



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: August 14, 2023

FROM: Legal Department

DATE: August 1, 2023

SUBJECT: Request for Release of Subdivision Agreement – Block 21, Plan 20M-349 (Deer Run Avenue)

LOCATION: Southernmost end of Deer Run Avenue

WARD: Ward 3

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RECOMMENDATION:

That staff be authorized to negotiate and finalize the terms of release or amendment of provisions of the subdivision agreement registered against Block 21, Plan 20M-349 in accordance with the report from the Legal Department dated August 1, 2023.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Plan 20M-349 was registered on June 25, 1985 and resulted in the creation of the lots and blocks at the southernmost end of Deer Run Avenue .
- The subdivision agreement includes provisions restricting applications for building permits on Block 21 until adjacent lands to the south are developed.
- Despite the passage of almost 38 years, the adjacent lands have not developed and are not the subject of a development application.
- The owner of Block 21 proposes to construct a house on the lands that would comply with applicable zoning by-law regulations and has requested relief from the provisions of the subdivision agreement.

BACKGROUND:

Plan 20M-349 is the plan of subdivision which includes lands at the southernmost end of Deer Run Avenue. The plan was draft approved in 1982 and registered on June 27, 1985. A copy of Plan 20M-349 is attached as Appendix A to this report.

The subdivision agreement for Plan 20M-349 was registered against title in September 1985 and included the following clause:

- 29(13) **Blocks 21 and 22 do not satisfy the requirements of the Oakville zoning by-law for use as lots and will not be built upon except in conjunction with other blocks.** The lots resulting from their combination with other property adjacent thereto and at that time meeting the requirements of the Oakville zoning by-law for use as lots will be treated as lots subject to this agreement. **The Owner will not require the issuance of a building permit for Blocks 21 and 22 until adjacent lands are added thereto.** The Owner will not require the issuance of a building permit for Block 22 until Deer Run Avenue is extended to Winston Churchill Boulevard.

The location of Block 21 is shown on the excerpt from Plan 20M-349 below:

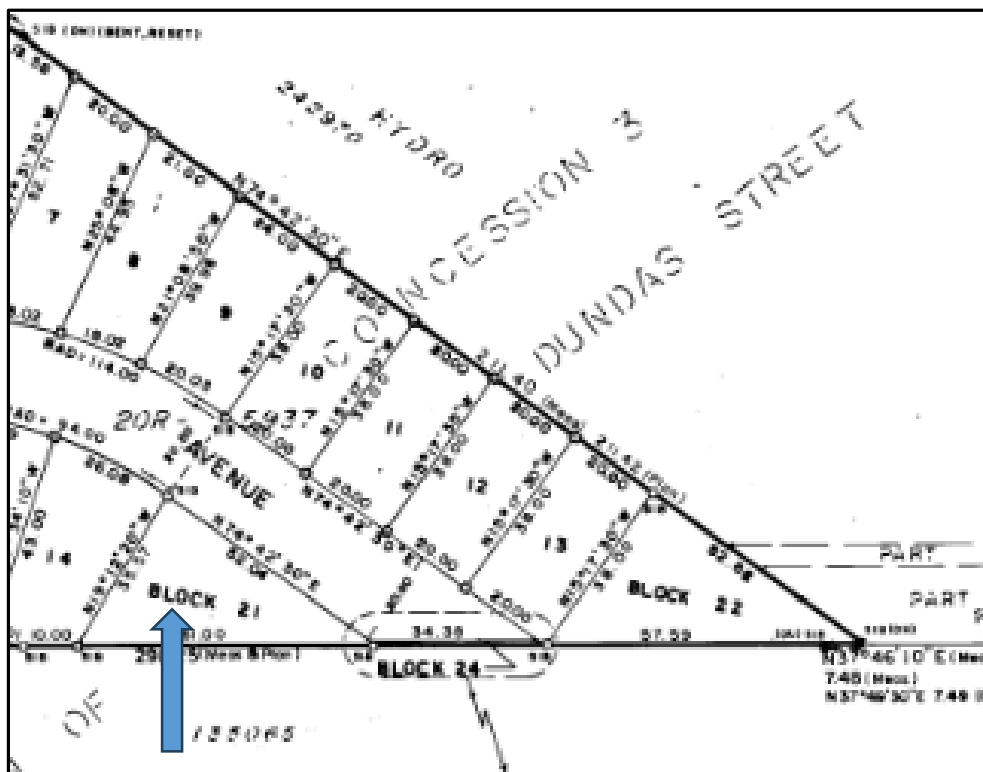


Figure 1 - Excerpt from Plan 20M-249.

The lands are designated Low Density Residential under the Livable Oakville Official Plan and are zoned RL3 – Residential Low Density.

The owner of the property proposes to construct a detached dwelling on Block 21 and has requested Council's consent to terminate and release the owners from the

subdivision agreement and have it deleted from title. A copy of the letter from the owners' solicitor requesting Council's consideration of this request is attached as Appendix B to this report. While the subdivision agreement refers to the Blocks as not satisfying the requirements of the zoning by-law, both the block and the proposed building would comply with the provisions of By-law 2014-014.

As illustrated in the photos attached to Appendix B, there is an existing mailbox and hydro vault along the street frontage for the property. The mailbox is within the road allowance, while the Hydro vault is within an easement on private property. The owner has advised that they do not propose to relocate that infrastructure. The owner is also prepared to extend the sidewalk across the entirety of the property as would have been required at the time of redevelopment.

COMMENTS:

A copy of the staff report from March 23, 1982 is attached as Appendix C to this report. As outlined in that report, there had been a study of the area resulting in a district plan. The purpose of the restrictions in the subdivision agreement was to protect for the achievement of a lot pattern and road pattern that was compatible with the surrounding area.

Staff from the Planning and Transportation and Engineering departments have reviewed the proposal and do not object to the request. An appropriate lotting and road pattern for the area could still be achieved through future development applications on the lands to the south. The proposal would not impact any future extension of the Deer Run Avenue.

Additional considerations relate to this matter are found in the confidential report from the Legal Department appearing elsewhere on this agenda.

As a result of recent changes to the *Planning Act*, through Bill 97, the construction of the dwelling would not be subject to site plan control under section 41 of the *Planning Act*.

Should Council agree to release Block 21 from the restrictions on building permits within the subdivision agreement, staff would negotiate the terms of either an amendment to the subdivision agreement or a new development agreement requiring the extension of the sidewalk and addressing any other issues that may arise that are not covered by other permit requirements.

CONSIDERATIONS:

(A) PUBLIC

This request is not subject to any notice requirements under the *Planning Act*. No formal notice or public consultation has taken place with respect to this request.

(B) FINANCIAL

The applicant is prepared to pay a fee compensating the town for the costs of preparing a development agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

This report has been prepared in consultation with members of the Planning Services Department and Transportation and Engineering Department.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
Livability and Accountability by allowing for the construction of a dwelling on land that has been held vacant for 38 years.

(E) CLIMATE CHANGE/ACTION

No impacts on climate change have been identified as a result of this request.

APPENDICES:

Appendix A – Registered plan of subdivision, 20M-349

Appendix B – Request letter dated July 27, 2023

Appendix C – Staff report, dated March 23, 1982.

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