

Committee of the Whole (2) Report

DATE: Tuesday, October 22, 2024

WARD(S): 3

**TITLE: LINEAGE LOGISTICS VLS GP LTD.
A BY-LAW DEEMING TO DEREGISTER BLOCKS 10 AND 11 ON
REGISTERED PLAN OF SUBDIVISION 65M-2790
AVIVA PARK DRIVE
VICINITY OF HIGHWAY 407 AND WESTON ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management
Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor

ACTION: DECISION

Purpose

To seek approval from Council to designate Blocks 10 and 11, Plan 65M-2790 to be deemed not to be blocks within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

Report Highlights

- The deregistration of Blocks 10 and 11, Plan 65M-2790 from the registered plan of subdivision will allow the blocks to merge as one property.
- Merger of title of the blocks is required to protect against the conveyance of separately conveyable parcels (being Blocks 10 and 11, Plan 65M-2790) which have an existing single building on the two parcels.

Recommendations

1. THAT Council enact a by-law pursuant to subsection 50(4) of *Planning Act* to designate the lands legally described as Blocks 10 and 11, Plan 65M-2790 to be deemed not to be blocks within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;
2. THAT the by-law be registered on title to the lands in accordance with subsections 50(27) and 50(28) of the *Planning Act*; and
3. THAT the City Clerk provide notice of passage of the by-law as required by subsections 50(26) and 50(29) of the *Planning Act*.

Background

In 2002, the owner at the time, Atlas Cold Storage Canada Limited, submitted a Site Development Application (File No. DA.02.012) to permit an addition to the existing cold storage facility building to accommodate a freezer, dock/engine room, and office on lands legally described as Blocks 10 and 11, Plan 65M-2790 (the “Subject Lands”). The Subject Lands are located west of Weston Road and north of Aviva Park Drive, as shown on Attachment 1.

File DA.02.012 was approved by Council on May 13, 2002, and a Building Permit (No. 2002-001447) was issued on July 19, 2002.

Lineage Logistics VLS GP Ltd. (“Lineage”) is now the owner of the Subject Lands. On May 7, 2024, Lineage submitted a Site Development Application (File No. DA.24.031) to permit a further addition to the existing cold storage facility building on the Subject Lands.

To facilitate the addition, on July 18, 2024, a Notice of Decision for Minor Variance Application A035/24 was issued by the Committee of Adjustment approving a reduced setback and reduced number of required parking spaces on the Subject Lands.

The Subject Lands consist of two separate parcels of land (Blocks 10 and 11, Plan 65M-2790). Through the review of File DA.24.031, staff identified that title of the blocks has not merged to create one property, notwithstanding an existing single building is located on two separate parcels of land.

Pursuant to subsection 50(5) of the *Planning Act*, a landowner cannot convey part of a lot or block within a registered plan of subdivision without further approvals under the *Planning Act* (part-lot control). However, subsection 50(3) of the *Planning Act* allows an owner to convey the whole of a lot or block within a registered plan of subdivision.

The ability to convey the whole of a lot or block would not be restricted by the fact that a single building or structure is located on the boundary line between two or more parcels. However, if such a conveyance were to occur, Building Code and zoning compliance

issues would arise due to insufficient fire separation and building setbacks between the parcels. As such, merger of title of Blocks 10 and 11, Plan 65M-2790 is required to create one property to protect against the conveyance of separately conveyable parcels.

Previous Reports/Authority

[Item 15, Report No. 34 of the Committee of the Whole](#), which was adopted without amendment by the Council of the City of Vaughan on May 13, 2002. (Council Meeting Minutes not available online).

Analysis and Options

If Council does not pass a deregistration by-law, Blocks 10 and 11, Plan 65M-2790 will continue to be separately conveyable blocks within a registered plan of subdivision. This is not considered appropriate given that an existing single building is located on two separate parcels of land.

To allow a single building on two or more separately conveyable parcels, without Building Code and zoning compliance issues, merger of title to the parcels is required. In the case of the whole of a lot or block within a registered plan of subdivision, deregistration of the plan of subdivision allows two or more lots or blocks, which are owned by the same person, to merge on title, thus becoming one property. Once two or more lots or blocks have merged in title, they can no longer be conveyed separately.

Subsection 50(4) of the *Planning Act* allows a municipality by by-law to designate any plan of subdivision, or part thereof, that has been registered for eight (8) years or more, to be deemed not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*. Plan 65M-2790, that is currently registered on title to the Subject Lands, was registered on May 2, 1990. Given Blocks 10 and 11, Plan 65M-2790 are whole blocks within a registered plan of subdivision, the enactment of such a by-law with respect to Blocks 10 and 11, Plan 65M-2790 will merge the parcels.

There is no right of appeal for property owners of Council's exercise of its authority to remove lots or blocks from a registered plan of subdivision under subsection 50(4) of the *Planning Act*.

Notice of the passing of the by-law will be required to be given within thirty (30) days of the passing in accordance with subsections 50(26) and 50(29) of the *Planning Act* to each person appearing on the last revised assessment roll to be the owner of the land to which the by-law applies. No notice is required prior to the passing of a by-law under subsection 50(4) of the *Planning Act*.

Notwithstanding the passing of the by-law, subsections 50(27) and 50(28) of the *Planning Act* state that a by-law passed under subsection 50(4) of the *Planning Act* is

not effective until a certified copy or duplicate is registered in the proper land registry office.

Financial Impact

There are no financial requirements for new funding associated with this report.

Operational Impact

Planning Act requirements to designate part of a plan of subdivision to be deemed not to be a registered plan of subdivision have been reviewed in collaboration with the Development Planning, Building Standards and Legal Services Departments.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Designating Blocks 10 and 11, Plan 65M-2790 to be deemed not to be blocks within a registered plan of subdivision will allow the blocks to merge as one property to protect against the conveyance of separately conveyable parcels.

For more information, please contact: Candace Tashos, Senior Legal Counsel, extension 3618

Attachments

1. Context and Location Map

Prepared by

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