

## Report to Planning and Environment Committee

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

**From:** Scott Mathers, MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Exemption from Part-Lot Control  
Application By: Thames Village Joint Venture Corp.  
3315 Oriole Drive (formerly 1752-1754 Hamilton Road)

**Meeting on:** April 19, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Thames Village Joint Venture Corporation to exempt lands located at 3315 Oriole Drive (formerly 1752-1754 Hamilton Road), legally described as Lot 65, Plan 33M-814, 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 Lot 65, Plan 33M-814 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 R1 (R1-3) in Zoning By-law No. Z.-1, which permits single detached dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Lot 65, Plan 33M-814, as noted in clause (a) above:
  - I. The applicant be advised that the cost of registration of the said by-law is to be borne by the applicant in accordance with City Policy;
  - II. The applicant submit a draft reference plan to the City 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 City 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 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 City 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 City 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 that requirements IV), V) and VI) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan;
- XII. That on notice from the applicant that a reference plan has been registered, and that conveyance of the registered part lots has occurred, that Part Lot Control be re-established by the repeal of the bylaw affecting the Lot/Block in question;
- XIII. The Applicant shall ensure all existing buildings, structures and hard surfaced materials are removed and the land restored to its original condition prior to creation of the parcels; and,
- XIV. The Applicant shall implement the recommendations of the Environmental Noise Assessment prepared by Eng Plus Ltd., dated March 25, 2019; and the Thames Village Subdivision – Phase 2, Thames Village Joint Venture Corp. Supplemental Noise Letter prepared by LDS Consultants Inc., dated June 5, 2020; including requirement for forced air heating, warning clauses to be included in all agreements of purchase and sale or lease of these dwellings, and installation of noise attenuation barriers, all in accordance with the Subdivision Agreement and accepted servicing drawings.

## **Executive Summary**

### **Summary of Request**

This report is for review and endorsement by Municipal Council to exempt Lot 65 in Registered Plan 33M-814 from the Part-Lot Control provisions of the Planning Act.

### **Purpose and the Effect of Recommended Action**

Exemption from Part-Lot Control will facilitate the creation of four (4) single detached dwellings with frontage on Oriole Drive.

### **Rationale of Recommended Action**

The standard conditions for passing the Part-Lot Control By-law, identified in Clause B above, are to be reviewed and endorsed by Municipal Council prior to the final by-law.

## **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

The subject site consists of a single detached bungalow converted to two units which is proposed to be demolished. The dwelling is setback from Hamilton Road approximately 45 to 50 metres with access provided by a U-shaped, gravel driveway. The requested exemption from part-lot control will facilitate creation of four (4) single detached dwelling lots with individual driveway access and frontage on future Oriole Drive.

### 1.1 Previous Reports Related to this Matter

**February 28, 2022** - Report to Planning and Environment Committee recommending approval of an amendment to the Zoning By-law to remove holding provisions for lands located at 1738, 1742, 1752 and 1754 Hamilton Road (File No. H-9466)

**May 31, 2021** - Report to Planning and Environment Committee recommending approval of Zoning By-law Amendments for lands located at 1752-1754 Hamilton Road (File No. Z-9314).

**June 18, 2018** – Report to Planning and Environment Committee recommending approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments for lands located at 1738, 1742, 1752 and 1756 Hamilton Road (File No. 39T-17502/OZ-8147).

### 1.2 Planning History

On August 15, 2018, the City of London Approval Authority approved a draft plan of subdivision for lands located at 1738, 1742, 1752 and 1754 Hamilton Road submitted by Thames Village Joint Venture Corporation. Municipal Council previously advised the Approval Authority of its support for the draft plan and related zoning by-law amendments at their meeting held June 26, 2018. The Approval Authority issued final approval of the subdivision plan on December 22, 2021, which was registered as Plan No. 33M-814. A Subdivision Agreement between Thames Village Joint Venture Corporation and the City of London was also entered into and registered as Instrument No. ER1439731. On June 15, 2021, Council approved a site-specific zoning by-law amendment for Lot 65 in the subdivision plan to facilitate division of the lands into four (4) residential lots fronting future Oriole Drive.

### 1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Existing Zoning – Residential R1 (R1-3)

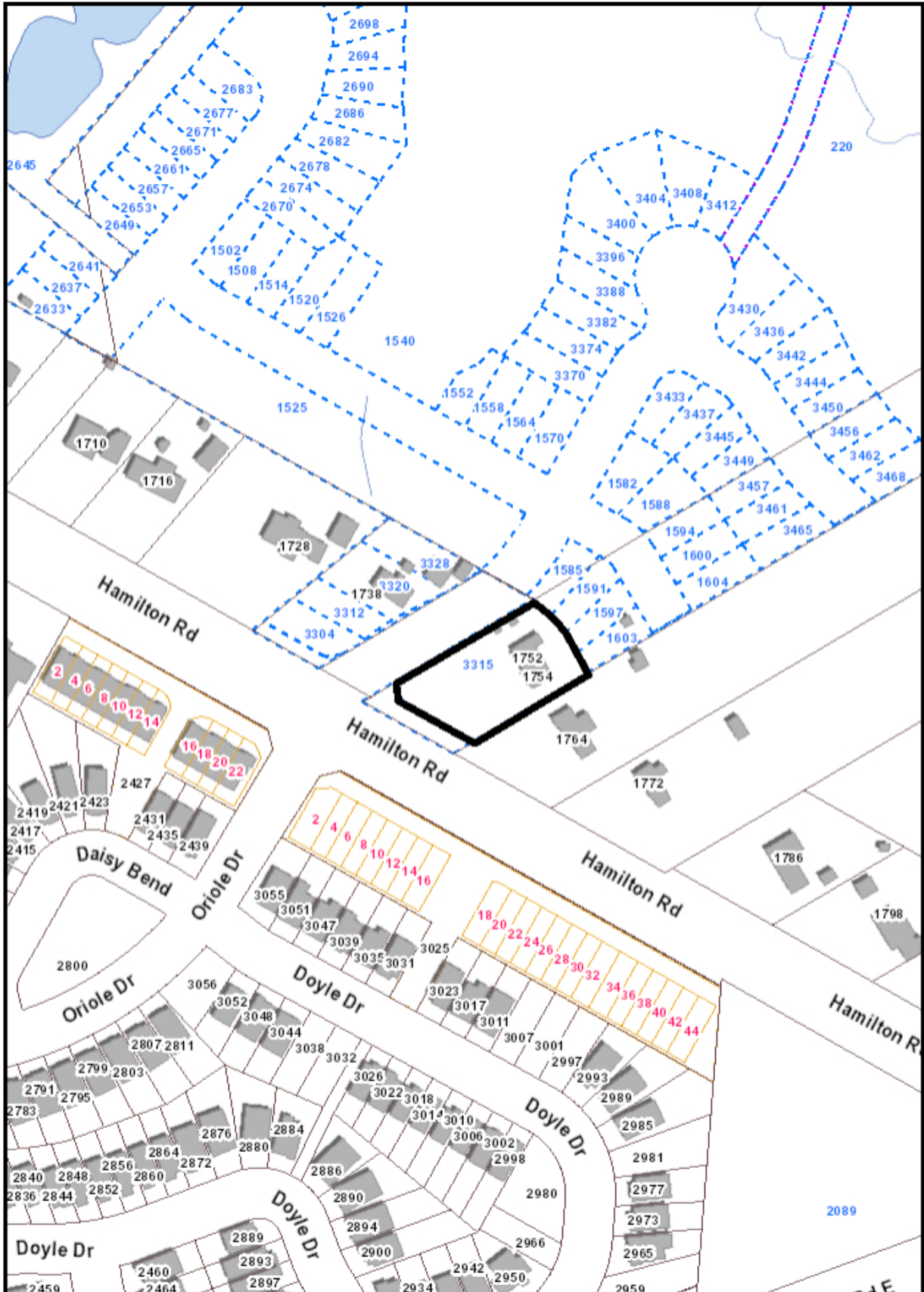
### 1.4 Site Characteristics

- Current Land Use – residential
- Frontage – approx. 42 metres
- Depth - approx. 79 metres
- Area – 0.26 hectares (2,600 sq.m.)
- Shape – Irregular

### 1.5 Surrounding Land Uses

- North – vacant lands for future residential development
- East – residential single detached dwelling
- South – future residential townhouses
- West – residential single detached dwelling

1.6 Location Map








**Location Map**

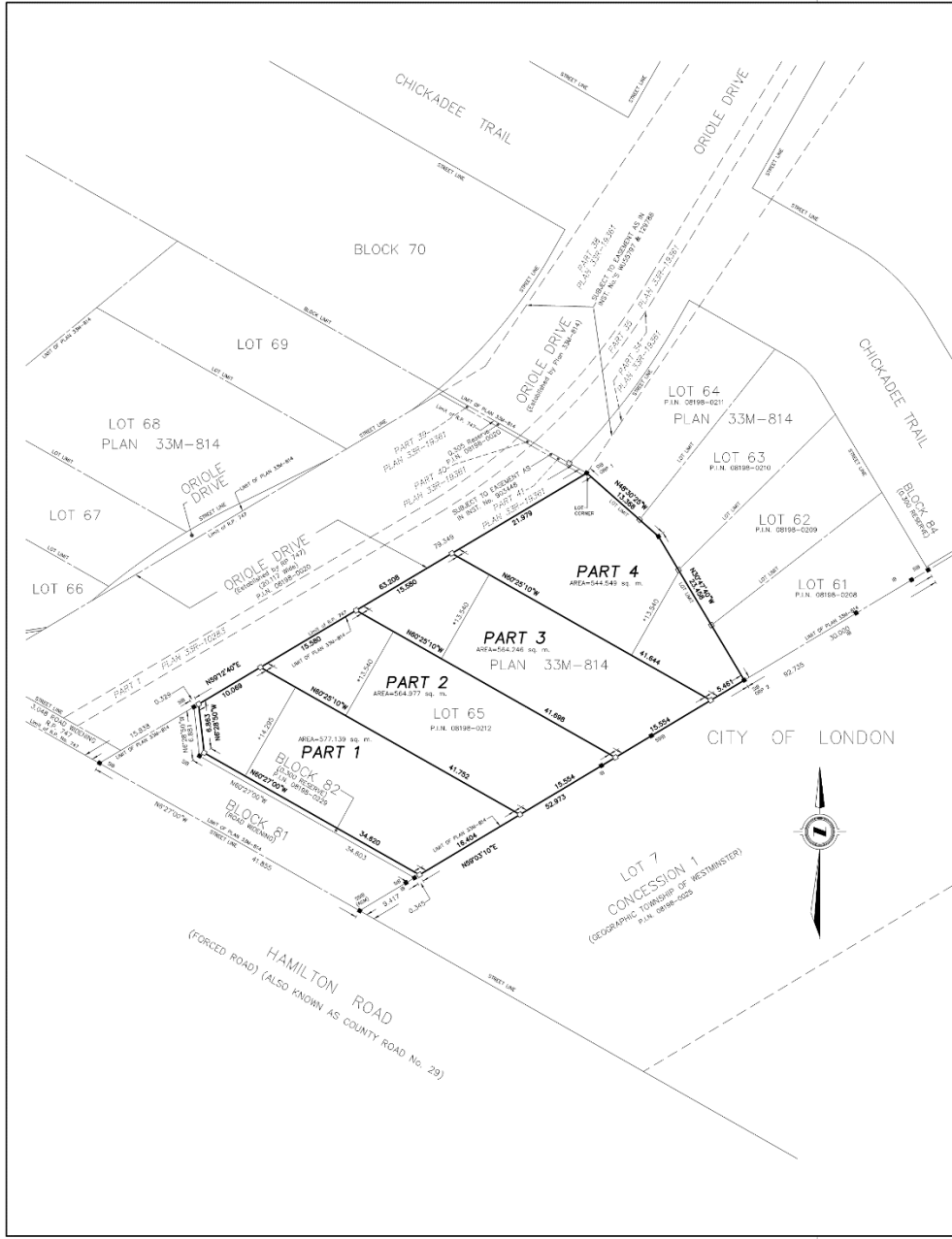
Subject Property: Exemption from Part Lot Control  
 Applicant: Thames Village Joint Venture  
 File Number: P-9315  
 Created By: Larry Mottram  
 Date: 2/15/2022  
 Scale: 1:2000

Corporation of the City of London

**Legend**

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

# 1.7 Proposed Lotting Plan (Parts 1 to 4)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

ROBERT WOOD  
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX. (No. 33)

PART SCHEDULE		
PART	LOT	P.I.N.
1	PART OF 65	33M-814
2	PART OF 65	33M-814
3	PART OF 65	33M-814
4	PART OF 65	33M-814

PARTS 1 TO 4 INCLUSIVE COMPRISE ALL OF PIN: 08198-0212

**PLAN OF SURVEY**  
OF ALL OF  
**LOT 65**  
**PLAN 33M-814**  
IN THE  
**CITY OF LONDON**  
**COUNTY OF MIDDLESEX**

SCALE: 1:300  
1 2 3 4 5 6 7 8 9 10 20  
METRES

2022  
ARCHIBALD, GRAY & MCKAY LTD.  
ONTARIO LAND SURVEYORS

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;  
2) THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_th DAY OF \_\_\_\_\_, 2022.

DATE: \_\_\_\_\_ ROBERT WOOD  
ONTARIO LAND SURVEYOR

**NOTES & LEGEND**

- DENOTES WORK NOT FOUND
- DENOTES WORK NOT PLANTED
- DENOTES STANDARD IRON SPK
- SSB DENOTES SHORT STANDARD IRON BAR
- SB DENOTES IRON SPK
- PB DENOTES PLASTIC BAR
- OC DENOTES CUT CROSS
- WT DENOTES WITNESS
- ADM DENOTES ARCHIBALD, GRAY & MCKAY LTD., O.L.S.'s
- PKS DENOTES P.K.'S. LAND SURVEYING
- CO DENOTES CROWN OSTE INC., O.L.S.
- P1 DENOTES PLAN 33M-814

**UTM GRID NOTES**  
REFERENCES ARE U.T.M. GRID IN NAD83 (ORIGINAL) DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.

UTM ZONE 17	NAD83 (ORIGINAL) GRID CO-ORDINATES	UTM GRID CO-ORDINATES
POINT ID	NORTHING	EASTING
OMP 1	4752924.812	488333.709
OMP 2	4754933.433	488345.724

LINEAR VALUES SHOWN ON THIS PLAN ARE GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999961964.

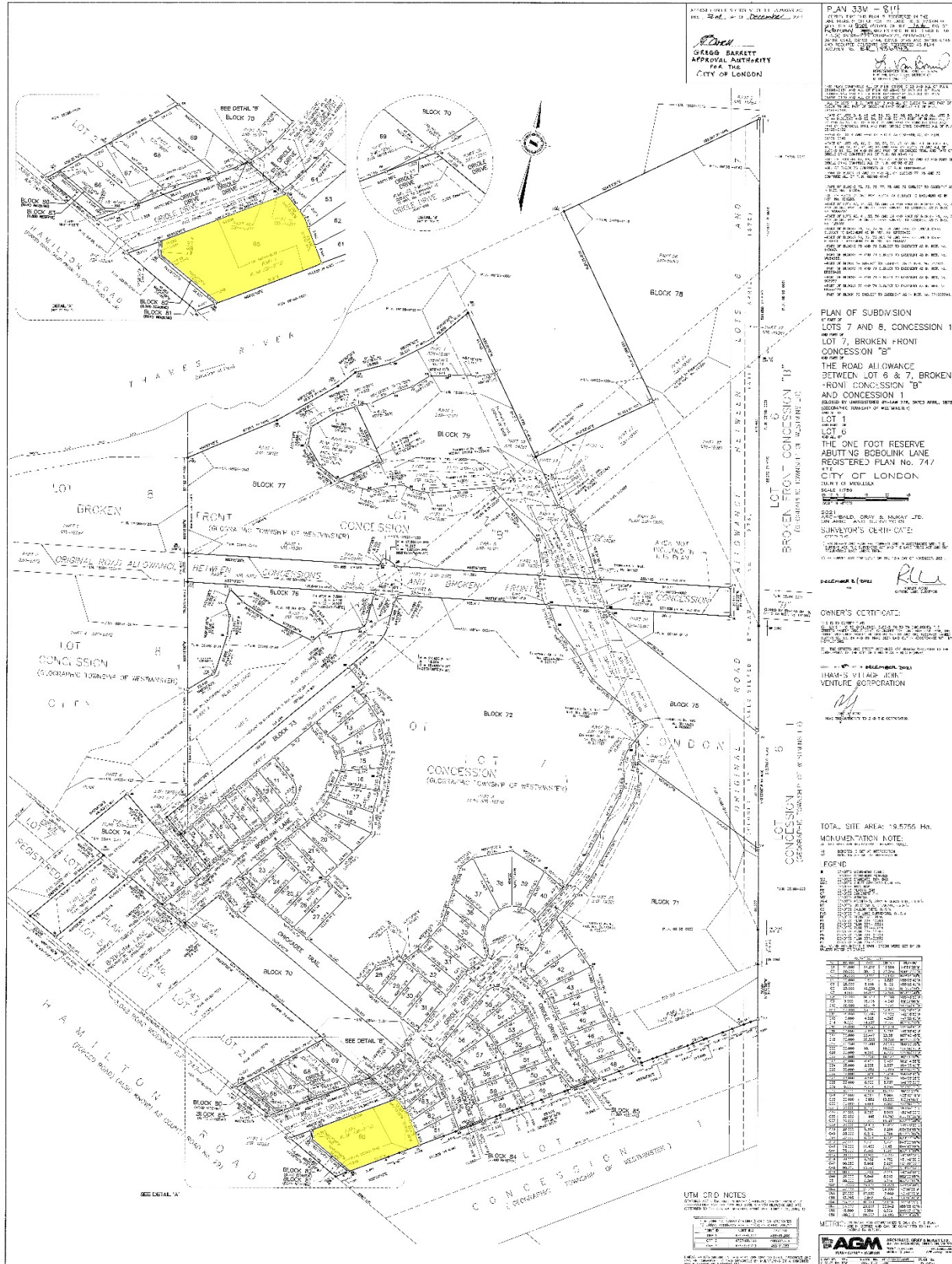
**METRIC** - DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**AGM ARCHIBALD, GRAY & MCKAY LTD.**  
314 HURON ROAD, LONDON, ON, N6A 2Z9  
PHONE 519-845-5300 FAX 519-845-5303  
EMAIL info@agm.com WEB www.agm.com

DRAWN BY: \_\_\_\_\_ DATE: \_\_\_\_\_ JOB FILE: 132215 PLAN NO: \_\_\_\_\_  
CHECKED BY: RW DATE: 13/02/22 JOB FILE: 132215 PLAN NO: \_\_\_\_\_  
PROJ. MAN: RW DATE: 08/02/22 FILE NO: 13-0814-02-1 PLAN NO: \_\_\_\_\_

**4-2-8507**

## 1.8 Thames Village Joint Venture Subdivision (Registered Plan 33M-814)



## 2.0 Discussion and Considerations

### 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 Building Division. Development Engineering confirmed that the draft standard conditions are applicable, and the only additional conditions were with respect to removal of existing buildings and structures, and implementation of noise attenuation measures to reflect conditions in the Subdivision Agreement and servicing drawings.

## 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.

## 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 Key Issues and Considerations

Through By-law No. CPOL.-392-153, Municipal Council enacted a policy to guide consideration of requests for Exemption to Part-Lot Control. 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;*

The subject lands are zoned Residential R1 (R1-3) which permits single detached dwellings. The applicant will be required to submit a draft reference plan to Planning and Development for review and approval to ensure the proposed 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.

- 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;*

The applicant intended to consolidate the remnant parcel at 3315 Oriole Drive (formerly known as 1752-1754 Hamilton Road) as a single lot/block within the plan of subdivision as it went through the process of final approval and registration. At that point, an application could be considered by Municipal Council to pass a by-law exempting the block from the Part Lot Control provisions of the Planning Act to allow for creation of the four (4) single detached dwelling lots reflecting the lotting on the north side of Oriole Drive. The complete division of land was not practical at the time of subdivision approval and registration due to the presence of an existing dwelling which is intended to be removed.

- 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;*

The nature and character of the subdivision are not changed by the part-lot control exemption. The proposal is consistent with the intended use of the block as established through the plan of subdivision 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;*

The exemption of part lot control creates four (4) individual lots as one transaction instead of requiring separate and individual land divisions to create the interests in land.

- 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*

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-family, Medium Density Residential in the 1989 Official Plan, which permits single detached dwellings. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision and zoning approvals. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Oriole Drive and no private roads are proposed.

- 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.*

The applicant is responsible for all costs associated with the registration of the Exemption to Part-Lot Control by-law, in accordance with City Policy.

## Conclusion

In accordance with the provisions of the Planning Act, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the Planning Act to establish lot lines for the single detached dwellings, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Thames Village Joint Venture Subdivision, subject to the completion of the proposed conditions.

**Prepared by:** Larry Mottram, MCIP, RPP  
Senior Planner, Subdivisions and Condominiums

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P. Eng.  
Deputy City Manager, Planning and Economic Development

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

CC: Matt Feldberg, Manager, Subdivisions and Development Inspections

April 11, 2022  
SM/GB/BP/LM/lm



## Appendix A

Bill No. (Number to be inserted by  
Clerk's Office)  
202\_\_

By-law No. Z.-1-\_\_\_\_\_

A by-law to exempt from Part-Lot  
Control, lands located at 3315 Oriole  
Drive (formerly 1752-1754 Hamilton  
Road), legally described as Lot 65 in  
Registered Plan 33M-814.

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 Thames Village Joint Venture Corporation, it is expedient to exempt lands located at 3315 Oriole Drive (formerly 1752-1754 Hamilton Road), legally described as Lot 65 in Registered Plan 33M-814, from Part Lot Control;

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

1. Lot 65 in Registered Plan 33M-814, located at 3315 Oriole Drive (formerly 1752-1754 Hamilton Road), 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 single detached dwellings in conformity with the Residential R1 (R1-3) 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

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading -  
Second Reading -  
Third Reading -