

**ADDENDUM #1**

**REGULAR MEETING OF CITY COUNCIL**

**2007 10 29**

**4:30 P.M.**

**PART ONE – CONSENT AGENDA**

**5. COMMUNICATIONS AND ROUTINE REPORTS OF  
CITY DEPARTMENTS; BOARDS AND COMMITTEES**

**(r) Request for Part Lot Control By-law for Three Lots at Dacey Road and  
Terry Fox Place**

A report of the City Solicitor is attached for the consideration of Council. The relevant By-law 2007-186 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

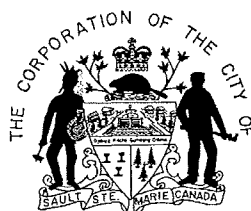
**PART TWO – REGULAR AGENDA**

**10. CONSIDERATION AND PASSING OF BY-LAWS**

**PART LOT CONTROL**

- (i) 2007-186** A by-law to designate 3 lots located at the corner of Dacey Road and Terry Fox Place, Plan M-409 as not being subject to part lot control.

A report from the City Solicitor is on the agenda.



**REPORT TO:** Mayor John Rowswell  
and Members of City Council

**REPORT FROM:** Lorie Bottos  
City Solicitor

**DATE:** 2007 10 29

**SUBJECT: REQUEST FOR PART LOT CONTROL BY-LAW FOR THREE  
LOTS AT DACEY ROAD AND TERRY FOX PLACE**

On late Wednesday afternoon I received a fax from the lawyer representing the purchaser of three lots at the corner of Dacey Rd. and Terry Fox Place. The vendor of the property is Major Contracting (Algoma) Limited and the purchaser is Sal-Dan Developments Limited. The request from Mr. Bortolussi is for the City to enact a part lot control bylaw under section 50 of the Planning Act.

The reason this request is appearing on the addendum is that the request came in after the agenda review committee meeting. There are units being built on the lots at the present time which cannot be sold off unless a severance is obtained from the committee of adjustment or a part lot control bylaw. Since the construction of the residential units is well on their way, the vendor and purchaser are under a time constraint to have a part lot control bylaw passed so that the title to the property can be transferred as soon as possible. The vendor and purchaser would prefer to transfer title before the next council meeting. It was overlooked that either a severance through the committee or a part lot control bylaw would be required.

Under the provisions of the Planning Act when someone owns parts of adjoining lots on a plan of subdivision before the owner can sell any of the land the owner must either obtain a severance through the committee of adjustment or ask the City to pass a part lot control to accommodate the sale.

Since this request came in so late it has not yet been circulated to Engineering, Planning and Building as normally would be done. However if council passes the bylaw this evening, before the bylaw is registered on title (registration is required before the bylaw is effective) those departments will be asked for comments. It is unlikely that there will be any adverse comments because the property is properly zoned (R-4, Medium Density Residential) and the required fees (5% in lieu of parkland) would have

been paid when the subdivision was registered. If there are any negative comments from any of those City departments I will report to council at its next meeting.

Bylaw 2007-186 is recommended for your approval.

Yours truly,

A handwritten signature in cursive script that reads "L. A. Bottos". The signature is written in dark ink and includes a small heart-like flourish at the end of the last name.

L. A. Bottos  
City Solicitor  
LAB:sd

## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2007-186

PART LOT CONTROL: (S.3.2.12) a by-law to designate Lot 1(PIN 31485-001), Lot 2 (PIN 31485-002) and Lot 15 (PIN 31485-0017)(LT), in the Terry Fox Subdivision, Plan M-409 as not being subject to part lot control.

WHEREAS Section 50(5) of the Planning Act, R.S.O. 2000, Chapter P.13 and amendments thereto imposes part lot control on land in the municipality within any plan of subdivision registered before or after the coming into force of Section 50;

AND WHEREAS Section 50(7) of the said Planning Act allows the municipality in question to pass a by-law providing that Section 50(5) does not apply to land that is within such registered plan of subdivision or part or parts thereof as is or are designated in such by-law.

NOW THEREFORE the Council of The Corporation of the City of Sault Ste. Marie ENACTS as follows:

1. Lot 1 (PIN 31485-001)(LT), Lot 2 (PIN 31485-002)(LT) and Lot 15 (PIN 31485-0017)(LT), Plan M-409 as not being Subject to Part Lot Control

The lands hereinafter described are hereby designated as not being subject to the provision of Section 50(5) of The Planning Act.

PCL 1-1, Sec. M409; Lt 1, PL M409; Rankin Location;  
(PIN NO. 31485-001)(LT);  
PCL 2-1, Sec. M409; Lt 2, PL M409, Rankin Location;  
(PIN 31485-002)(LT) and  
PCL 15-1, Sec. M409, Lt 15, PL M409, Rankin Location;  
(PIN 31485-0017)(LT), City of Sault Ste. Marie, District of Algoma

2. EFFECTIVE DATE

This by-law shall not become effective until a certified copy of this by-law is registered in the Land Registry Office pursuant to Section 50(28) of the Planning Act.

Read THREE times and PASSED in open Council this 29<sup>th</sup> day of October, 2007

\_\_\_\_\_  
MAYOR —JOHN ROWSWELL

\_\_\_\_\_  
DEPUTY CITY CLERK – MALCOLM WHITE

**NOTICE**

THIS IS A DRAFT DOCUMENT. This document has not been enacted by City Council. It may not be enacted at all AND if enacted, it may not be in the form of the DRAFT copy.

CITY SOLICITOR