

2026-03-12



**VALIDATION OF TITLE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 19 Withrow Avenue
Legal Description: Lots 407, 408, 409, 410, 411, 412, 413 and Part of Lot 414 and Part of Adjacent Lane (closed by Judge's order Inst, CR294685) and Part of St. Helen's Place (Closed by Judges Order Inst. CR294865), Reg. Plan 375
File No.: D08-04-26/T-0001
Report Date: March 12, 2026
Hearing Date: March 17, 2026
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning By-law 2008-250: R1FF [632] and R1R [2600]
Zoning By-law 2026-50: N2E [632] and N2C [2600]

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

Section 57 (1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits a committee of adjustment to issue a certificate of validation with respect to land that was previously conveyed and subsequently found to be in contravention of the current *Act* or a predecessor of it.

Per Section 57 (6) of the *Act*, a Validation of Title shall not be issued unless the land in question conforms to the criteria that apply to the granting of consents under Section 51 (24). With respect to the criteria listed in Section 51 (24), staff have no concerns with the application.

As indicated by the applicant, an easement for drainage access benefiting 19 Withrow Avenue and the lots on Theberge Private was registered in 2023. At the time of registration, the lands were still subject to Part Lot Control; however, a Part Lot Control Exemption By-law was later approved in 2025 under File no. D07-08-24-0016. Because

the easement was registered before this by-law was in place, the registration contravened Section 50 of the Planning Act and is therefore considered invalid, requiring remedial action through the issuance of a Validation Certificate



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