

City of Mississauga
Corporate Report



<p>Date: April 27, 2022</p> <p>To: Mayor and Members of Council</p>	<p>Originator's files: T-M 20-001 W6</p>
<p>From: Andra L. Maxwell B.A., LL.B., CIC.C, City Solicitor</p>	<p>Meeting date: May 18, 2022</p>

Subject

Repeal of authorizing By-law 0312-1975 regarding lands at 1240 Britannia Road West

Recommendation

That Council repeal By-law 0312-1975, being a by-law authorizing the execution of an agreement relating to the development of the lands at 1240 Britannia Road West.

Executive Summary

- By-law 0312-1975 was enacted in 1975 authorizing the execution of an agreement relating to the development of the lands at 1240 Britannia Road West.
- By-law 0312-1975 was registered on title to the lands and remains on title.
- The terms and conditions of the agreement authorized by the by-law have been complied with to date, to the satisfaction of the City, and the by-law is moot.
- A by-law to repeal By-law 0312-1975 is required to clean up title to the lands.

Background

On November 24, 2021, Council approved Recommendation PDC-0062-2021 with respect to the rezoning and draft plan of subdivision applications for the lands at 1240 Britannia Road West (the "Lands") as follows:

That the draft plan of subdivision under File T-M20001 W6, National Homes (1240 Britannia) Inc. and Mattamy (Country Club) Ltd., 1240 Britannia Road West to permit 105 townhomes, be endorsed and received for information and that Council acknowledges that the Commissioner of Planning and Building, in accordance with the Commissioner's delegated authority, is contemplating imposing the draft conditions of approval outlined in Appendix 3, once the lands that are the subject of the Agreement of Purchase and Sale in association with Files OZ 20/004 W6 and T-M20001 W6 and the

lands being held by the City from Registered Plan M-1563 for future development, have been transferred to the respective parties and the related implementation steps consequent upon the transfer have first been completed.

This project pertains to a rezoning and a draft plan of subdivision for 108 townhomes and one detached home.

On December 17, 2021, the Commissioner of Planning and Building, in accordance with the Commissioner's delegated authority, issued a Notice of Decision to Approve the Draft Plan of Subdivision. Further, the land transfers contemplated by the agreement of purchase and sale between the parties have taken place. National Homes (1240 Britannia) Inc. is now the owner of the Lands.

National Homes (1240 Britannia) Inc. submitted a request to the City for the deletion of Instrument No. VS367699 from title to the Lands. Instrument No. VS367699 is the City's By-law No. 0312-1975 (the "1975 By-law") which authorized the Mayor and the Deputy Clerk to execute an agreement dated July 28, 1975 between the City and the then owner of the Lands relating to the development of the Lands (the "Agreement"). The 1975 By-law was registered on title to the Lands on September 26, 1975 and it remains on title as of this date.

Comments

In order to clean up title as part of the development of the Lands, National Homes (1240 Britannia) Inc. made a request to the City that Instrument No. VS367699, being the 1975 By-law, be deleted from title. The Agreement is not on registered on title and therefore only the 1975 By-law was requested to be deleted from title. The City's Building & Business Services division of the Planning and Building department determined that Instrument No. VS367699 may be released as all the terms and conditions of the Agreement have been complied with, to the satisfaction of the City. A release of Instrument No. VS367699 was submitted to the Land Registrar of Ontario for registration to remove the By-law from title. The Land Registrar has declined to delete the instrument from title. The Land Registrar advised that a release is insufficient and a by-law to repeal the 1975 By-law is required before the Land Registrar is authorized to delete the by-law from title.

The 1975 By-law has been complied with and is no longer of effect as the Lands are being developed with the City's approval. This is a technical matter to satisfy the Land Registrar in order to clean up title so as to finalize the land transfers which are a part of the development approvals, which approvals and transfers have occurred. The 1975 By-law should therefore be repealed.

Financial Impact

There is no financial impact.

Conclusion

A by-law is required to repeal By-law 0312-1975 as the terms and conditions of the Agreement authorized by By-law 0312-1975 have been complied with and By-law 0312-1975 is no longer required. A repealing by-law is required to clean up title to the Lands.



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