal Board.

**February 4, 2014**- Report to Planning and Environment Committee relating to the withdrawal of the appeal to the Ontario Municipal Board.

**March 2016** - Report on Special Provisions for Phase I.

**February 20, 2018** - Report to Planning and Environment Committee relating to the Zoning By-law amendment applications by Kenmore Homes (London) Inc., to allow for the subject lands to be developed for street townhouse uses with 45% coverage.

## **1.2 Previous Meeting**

At its meeting held on July 26, 2021 Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc. to exempt Block 101, Plan 33M-733 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 101, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 101, Plan 33M-733 as noted in clause (a) above:
  - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1750 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.

### **1.3 Property Description**

The subject site is located on Finley Crescent, which is generally located south of Gainsborough Road and east of Hyde Park Road. The site has a mix of high and medium density residential located to the north, commercial to the west, low density residential to the east, and a mix of medium and low density residential to the south. The site has proximity to Maple Wood Park, and St. John French Immersion Catholic Elementary School.

### **1.4 Current Planning Information**

- The London Plan Place Type – Neighbourhoods Place Type
- Official Plan Designation – Multi-Family Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-4(4))

### **1.5 Site Characteristics**

- Current Land Use – vacant
- Frontage – ~65.0 metres
- Area – 0.21 hectares
- Shape – rectangular

### **1.6 Surrounding Land Uses**

- North – future residential
- East – residential
- South – open space
- West – commercial

# 1.7 Location Map



## Location Map

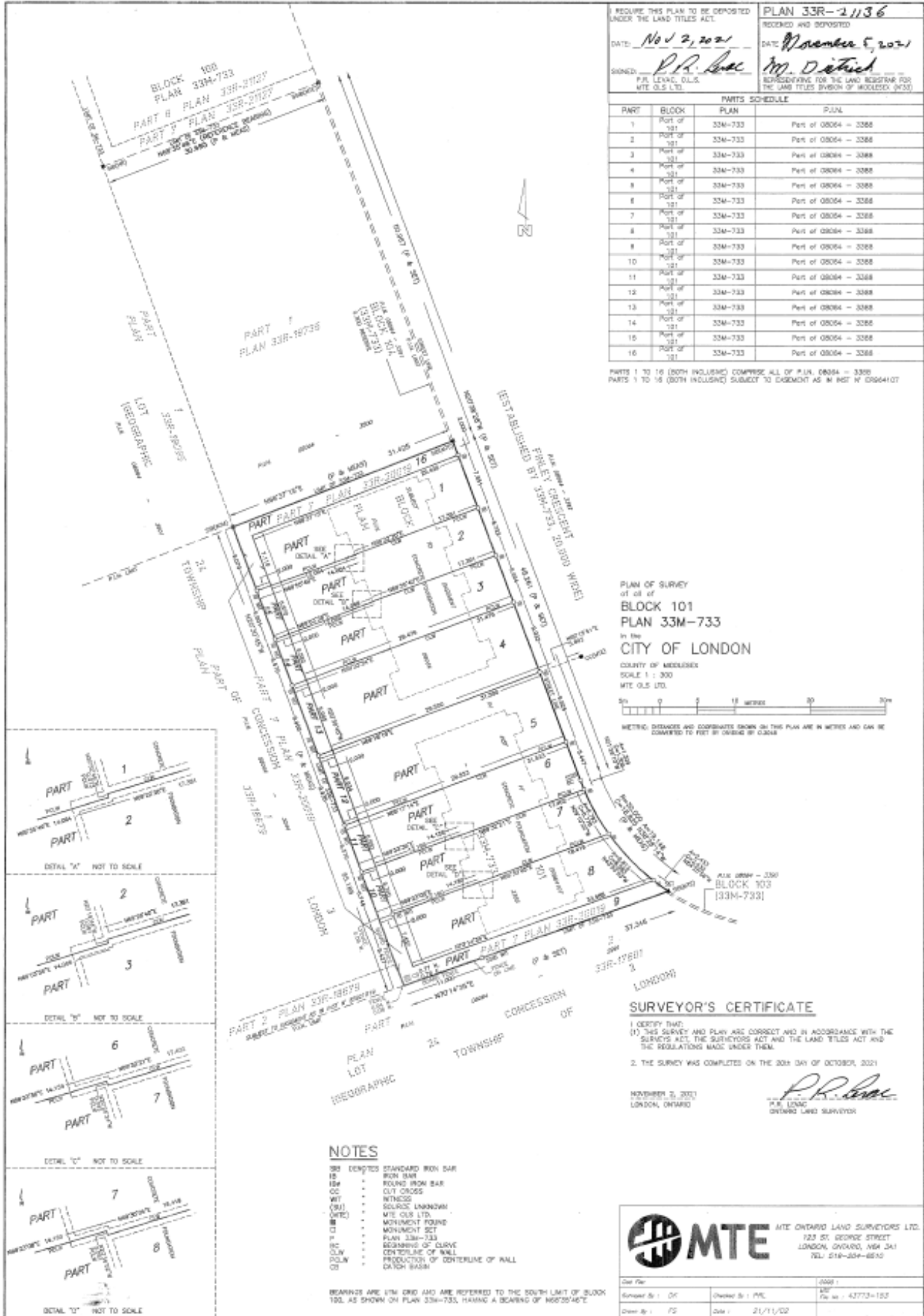
Subject Property: 1750 Finley Cres  
 Applicant: KENMORE HOMES INC.  
 File Number: P-9369  
 Created By: Sean Meksula  
 Date: 6/9/2021  
 Scale: 1:2000

## Legend

- Subject Property
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers



1.8 Reference Plan 33R-21136



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
 DATE: *Nov 2, 2021*  
 SIGNED: *P.R. Leung*  
 P.R. LEUNG, O.L.S., MTE O.L.S. LTD.

PLAN 33R-21136  
 RECEIVED AND DEPOSITED  
 DATE: *November 5, 2021*  
 SIGNED: *M. D'Amico*  
 REPRESENTING FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ONTARIO (R23)

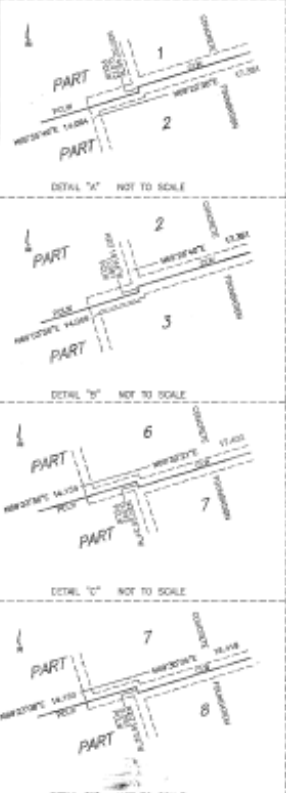
PART	BLOCK	PLAN	TOTAL
1	Part of 101	33M-733	Part of O8064 - 3388
2	Part of 101	33M-733	Part of O8064 - 3388
3	Part of 101	33M-733	Part of O8064 - 3388
4	Part of 101	33M-733	Part of O8064 - 3388
5	Part of 101	33M-733	Part of O8064 - 3388
6	Part of 101	33M-733	Part of O8064 - 3388
7	Part of 101	33M-733	Part of O8064 - 3388
8	Part of 101	33M-733	Part of O8064 - 3388
9	Part of 101	33M-733	Part of O8064 - 3388
10	Part of 101	33M-733	Part of O8064 - 3388
11	Part of 101	33M-733	Part of O8064 - 3388
12	Part of 101	33M-733	Part of O8064 - 3388
13	Part of 101	33M-733	Part of O8064 - 3388
14	Part of 101	33M-733	Part of O8064 - 3388
15	Part of 101	33M-733	Part of O8064 - 3388
16	Part of 101	33M-733	Part of O8064 - 3388

PARTS 1 TO 16 (BOTH INCLUSIVE) COMPRISE ALL OF P.L.N. O8064 - 3388  
 PARTS 1 TO 16 (BOTH INCLUSIVE) SUBJECT TO ENCUMBRANCE M.P.F. 05664107

PLAN OF SURVEY  
 of all of  
**BLOCK 101**  
**PLAN 33M-733**  
 in the  
**CITY OF LONDON**  
 COUNTY OF MIDDLESEX  
 SCALE 1 : 300  
 MTE O.L.S. LTD.



METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



- NOTES**
- SB DENOTES STANDARD IRON BAR
  - IB IRON BAR
  - IRB IRON ROD
  - OC CUT CROSS
  - WT WITNESS
  - (SU) SOURCE UNKNOWN
  - (MTE) MTE O.L.S. LTD.
  - MONUMENT FOUND
  - MONUMENT SET
  - PLAN 33M-733
  - BEARING OF CURVE
  - CENTRELINE OF WALL
  - PRODUCTION OF CENTERLINE OF WALL
  - DATCH BASIN

BEARINGS ARE 1/4" ANG AND ARE REFERRED TO THE SOUTH LIMIT OF BLOCK 101 AS SHOWN ON PLAN 33M-733, HAVING A BEARING OF 168°29'46\"/>

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 (1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF OCTOBER, 2021

NOVEMBER 2, 2021  
 LONDON, ONTARIO

*P.R. Leung*  
 P.R. LEUNG  
 ONTARIO LAND SURVEYOR

MTE ONTARIO LAND SURVEYORS LTD.  
 123 ST. GEORGE STREET  
 LONDON, ONTARIO, N6A 2A1  
 TEL: 514-304-6610

Drawn By: FS	Checked By: PPL	Date: 21/11/22
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# 1.9 Plan of Subdivision 33M-733



LRO FILE No. 33M2017P-18

APPROVED BY THE BOARD OF PLANNING AND DEVELOPMENT OF THE CITY OF LONDON

PLAN 33M-733

CURVE #	ANGLE	ARC	CHORD	BEARING
1	10.000	1.072	1.870	N74°42'00"E
2	30.000	6.179	5.123	N74°43'00"E
3	100.000	10.000	10.000	N74°45'00"E
4	100.000	7.660	4.716	N89°25'30"E
5	100.000	4.716	7.660	N89°25'30"E
6	10.000	1.072	1.870	N74°45'00"E
7	10.000	13.849	12.840	N74°45'00"E
8	30.000	10.133	10.115	N74°45'00"E
9	30.000	5.440	5.437	N74°45'00"E
10	30.000	14.105	14.101	N74°45'00"E
11	70.000	14.105	14.101	N74°45'00"E
12	70.000	4.716	4.716	N74°45'00"E
13	20.000	4.716	4.716	N74°45'00"E
14	20.000	4.022	4.022	N74°45'00"E
15	20.000	9.771	9.769	N74°45'00"E
16	20.000	3.886	3.881	N74°45'00"E
17	20.000	8.531	8.502	N74°45'00"E
18	20.000	3.886	3.881	N74°45'00"E
19	20.000	8.531	8.502	N74°45'00"E
20	60.000	8.531	8.502	N74°45'00"E
21	60.000	12.878	12.850	N74°45'00"E
22	60.000	4.716	4.716	N74°45'00"E
23	100.000	4.716	4.716	N74°45'00"E
24	100.000	4.716	4.716	N74°45'00"E
25	100.000	4.716	4.716	N74°45'00"E
26	100.000	4.716	4.716	N74°45'00"E
27	30.000	5.440	5.437	N74°45'00"E
28	30.000	5.440	5.437	N74°45'00"E
29	30.000	5.440	5.437	N74°45'00"E
30	100.000	7.660	7.660	N74°45'00"E
31	100.000	2.575	2.575	N74°45'00"E

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE ON THE 14th DAY OF FEBRUARY 2017 AND ENTERED IN THE PLAN REGISTER FOR PLANS 00004-33M & 00004-33M-733 AND THAT THE REQUIRED CONDITIONS ARE REGISTERED AS PART DOCUMENT No. E5(L)N(0)03

**L VAN BOMMEL**  
 REPRESENTATIVE FOR THE LAND REGISTAR  
 ONDESKISE SCHEDULE  
 P.L.N. 00004 - 33M  
 P.L.N. 00004 - 33M  
 P.L.N. 00004 - 33M

PLAN OF SUBDIVISION  
 LOT 24  
 CONCESSION 3  
 CITY OF LONDON  
 COUNTY OF BRITAIN

**NOTES**  
 01. UNITS: METRES  
 02. UNITS: METRES  
 03. UNITS: METRES  
 04. UNITS: METRES  
 05. UNITS: METRES  
 06. UNITS: METRES  
 07. UNITS: METRES  
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 29. UNITS: METRES  
 30. UNITS: METRES  
 31. UNITS: METRES

**MONUMENT NOTE**  
 ALL SET BACKS, SHOWN HEREON ARE FROM BASE (B.M.) 100.000  
 MONUMENTS ARE TO BE PLACED AT THE CORNERS OF THE LOTS AND AT THE POINTS OF CURVE.

**OWNER'S CERTIFICATE**  
 I HAVE THE HONOUR TO ACKNOWLEDGE THAT THE PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE ON THE 14th DAY OF FEBRUARY 2017 AND ENTERED IN THE PLAN REGISTER FOR PLANS 00004-33M & 00004-33M-733 AND THAT THE REQUIRED CONDITIONS ARE REGISTERED AS PART DOCUMENT No. E5(L)N(0)03

**SURVEYOR'S CERTIFICATE**  
 I HAVE THE HONOUR TO ACKNOWLEDGE THAT THE PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE ON THE 14th DAY OF FEBRUARY 2017 AND ENTERED IN THE PLAN REGISTER FOR PLANS 00004-33M & 00004-33M-733 AND THAT THE REQUIRED CONDITIONS ARE REGISTERED AS PART DOCUMENT No. E5(L)N(0)03

**APPROVED BY THE BOARD OF PLANNING AND DEVELOPMENT OF THE CITY OF LONDON**

**AMTE OLS Ltd**  
 ONTARIO LAND SURVEYORS  
 1000 SHEPPARD AVENUE EAST, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1T7  
 TEL: (416) 291-4451 FAX: (416) 291-4457  
 License No. 246  
 Member No. 12712/23  
 Page No. 13 of 14

## **2.0 Discussion and Considerations**

The Applicant, Kenmore Homes (London) Inc., has requested exemption from part-lot control to create a total of six (6) street townhouse units. The plan of subdivision was registered in February 2018 as a multi-family medium density residential block. The dwellings will be street townhouse units, one or two storeys in height, and accessed from Finley Crescent.

### **2.1 Community Engagement**

There is no legislated community engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable, and no additional conditions were needed.

### **2.2 Policy Context**

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. 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* allow 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. 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.

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

## **3.0 Financial Impact/Considerations**

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

## **4.0 Exemption from Part-Lot Control**

The exemption from Part-Lot Control will allow for lot lines for individual units (lots) to be established on the registered block in a registered plan of subdivision. The conditions noted above have been satisfied as follows:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

*Acknowledged by the applicant on January 18, 2022.*

- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

*Satisfied by registration of reference plan 33R-21136 as the draft reference plan complies with the Zoning on the lands.*

- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

*Satisfied by submission on January 24, 2022 and confirmed by the GIS Data Technician on January 25, 2022.*

- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

*The applicant has indicated this condition was satisfied by approval from London Hydro through the subdivision process.*

- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

*Satisfied by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA18-049.*

- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

*Satisfied as the subdivision agreement was registered and no further amendment was required.*

- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

*The applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval.*

- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

*Satisfied by municipal numbering assigned on August 12, 2019.*

- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

*Satisfied by reference plan 33R-21136.*

- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

*Satisfied by reference plan 33R-21136.*

- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;



*Building permits have been issued for this block as permit number 21002685 and 2100109.*

- xii. The applicant shall provide a draft transfer of the easements to be registered on title; and

*Satisfied by the applicant's Solicitor.*

- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

*Acknowledged by applicant on January 18, 2022.*

- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1750 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.

*Engineering has confirmed October 22, 2021 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.*

## **Conclusion**

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Beirens (Westfield) Subdivision. In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

**Prepared by:** Sean Meksula, MCIP, RPP  
Senior Planner, Subdivision Planning

**Reviewed by:** Bruce Page,  
Manager, Planning & Development

**Recommended by:** Gregg Barrett, RPP, PLE  
Director, Planning and Development

**Submitted by:** George Kotsifas, P. Eng.  
Deputy City Manager,  
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Bruce Page, Manager, Subdivisions  
cc: Michael Pease, Manager, Site Plan  
cc: Matt Davenport, Manager, Subdivisions

SM/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\P-9369 - 1750 Finley Crescent Block 101 (SM)\PEC 2 Feb 7, 2022\Draft\_P-9369 - 1750 Finley Crescent Block 101 \_Report to pass by-law\_PEC.docx

## Appendix A

Bill No. (*Number inserted by Clerk's Office*)  
2022

By-law No. C.P.- (*Number inserted by Clerk's Office*)

A by-law to exempt from Part-Lot Control, lands located at 1750 Finley Crescent, legally described as Block 101 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Kenmore Homes (London) Inc., it is expedient to exempt lands located at, legally described as Block 101 in Registered Plan 33M-733, from Part Lot Control;

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

1. Block 101 in Registered Plan 33M-733, located at 1750 Finley Crescent, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(4)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on February 15, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – February 15, 2022  
Second Reading – February 15, 2022  
Third Reading – February 15, 2022