



City of Guelph Part Lot Control Exemption Manual

Version 1

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Most recent version of this manual

This manual will be reviewed and updated from time to time. You can retrieve the most recent version online at guelph.ca. If you encounter any difficulties, please contact the Planning Services department at planning@guelph.ca or **519-837-5616** to obtain the latest copy.

Suggestions to improve this manual

This manual will be reviewed and updated from time to time. As a user of this manual, we ask and welcome users to provide comments/suggestions.

Alternative formats are available upon request
in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*.

Subsection 50(5) of the Planning Act regulates Part Lot Control. It states that part of a lot or block on a registered plan of subdivision cannot be sold, charged (e.g. mortgaged) or transferred separately from the rest of the lot or block without the municipality's approval. This includes a Transfer of Easement (e.g. maintenance and access easements). Part Lot Control prevents the arbitrary division and conveyance of land by deed or transfer, other than whole blocks or lots that were created through a legally approved and registered plan of subdivision. With Part Lot Control in effect, parts of whole blocks or lots can usually only be created and legally conveyed once further approved by the municipality, through a consent (severance) application.

The Province and the municipality use this section of the Planning Act to prevent potentially uncontrolled and indiscriminate creation of parts of lots not created within a plan of subdivision or through the land division (severance) process.

What is part lot control exemption?

Subsection 50(7) of the Planning Act presents exemptions to Part Lot Control, allowing a property owner to create and convey a portion (or portions) of a lot without further approvals. An exemption can be granted as long as the proposed lot division **does not**:

1. Require new roads or services, and/or
2. Change the nature/character of the subdivision and/or current pattern of lotting.

To initiate the exemption process, an application is submitted to the City, requesting a temporary "lift", or removal, of Part Lot Control. This is done by passing a bylaw.

Part Lot Control Exemption is typically requested to allow for the creation of semi-detached and street townhouse dwelling lots, once the buildings are under construction and unit demising foundations/walls are in place. This process may also be used to modify lot lines, correct title or create an easement.

Part lot control exemption process

Part Lot Control Exemption may be considered to create different types of lots within a lot or block on a registered plan of subdivision, such as:

- Townhouse lots
- On-street townhouse lots
- Semi-detached lots
- Industrial or commercial lots

Refer to **Appendix A** to see an illustration of the Part Lot Control Exemption process. This is also summarized on the next page.

Initial review meeting (optional)

An Initial Review Meeting is an optional, yet valuable, preliminary step in the Part Lot Control Exemption process. Planning, Urban Design and Building Services staff will review your preliminary request and provide useful advice and feedback, before you submit the formal application. They check the completeness of your application, so it is efficiently processed once you submit the formal application. However, this initial meeting **does not guarantee** that staff will recommend your application be approved.

All applicants are encouraged to take advantage of the Initial Review Meeting step.

A request for an Initial Review Meeting can be made using the form found at: guelph.ca/wp-content/uploads/050916_InitialPlanningMeetingRequestForm.pdf

Seven steps of the part lot control exemption process

The Part Lot Control Exemption process includes the following seven steps:

1



Step 1

The application is submitted to Planning, Urban Design and Building Services. It includes a **draft** reference plan, the application fee, the application form, and any additional materials/documents identified during the initial review meeting (if held).

2



Step 2

The application is reviewed to determine if the subject property is within a registered plan of subdivision, is appropriately zoned and if Site Plan Approval has been obtained. If access easements were identified on the approved site plan they should be shown on the draft and deposited registered plan.

3



Step 3

The draft reference plan is reviewed for zoning compliance by Development Planning staff. Upon a successful review, the File Manager informs the applicant that the plan may be deposited in the Registry Office.

4



Step 4

Once the applicant's surveyor deposits the Reference Plan, Development Planning staff prepares a Draft Part Lot Control Exemption Bylaw and forward it to Legal, Realty and Risk Services for review.

5



Step 5

The City Clerk's Office adds the bylaw to the next available Council agenda.

6



Step 6

After (and if) the bylaw is passed by Council, the Mayor and the City Clerk sign it and returns it to Legal, Realty and Risk Services for registration at the Registry Office. A Part Lot Control Exemption Bylaw usually has an expiry period of three (3) years.

7



Step 7

Legal, Realty and Risk Services sends a copy of the Registered Bylaw to the applicant, along with an invoice for the registration fee, and the registration and search disbursements charged by the Province.

8



Step 8

An extension may be applied for, if necessary.

NOTE:

The applicant is responsible to submit a complete building permit application. More information on applying for building permits can be found on guelph.ca/city-hall/building-permits-inspections/.

Required application form

The required application form can be found at: [guelph.ca/wp-content/uploads/Part Lot Control Application.pdf](http://guelph.ca/wp-content/uploads/Part_Lot_Control_Application.pdf)

Required fees

The Planning Application fees can be found at: guelph.ca/city-hall/planning-and-development/how-to-develop-property/development-application-fees-and-charges/.

See the Part Lot Control Exemption Application Fee in the Fee Bylaw.

The Legal, Realty and Risk Services registration fee for Part Lot Control Bylaws can be found at: guelph.ca/wp-content/uploads/UserFeesBylaw2016.pdf

Application checklist

The following materials are required to process an application:

- Application fee
- two (2) copies of the application form
- two (2) copies of a draft reference plan, illustrating all proposed lots* and all proposed access easements
- four (4) hard copies (two full size to scale and two reduced to legal size) and a digital copy of the deposited reference plan* in AutoCAD .dwg format.

*a deposited reference plan and digital copy of same are not required up front. They are required to be submitted after step 3 (see Seven Steps of The Part Lot Control Exemption Process above). However, should the applicant wish to submit these items up front they would be doing so at their own risk.

Application acceptance

The City of Guelph will review your application for completeness and accuracy. Staff will make every effort to complete this within two (2) days of receiving an application.

Should your application be considered as not complete, staff will contact the applicant by email, as provided in the application form, and indicate what additional information or material is required to be submitted.

The process takes approximately four (4) weeks to complete. However, this process will only begin once the City has deemed your application to be complete.

Application processing

Once the application is deemed complete, the File Manager will create the bylaw, which will then be forwarded to Legal, Realty and Risk Services for legal description confirmation and accuracy. Once in final form, the bylaw will be forwarded to the City Clerk's department for inclusion on the next Council agenda.

Communications regarding application status

Applicants will be notified at the following key milestones in the application process:

- When the application is received and a File Manager is assigned to your application
- The Council meeting date when the bylaw will be heard
- When the approved bylaw is registered on title

Approval

Council consideration of approval of the Part Lot Control Exemption will occur at the Council Meeting during which the bylaw is scheduled to be heard. If, and after, Council passes the bylaw, the Mayor and City Clerk sign the bylaw and send it to the Clerk's Department to be certified. It is then returned to Legal, Realty and Risk Services to be registered on title. Legal, Realty and Risk Services then notifies the applicant that the bylaw was registered. An invoice is sent to the applicant for the registration fee, and the registration and search disbursements charged by the Province. This completes the Part Lot Control Exemption process.

There is no appeal period.

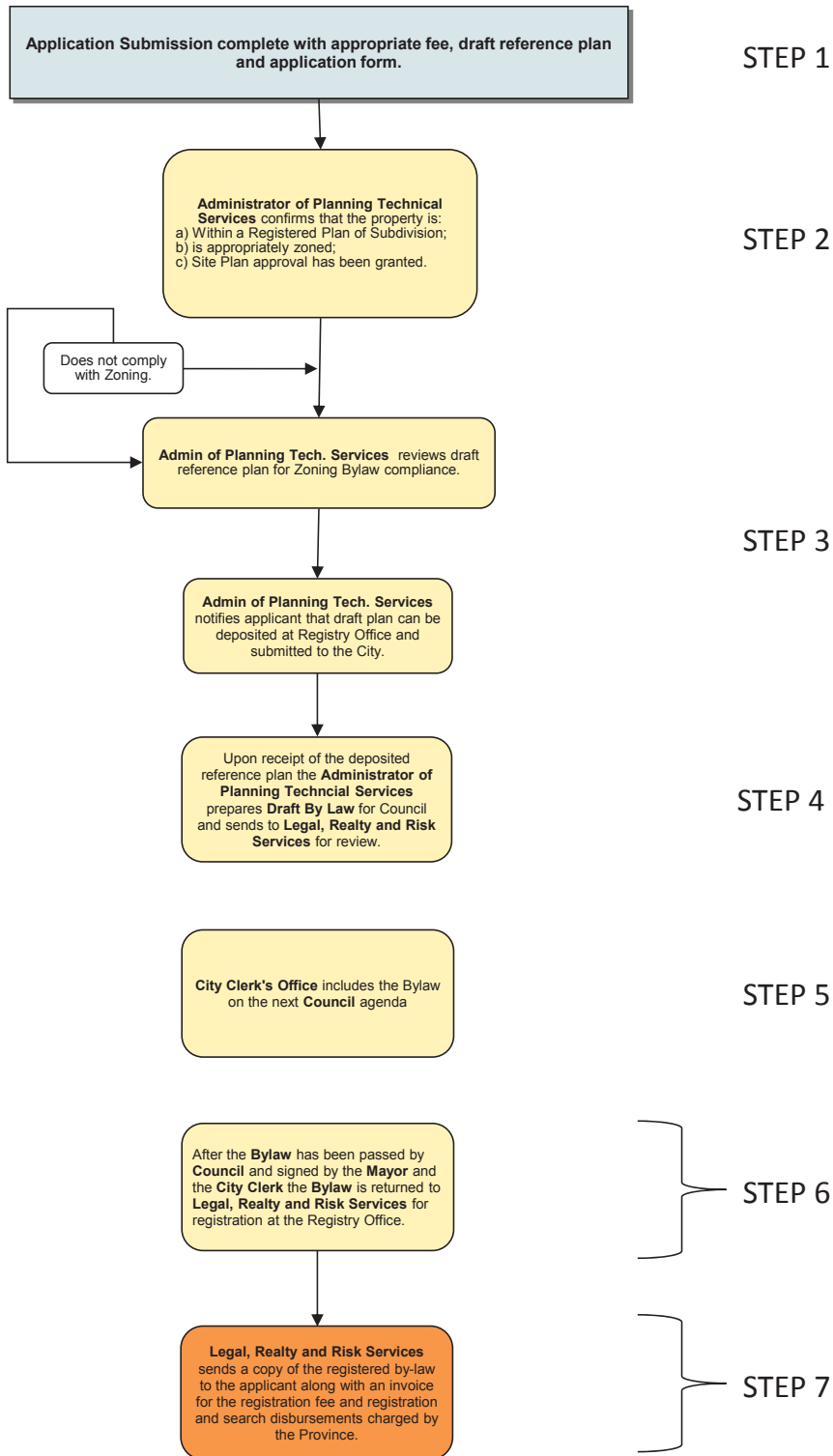
Bylaw extension

If, due to extenuating circumstances, the applicant is not able to complete the transfer of the lands within the three (3) year expiry period, an extension may be requested by providing a written request to the Development Planning Division at planning@guelph.ca.

Request for repeals

Should an applicant require the bylaw to be repealed, a written request should be made to the Development Planning Division at planning@guelph.ca.

Process map



Application for Part Lot Control Exemption



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1. Type and purpose of proposed request (check one)

- Residential
 - Townhouse
 - On-street townhouse
 - Semi-detached
 - Detached

- Non-residential
- Correction of title
- Creation of easement
- Request for extension

2. Project name

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3. Property information

Municipal address:
Legal description:
Roll number:
PIN number:
Property size:

Application for Part Lot Control Exemption



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4. Proposal information

General description of property and intent of application

5. Applicant information

Applicant name:
Applicant is:
Full mailing address:
Email:
Telephone:

Note: All correspondence, notices, etc. initiated by the City in respect of this application will, unless otherwise required bylaw, be directed to the applicant noted above, except where no applicant is employed, in which case it will be directed to the registered owner. Where the registered owner is a numbered company, please indicate a project or development name.

6. Registered owner information

Owner name:
Full mailing address:
Email:
Telephone:

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7. Owner's lawyer information (optional)

Lawyer name/Law firm:
Full mailing address:
Email:
Telephone:

8. Ontario Land Surveyor information

Name/Company:
Full mailing address:
Email:
Telephone:

9. Lots or blocks proposed for exemption

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10. Description of existing easements

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11. Description of proposed easements

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Application for Part Lot Control Exemption



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12. Corresponding Subdivision/Site Plan or adjacent or associated Condominium/Committee of Adjustment file number(s)

File number:
Status:
File number:
Status:
File number:
Status:

13. Affidavit of owner or authorized agent

I _____ of the _____ in the _____
 (full name) (city/town) (municipality)

Solemnly declare that all the above statements contained within the application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

Declared before me at the _____ in the _____
 (city/town) (municipality)

This _____ date of _____ month, 20____.
 (day) (month) (year)

 A Commissioner of Oaths

 Signature

Application for Part Lot Control Exemption



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14. Registered owner's authorization

I _____ the _____ of _____
 (full name) (title, if applicable) (corporate registered owner, if applicable)

of the _____ in the _____ confirm that
 (city/town) (municipality)

I, or the Corporation, am the registered owner and hereby authorize
 _____ to prepare and submit an application for
 (applicant name)

Exemption from Part Lot Control.

 (Name of Corporation, if applicable)

 Signature

 Date

Before submitting an application from the Part Lot Control provisions of the Planning Act, please ensure that the following information has been reviewed and is included in the submission.



For more information

Planning, Urban Design and Building Services

1 Carden Street, Guelph, Ontario, Canada N1H 3A1

519-837-5616

planning@guelph.ca