



## Planning Advisory Committee Report

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**Report Number:** PLAN2021-030  
**Meeting Date:** June 2, 2021  
**Title:** Validation of Title at 92 Queen Street  
**Description:** D03-2020-037  
**Type of Report:** Public Meeting  
**Author and Title:** David Harding, Planner II, RPP, MCIP

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### Recommendations:

**That** Report PLAN2021-030, **Validation of Title at 92 Queen Street**, be received;

**That** the validation by-law and certificate, respecting application D03-2020-037, substantially in the form attached as Appendix 'D' to Report PLAN2021-030 be approved for adoption by Council;

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

**That** prior to the registration of the Validation By-law the following Conditions shall be fulfilled:

1. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped;
2. The owners shall apply for, pay the prescribed fee and obtain variances for the lot to be validated such that any outstanding zoning issues are addressed;
3. The owners shall pay all costs associated with the preparation and registration of the required documents;

**(Acting) Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deed is validated, for the review and clearance of these conditions. The current fee is \$229.00. Payment shall be by certified cheque, money order, or from a lawyers trust account;
5. All of these Conditions shall be fulfilled within a period of four months from the date of Council approval for said application, failing which the Validation By-law shall be considered null and void, and the Certificate of Validation invalid; and
6. The owners' solicitor shall provide a written undertaking confirming that the Validation Certificate in respect of this application shall be attached to the respective deed and registered in the proper land registry office within 1 year from the date of the third and final reading of the respective Validation By-Law. The solicitor should also undertake to provide a copy of the registered deed to the City as conclusive evidence of the fulfillment of the above-noted undertaking.

### **Background:**

The application proposes to correct a title error arising from the inadvertent merger of property.

The subject property consists of four addresses: 92, 94-96, and 100 Queen Street and 28 St. Peter Street. 92 Queen Street and 28 St. Peter Street contain single detached dwellings, and 100 Queen Street appears to be a single detached dwelling containing two dwelling units. 94-96 Queen Street contains a building with a mixture of commercial and residential uses. Each address functions independently of one another.

The owner owned three adjacent properties and was buying a fourth. During the purchase of the fourth property, the owner's solicitor overlooked that the owner owned abutting property, resulting in the inadvertent merger of title. The subject property was subsequently transferred again, creating a technical contravention of the Planning Act.

As a result, 28 St. Peter Street and 92 Queen Street cannot be dealt with separately. The validation certificate will unmerge the properties, correcting the title and mortgage issue.

Owners: 2554761 Ontario Inc. and John Ronald Barrett

Applicant: Sidney Troister

Legal Description: Part Lot 28, Plan 15P N Queen St, former Town of Lindsay

Official Plan: 92 Queen Street, 28 St. Peter Street - Residential within the Town of Lindsay Official Plan

94-96 and 100 Queen Street – Residential-Commercial within the  
Town of Lindsay Official Plan

Zone: 92, 94-96 and 100 Queen Street – Mixed Residential Commercial  
(MRC) Zone in the Town of Lindsay Zoning By-law 2000-75, as  
amended

28 St. Peter Street – Residential Two (R2) Zone in the Town of  
Lindsay Zoning By-law 2000-75, as amended

Site Size: 92 Queen Street – 498.8 square metres

Site Servicing: Municipal water and wastewater services

### **Rationale:**

Ontario Regulation 144/95 lays out the conformity tests that Council must consider when determining whether to issue a validation certificate. Provincial policy documents (2019 Provincial Growth Plan and 2020 Provincial Policy Statement) are not applicable to the review.

### **Official Plan Conformity:**

As the Lindsay Secondary Plan within the City of Kawartha Lakes Official Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) remains in effect.

The portion of the property for which title is being validated is within the “Residential” designation of the Town of Lindsay Official Plan. The “Residential” designation permits a variety of densities, including low density residential uses. Low density residential uses are low profile residential buildings such as single detached dwellings, semi-detached dwellings, and duplex dwellings not exceeding 2.5 storeys in height. The dwelling addressed as 92 Queen Street is a 1.5 storey single detached dwelling, and as such is in keeping with the intent of the low density residential policies.

The proposal conforms with the Official Plan.

### **Zoning By-law Compliance:**

The subject property is zoned “Mixed Residential Commercial (MRC) Zone” in the Town of Lindsay Zoning By-law 2000-75. The MRC Zone permits residential use in accordance with the R1, R2, and R3 Zone requirements. All three residential zones permit single detached dwelling uses, and 92 Queen Street contains a single detached dwelling. However, the MRC lot area and frontage requirements apply to lot creation or re-

creation before the R1-R3 Zone requirements are applied to built form upon the lot. Therefore, relief is required from the frontage and area requirements to re-create the lot shape. Further, relief may be required from the lot coverage and/or interior side yard setback from one of the residential zone categories which best applies to the existing built form. The need for relief from the lot coverage and/or interior side yard setback requirement from the same residential zone category can be verified by supporting documentation the owners provide to fulfill proposed Condition 2.

With the implementation of Condition 2, the proposal conforms with the intent of the Zoning By-law.

### **Other Alternatives Considered:**

The applicant could seek approval of the lot through the Committee of Adjustment. However, Validation of Title appears to be the more appropriate approach, given the title history and use of these lots and no changes to the existing uses and lot boundaries is proposed.

### **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the good government priority as it provides for the opportunity to de-merge a consolidated parcel through an expedited review process.

### **Financial/Operation Impacts:**

There are no financial considerations.

### **Servicing Comments:**

The property is on municipal water and wastewater services.

## **Consultations:**

Notice of this application was circulated to the Development Engineering and Building Divisions, and neither raised concerns as a result of the circulation.

## **Conclusion:**

The application complies with the City's Official Plan and Town of Lindsay Zoning By-law.

Staff respectfully recommends that the application for a Certificate of Validation as it relates to 92 Queen Street, be referred to Council for Approval.

## **Attachments:**

### Appendix A – Location Map



Appendix A  
PLAN2021-030

### Appendix B – Aerial Photograph



Appendix B  
PLAN2021-030

### Appendix C – Applicant's Sketch



Appendix C  
PLAN2021-030

### Appendix D – Draft By-law and Validation Certificate



Appendix D  
PLAN2021-030

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**(Acting) Department Head:** Richard Holy

**Department File:** D03-2020-037