



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: February 17, 2022

Re: Planning Act Changes Regarding Land Division

Staff Recommendation:

The Planning Act Changes Regarding Land Division Report is for information.

Background:

The Provincial government has changed Planning Act sections related to land division.

Bruce County submitted comments on the changes when they were being proposed, arising from a staff report on the May 20, 2021 PDC Agenda ([link to May 20, 2021 report](#)).

Key changes include:

- Time for applicant to meet consent approval conditions increased from one to two years.
- New definition of retained land, and clarification that consent criteria and powers relate to both the severed and retained lands.
- Ability to issue certificates for cancellation of consents, simplifying the process for merging lots and lot additions
- Further exemptions to the subdivision control Section 50 (3) and Part Lot Control Section 50 (5), reducing circumstances where adjacent lots merge due to common ownership
- Inclusion of lands ancillary to a part of the building in provisions related to leases
- Permitting conveyances for foreclosure and power of sale only where lands could already be conveyed.
- Establishing the same criteria for validation certificates as for consents.
- Clearly permitting purchasers or their agents to file an application for consent.
- Requiring certificates to be issued for retained lands, if requested and a registerable description is supplied.
- Permitting amendments to a consent application before a consent is given subject to terms that may be set out by the approval authority.
- Harmonizing public meeting requirements for plans of subdivision with those for other types of public meetings

What these changes mean:

- Fewer lots should merge on title inadvertently (for example, if one owner passes away)
- Applicants have more time to meet conditions for consent approvals, so there should be fewer “lapsed” approvals
- It will be easier to make lot additions and boundary adjustments “stick” together
- Legislation recognizes practices like certifying the retained lot and permitting a purchaser to apply, which were already practiced in Bruce County and elsewhere.

Staff are notifying applicants with current ‘conditional’ approvals that they have more time, noting the 2 year timeframe for new approvals. We are updating County forms, documents, and processes related to other changes, and working with staff at local municipalities to ensure that information regarding subdivision appeal rights is made available at the public meeting for a plan of subdivision.

Financial/Staffing/Legal/IT Considerations:

Landowners should save time and money on legal, transfer, and survey costs. The County may encounter fewer applications to re-create lots that have merged on title. However, these cases are infrequent relative to overall application volume.

Fees for ‘consent cancellation’ are included in the 2022 fee by-law. Staff will analyze the process regarding changes to consents to determine if cost recovery is warranted.

Interdepartmental Consultation:

None. Staff communicated with local municipalities regarding changes.

Link to Strategic Goals and Elements:

7. Stimulate and reward innovation and economic development:

a. Streamline and simplify our planning processes (Official Plan, Zoning By-law)

9.Coordinated, concerted effort to advance our agenda:

a. Lobby provincial government to remove barriers to improve economic change

The County submitted comments on the legislation, and is working to support awareness of new streamlined processes for stakeholders in the land division process.

Report Author:

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Departmental Approval:

Mark Paoli,
Director of Planning and Development

Approved for Submission:

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