

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): B22.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 PM

Consolidated Recommendation

The City has no objection to the validation, as requested.

Application Details

The applicant requests Certificates of Validation for 5 Studley Street (described as Plan Tor 4 Lot 253) and 7 Studley Street (described as Plan Tor 4 Lot 252).

Background

Property Address: 5 and 7 Studley Street

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69-Residential

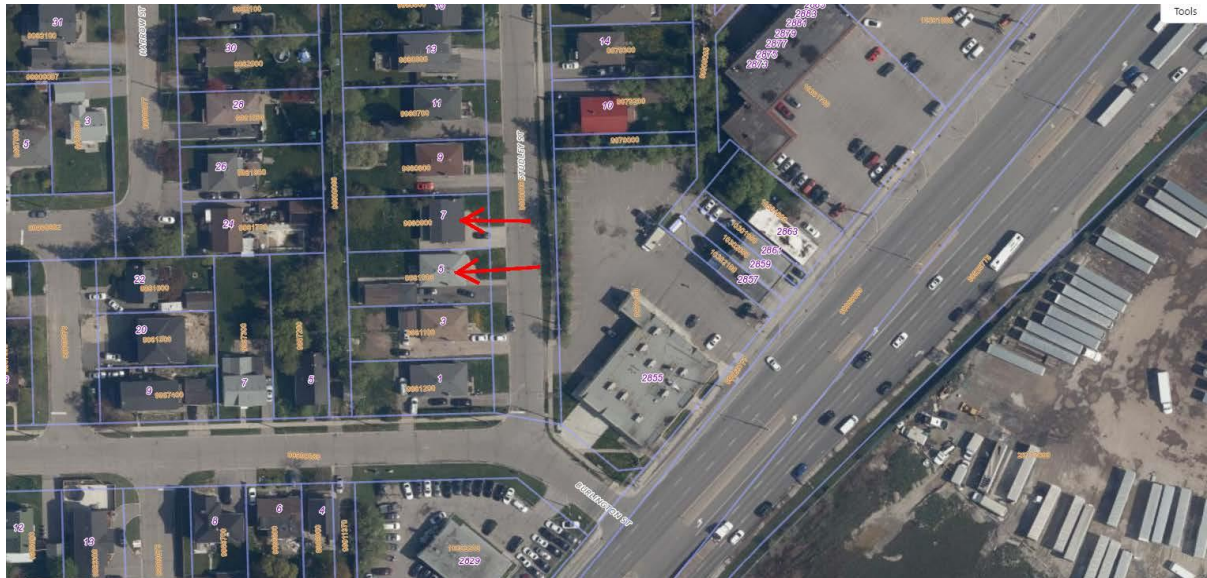
Other Applications: None

Site and Area Context

The subject properties are located on the west side of Studley Street, north of the intersection with Burlington Street in Old Malton Village. Both subject properties currently contain a single storey detached dwelling. Limited landscaping and vegetative elements are present in both the front and rear yards of the subject property. The surrounding area context includes residential

uses, consisting of detached dwellings on similarly sized lots, as well as commercial uses along Derry Road East.

The applicant requests that the committee validate the title of lands known as 5 and 7 Studley Street in order to rectify a past conveyance.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

5 and 7 Studley Street are located within the Malton Neighbourhood Character Area and is designated Residential Low Density I under the Mississauga Official Plan (MOP). The proposed semi-detached dwellings are permitted in this designation and maintains the intent and purpose of the MOP.

Staff note both properties were subject to previous consent and minor variance applications (B39.22, B40.22, A308.22, A309.22, A310.22, A311.22) and approved by the Committee on July 28th, 2022. Through discussion with the applicant's agent, both 5 and 7 Studley Street are still under the same ownership on title. In the process of attempting to sell both subject properties, the lawyers representing the prospective owners noted the properties were merged, even after the severance application in 2022 was completed. Staff note the conditions of the 2022 provisional consents have not been satisfied.

The proposed certificates of validation is to give clear legal standing to the existing lots and allow for future transfer of the property.

Certificates of Validation

Section 57 of the Planning Act provides a process to correct past land transactions that contravened the Act and thereby validate title. Section 57 allows the Committee of Adjustment to authorize the secretary-treasurer to issue a certificate of validation. A certificate of validation is not the same as a severance and does not have the same effect as a severance. It does not create a new parcel. Validation only gives good title to the new owner of a parcel that was created or transferred improperly.

A certificate of validation is used to cure a prior Planning Act contravention and thereby validate the ownership of property and the validity of the mortgage registered against title.

The validation is required to correct the title and validate the severance of both properties. Staff have no objection to the Committee authorizing the Secretary-Treasurer to issue the requested Certificate of Validation.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to correct a title error and the Certificate of Validation would validate the title of the subject property. In this regard, this department has no objections or requirements for this application.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Metrolinx

5 and 7 Studley Street - B22.24

Metrolinx is in receipt of the Consent application for 5 and 7 Studley St to facilitate the technical severance of the lands to unmerge the properties to be under respective ownerships.

Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Weston Subdivision which carries Metrolinx's Kitchener GO Train service.

Advisory Comments:

- As the requested variance is a technical severance to unmerge the two properties on title to be under respective ownerships, and no new development is proposed at this time, Metrolinx has no objections should the committee grant approval to the specified variances.

- The Proponent is advised of the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner