

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 16, 2016

FROM: Development Engineering Department PD-16-535
DATE: April 12, 2016
SUBJECT: Assumption of Subdivisions - Maroak Plan 20M-720 and Shelter Oak Plan 20M-723 - By-laws 2016-055 and 2016-056
LOCATION: South of Dundas, East of Eighth line
WARD: 6 Page 1

RECOMMENDATION:

1. That the assumption of Registered Plan 20M-720 and 20M-723 be approved;
2. That By-law 2016-055, a by-law to assume public works and streets within Plan 20M-720, be approved; and
3. That By-law 2016-056, a by-law to assume public works and streets within Plan 20M-723, be approved.

KEY FACTS:

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

- All public works being accepted by the Town through these assumptions have been inspected and deemed acceptable.
- All required works, undertakings and obligations set out in the subdivision agreements have been completed.

BACKGROUND:

Planning approvals such as Official Plan amendments, re-zoning and Draft Plan, allow land development opportunities (such as plans of subdivision) to move forward. The next step in the development process is registration of the approved plan. Following plan registration (at the Land Registry Office), these development actions can ensue:

- 1) Lots and blocks within the plan become 'real' parcel of land which can be sold
- 2) Purchasers then close their real estate 'purchase and sale' transaction
- 3) Building permits can then be issued to the 'real' parcel of land

From: Development Engineering Department

Date: April 12, 2016

Subject: **Assumption of Subdivisions - Maroak Plan 20M-720 and Shelter Oak Plan 20M-723 - By-laws 2016-055 and 2016-056**

Page 2

4) The developer sets out to fulfill the obligations set out in the Subdivision Agreement (SA)

Once a Developer completes all the obligations set out in the SA, he/she requests 'assumption' of the subdivision, whereby the municipality formally assumes (by way of by-law) the public infrastructure within. Following assumption, the municipality releases the balance of any held developer securities. Securities at assumption typically represent 25% of the cost of the public infrastructure built within the plan and is typically substantial in size, i.e. millions of dollars.

It would be typical (or normal) to see a plan of subdivision move forward to assumption within 8 to 10 years following its plan registration. In most situations, developers are progressive at moving towards assumption as assumption results in the release of financial securities. These securities, once relieved can then be re-assigned to other business ventures.

The assumption of Plan 20M-720 and Plan 20M-723 have taken an above average length of time (some 5 years beyond the norm) to progress through to final acceptance. We understand that there were some challenges between the developer(s) and his/her supporting engineer and builders that resulted in the delayed submission of required documentation.

Staff have finally received all the required documentation and are pleased to bring forward the recommended assumptions of Plan 20M-720 and Plan 20M-723.

COMMENT/OPTIONS:

Plan 20M-720 consists of a total of 40 single detached lots, 1 buffer block and 6 open space blocks as depicted in Appendix 'A'. This plan was registered on March 25th 1999.

Plan 20M-723 consists of a total of 34 single family lots, 13 partial blocks and 3 open space blocks as depicted in Appendix 'B'. This plan was registered on April 23rd 1999.

The request for assumption was circulated to the standard commenting departments and external agencies and no objections were raised and all necessary clearances have been received.

Staff continue to work with the developer(s) of Plan 20M-720 and 20M-723 on four (4) other plans within the same area that are progressing towards assumption. Appendix 'C' depicts the active and pending assumptions for these developers. We expect the remaining plans, being Plans 20M-989, 20M-992, 20M-996 and 20M-997 to move forward for assumption approval before the end of 2016. These other plans

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were registered between December 2006 and January 2007 and therefore these assumptions are currently within the typical assumption timeframe.

CONSIDERATIONS:

(A) PUBLIC

Not applicable.

(B) FINANCIAL

In accordance with the terms and conditions of the subdivision agreement the balance of subdivision securities can be released.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Engineering and Construction, Parks and Open Space, Legal Services, Finance and Development Engineering) have been circulated.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

The assumption ensures that the development has been constructed in accordance with the sustainability objectives of the draft approval.

APPENDICES:

Appendix A – Plan 20M-720

Appendix B – Plan 20M-723

Appendix C – Active and Pending Assumptions

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