



# Township of Scugog Staff Report

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**Report Number:** DEV-2024-024

**Prepared by:** Valerie Hendry, Manager of Planning

**Department:** Development Services

**Report To:** Council

**Date:** June 24, 2024

**Reference:** Strategic Direction 5: Complete Community: Strengthen our communities to be inclusive, healthy, safe, connected and engaged.  
SD5 Objective 2: Create a vibrant, safe and healthy community

**Report Title:** **Removal of Part Lot Control, Lot 34, 40M-2764, Delpark Homes**

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## Recommendations:

1. **THAT** Report DEV-2024-024, Removal of Part Lot Control, Lot 34, 40M-2764, Delpark Homes, be received; and
  2. **THAT** Council enact a Part Lot Control By-law for those lands Lot 34, 40M-2764
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## 1. Background:

- 1.1. This report recommends that Council exempt the subject property from a part lot control by-law in order to create the final lots for the two linked dwelling units within the Delpark Homes Subdivision, 40M-2764.
- 1.2. The first phase of the Delpark Homes Subdivision is under construction. Delpark Homes entered into a subdivision agreement with the Township in November 2023 and the Subdivision Plan was registered as Plan 40M-2764 legally creating the lots.

- 1.3. The first phase contains semi-detached, street townhouses and linked dwellings. These lots are to be constructed on a lot and then subdivided with the new property line to be located along the shared wall or footings between units.
- 1.4. The Township has received an application to remove lot 34, Registered Plan 40M-2764 from part-lot control to allow to fix the location of the lot line.
- 1.5. Section 50(5) of the Planning Act provides that part of a lot within a registered plan of subdivision cannot be subdivided or transferred without the approval of the Municipality. Part-lot control has the effect of preventing the further division of land in a registered plan of subdivision without municipal approval. Section 50(7) of the Planning Act authorizes municipalities to enact a By-law in order to remove lands within a registered plan of subdivision from part-lot control.
- 1.6. Exemption from part-lot control is commonly used for semi-detached, townhouse and link dwellings, as these individual lots are not usually indicated on a registered plan of subdivision. This approach is used because of the difficulty a builder would have in constructing the common center wall between dwelling units exactly on the mutual property line. In removing specific lots from the scope of part lot control, the mutual property boundary may be established by way of survey through the common center wall of the as-built structures.
- 1.7. The developer has indicated that the use of a Part Lot Control By-law for the lot creation of semi-detached, townhouse and linked dwellings will be utilized for all phases of the Delpark Homes subdivision that contains these dwelling types.

## **2. Discussion:**

- 2.1. A Subdivision Agreement has been prepared and executed in November 2023. All Draft Plan Conditions related to Phase One are completed.
- 2.2. The Region of Durham is the approval authority for the Plan of Subdivision and the plan has been registered as Plan 40M-2764.
- 2.3. The proposed part-lot control By-law is intended to implement the approved use of the lands for two linked dwellings on Lot 34. Development is already recognized in the Plan of Subdivision and Subdivision Agreement.
- 2.4. Planning Staff have no objections to the proposed part-lot control By-law subject to an expiry date of two (2) years from the date of registration. This timeframe is consistent with the part-lot control By-laws for other part-lot control exemptions approved previously by the Township. The two (2) year timeframe is sufficient to finalize the lot creation and have the new lots registered with the registry office.

- 2.5. If passed by Township Council, this By-law will be forwarded to the Region of Durham for final approval. As the approval authority for plans of subdivision and condominium, the Region is also responsible for approval of part-lot control applications and associated By-laws.
- 2.6. Planning Staff are satisfied that the development of the lots has reached a stage where development will be proceeding, and that building permits will not be issued until the part lot control By-law is enacted. No staff department had any concerns with the application.
- 2.7. The proposed lots meet the lot area and frontage requirements in the RM3-15 (Urban Residential Multiple Three) Zone.

### **3. Financial Implications:**

- 3.1. There are no financial implications.

### **4. Communication Considerations:**

- 4.1. The Planning Act does not require public consultation for part lot control applications. The public was provided the opportunity to provide their comments for the related draft plan of subdivision.

### **5. Conclusion:**

- 5.1. Staff recommends that Council exempt the subject property from a part lot control by-law to create the final lots for the linked dwelling units within the Delpark Homes Subdivision, 40M-2764.

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Respectfully Submitted by:

Valerie Hendry, MCIP, RPP  
Manager of Planning

Reviewed By:

Kevin Heritage, MCIP, RPP  
Director of Development Services

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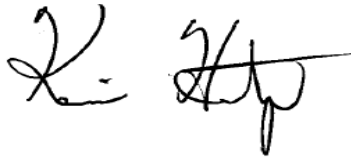
### **Attachments:**

Attachment 1: Draft Part Lot Control By-law and R-Plan (survey) for Lot 34 for Linked Dwelling Lots

**Report Approval Details**

Document Title:	Removal of Part Lot Control - Lot 34, Plan 40M-2764, Delpark Homes - DEV-2024-024.docx
Attachments:	- Draft PLC By-law.docx
Final Approval Date:	Jun 19, 2024

This report and all of its attachments were approved and signed as outlined below:



Kevin Heritage



Kenneth Nix