

Filing Date: April 27, 2023

Hearing Date: May 30, 2023

File: B-2023-0014

**Owner/
Applicant:** SYED IKHLAQ JAFRI AND SAIMA JAFRI

Address: 37 Kalmia Road and 37 Kalmia Road

Ward: WARD 5

Contact: Rajvi Patel, Assistant Development Planner

Proposal:

The purpose of the application is to request consent to re-establish separate properties arising from a merger of adjacent lots. The severed property has a frontage of approximately 7.25 metres (23.79 feet), a depth of approximately 32.72 metres (107.35 feet) and an area of approximately 237.22 square metres (0.06 acres). It is proposed that the properties municipally known as 37 Kalmia Road and 37 Kalmia Road, each occupied by a single detached dwelling, be re-established as individual properties.

Recommendations:

That application B-2022-0014 is supportable, subject to the following conditions being imposed:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
 2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;
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Background:

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Low Density 2' in the Credit Valley Secondary Plan (Area 45); and
- **Zoning By-law:** The subject property is zoned 'Residential Semi Detached D-7.0 (R2D-7.0-1498)' according to By-Law 270-2004, as amended.

Current Situation:

The applicant has submitted a consent to sever application to re-establish two separate parcels of land at the properties municipally addressed as 35 Kalmia Road and 37 Kalmia Road. Properties may in law 'merge in title' and become one property for property assessment purposes when two or more abutting properties come under a single ownership, which has occurred in this instance. Each lot is occupied by a single detached dwelling, the application is not proposing any new development on the lot or dwelling. This consent application will sever the parcels from single ownership, returning the subject properties to two individual parcels. Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

SCHEDULE "A"
**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed severance is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.

j) <i>The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	No conveyance of lands are required.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance has no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	No new development is being proposed in this application. There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.