

2024-06-27



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2  
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 1359 Gosset Street  
Legal Description: Part Lot 22, Registered Plan 23  
File No.: D08-01-24/B-00022  
Report Date: June 27, 2024  
Hearing Date: July 2, 2024  
Planner: Samantha Gatchene  
Official Plan Designation: Outer Urban Transect, Neighbourhood  
Evolving Neighbourhood Overlay  
Zoning: R2N (Residential Second Density Zone, Subzone N)

At its March 19, 2024, hearing, the Committee adjourned the application so it could be heard concurrently with a consent application for 1356 Louis Lane, which is impacted by the proposed lot line adjustment. The 1356 Louis Lane application has since been received by the Committee.

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no concerns with** the application.

**DISCUSSION AND RATIONALE**

The Official Plan designates the property Neighbourhood within the Outer Urban Transect and is zoned R2N. The Evolving Neighbourhood Overlay applies. The site is located on the east side of Gosset Street, south of Parisien Street. The application seeks to move the rear lot line of 1359 Gosset Street to the west in order to enlarge the rear yard of the abutting property to the east at 1356 Louis Lane.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent to enable the lot line adjustment.

The proposed lot line adjustment would increase the size of the rear yard of 1356 Louis Lane. This enlargement is appropriate in the context of the proposed consent for the property, which would remove the amenity area currently provided by 1356 Louis Lane's interior side yard fronting Parisien Street. The lot line adjustment would maintain functional rear yard being maintained for 1359 Gosset Street.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

Through pre-consultation it was determined that there are no proposed changes or works related to the requested lot line adjustment, so there are no tree-related concerns with the conveyance. Any future plans for this area must account for the retention and protection of any existing protected trees.

## **CONDITIONS**

If approved, the Planning, Development and Building Services Development Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) satisfies the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance to the existing buildings on Part 2 of Plan 4R-31319 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the easterly side of the proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
2. That the owner(s) file with the Secretary-Treasurer of the Committee of Adjustment the following:
  - a. A copy of the reference plan and/or legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property, known municipally as 1359 Louis Lane, so that no new lot is being created, in accordance with paragraph (b) below.
  - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or

Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The owner(s) shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an application to annex restrictive covenant under Section 118 of the Land Titles Act must be registered on the title of both the severed lands and on the abutting parcel that is to be merged. The covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee of Adjustment:

“These lands have been merged and may not be dealt with separately, without applying for a consent of the Committee of Adjustment.”

- e. In lieu of the undertaking provided in paragraph (c), a replacement undertaking by the solicitor must be filed on behalf of the owner(s) to register the restrictive covenant on both property titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered restrictive covenant with the Committee of Adjustment within 21 days of the registration of the document.
3. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.



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