Report
Staff Report
The Corporation of the City of Brampton
2022-06-15

Date: 2022-06-03

Subject: **Castlemore Plaza Inc., the owner of 3425 Countryside Drive and 10990 Goreway Drive, requests the City to de-register Lot 16 on Plan M90, save and except Part 10 on Plan 43R-33312 from a plan of subdivision in order to legally merge two parcels of land – W**

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Report Number: Legislative Services-2022-621

Recommendations:

1. **THAT** the report from Anthony-George D'Andrea, Legal Counsel, Real Estate & Planning Law dated June 3, 2022 to the Council Meeting of June 15, 2022 re: **Castlemore Plaza Inc., the owner of 3425 Countryside Drive and 10990 Goreway Drive, requests the City to de-register Lot 16 on Plan M90, save and except Part 10 on Plan 43R-33312 from a plan of subdivision in order to legally merge two parcels of land – Ward 10,** be received;

2. **THAT** Council enact a by-law to deem Lot 16 on Plan M90, save and except Part 10 on Plan 43R-33312 not to be part of a registered plan of subdivision for the purposes of subsection 50(3) of the Planning Act; and,

3. **THAT** the City provide notice of passage of the by-law as required by subsection 50(29) of the Planning Act.

Overview:

- **As a result of a recent development which straddled two separate, but abutting, parcels of land (3425 Countryside Drive and 10990 Goreway Drive), the owner of each parcel entered into a site plan agreement with the City of Brampton.**
- **To ensure the approved development would not be fractured by one of those parcels being sold off without the other (which could lead to servicing, access, parking, and zoning issues), staff required that a s.118 restriction be registered on title to the parcels of land which would prohibit the transfer or charge of the parcels of land without the consent of the City of Brampton.**
- **A condition in the site plan agreement for that development states that the City will agree to the removal of the s.118 restriction upon the owner providing satisfactory evidence of the legal merger of both parcels.**
- **The lands on which the development is located is now owned by the same owner (Castlemore Plaza Inc.) and the owner is now seeking to have the City consent to remove the s.118 restriction.**
- **To assist in satisfying the City that the legal merger of both parcels has occurred, the owner has requested that the City de-register Lot 16, Plan M90, Save and Except Part 10 on Plan 43R-33312.**
- **De-registration of a plan of subdivision allows part of a lot on a concession and a lot on a plan of subdivision (10990 Goreway Drive and 3425 Countryside Drive respectively in this case) which are owned by the same entity and abut one another, to legally merge.**
- **Once the de-registration by-law is registered on title and title has merged, the City will be in a position to consent to the removal of the s.118 restriction.**

Background:

Castlemore Plaza Inc. (the "Owner") is the registered owner of the lands legally described as Lot 16, Plan M90, Save and Except Part 10 on Plan 43R-33312 ("Parcel #1"), municipally known as 3425 Countryside Drive, and the adjacent parcel legally described as Part of Lot 15, Concession 7 N.D. (Tor.Gore) designated as Parts 1 and 2 on Plan 43R-34695 ("Parcel #2"), municipally known as 10990 Goreway Drive (collectively referred to as the "Lands").

A site plan application was submitted to build a plaza which straddles the two parcels that make up the Lands. As a condition of site plan approval the City required the owners at the time to register a s.118 restriction on the Lands to prevent any transfer or charge of anything but the whole of the Lands without the consent of the City. This condition was imposed because the City did not want the development to be fractured (one parcel to be sold off without the other) in the future as it would create a number of issues on site between the two parcels (i.e., servicing, access, parking, building and zoning). A condition of the site plan agreement states that the City will agree to a release of the s.118

restriction upon legal merger of Parcel #1 and Parcel #2 and the consolidation of their respective parcel registers, as this would greatly diminish the possibility of the Lands being split in the future.

Current Situation:

Section 50(4) of the Planning Act enables Council by by-law to designate any plan of subdivision, or part thereof, that has been registered for at least eight years, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the Planning Act. The enactment of such by-law with respect to Parcel #1 will merge it with Parcel #2 because they are adjacent to one another and owned by the same owner. The Owner has requested the City to proceed with the de-registration in order to complete the legal merger of the Lands.

Registered Plan M90 was registered on August 21, 1975. The eight year registration requirement has been met. Furthermore, the City's Planning Dept. is in favour of this request for de-registration and has concluded that it represents good planning and conforms to the policies and regulations for the area.

Corporate Implications:

Financial Implications:

There are no financial implications.

Legal Implications:

In order for the City to release the s.118 Restriction, legal merger of the Lands is required. In the case of lots/blocks on a plan of subdivision, de-registration of the plan of subdivision resolves these issues by allowing the lot on the plan of subdivision and the part of a lot on a concession, which are adjacent to one another and owned by the same person, to merge in title.

Term of Council Priorities:

This report is aligned with the priority "Brampton is a Well-Run City" as it helps in ensuring orderly development in the City.

Conclusion:

It is recommended that Parcel #1 be deregistered to effect the legal merger of the Lands. This represents good planning and conforms to the policies and regulations for the area.

Authored by: Reviewed by:

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Approved by:

Diana Soos, Commissioner
Legislative Services

Report authored by Anthony-George D'Andrea

Attachment 1: Plan of Subdivision M90