



# Seguin Township

## Report to Council

**Prepared for:** Township Council    **Department:** Development and Protective Services  
**Agenda Date:** March 4<sup>th</sup>, 2019    **Report No.:** DPS-PL-2019-029

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**Application No:** B-2019-0003-H  
**Owner(s):** Alma Stoneman  
**Agent:** Kevin Stoneman  
**Subject Lands:** CON B PT LOT 101 INCL PLAN 42R-4415 PART 1 & 2 TOGETHER WITH R-O-W  
**Civic Address:** 34B & 44B Broad River Road  
**Roll No.:** 4903-010-010-09100  
4903-010-010-09000

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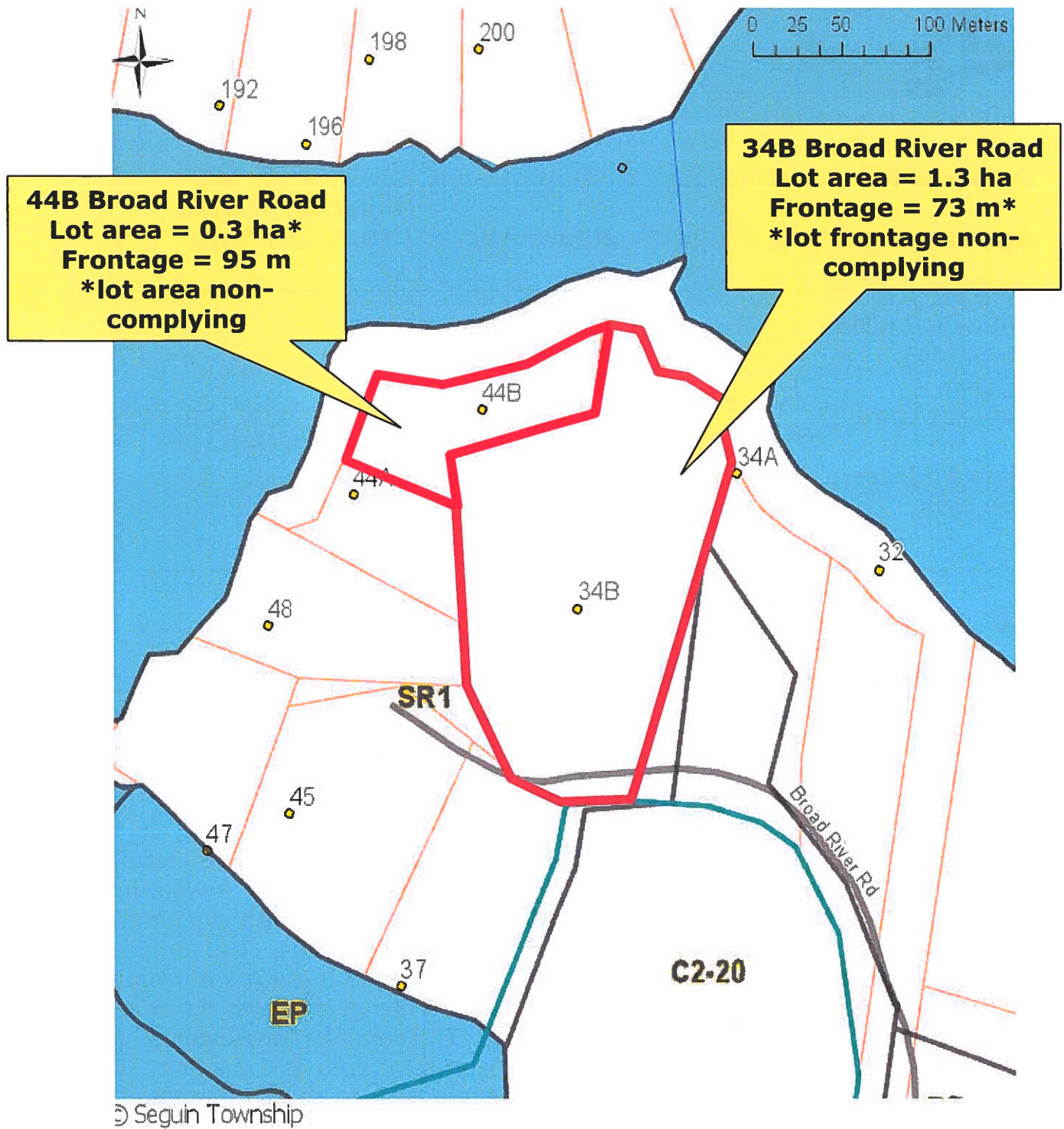
### **1.0 Recommendation**

THAT Council receive this report for information, hear public and agency comments, and direct staff to prepare a recommendation report for future Council consideration.

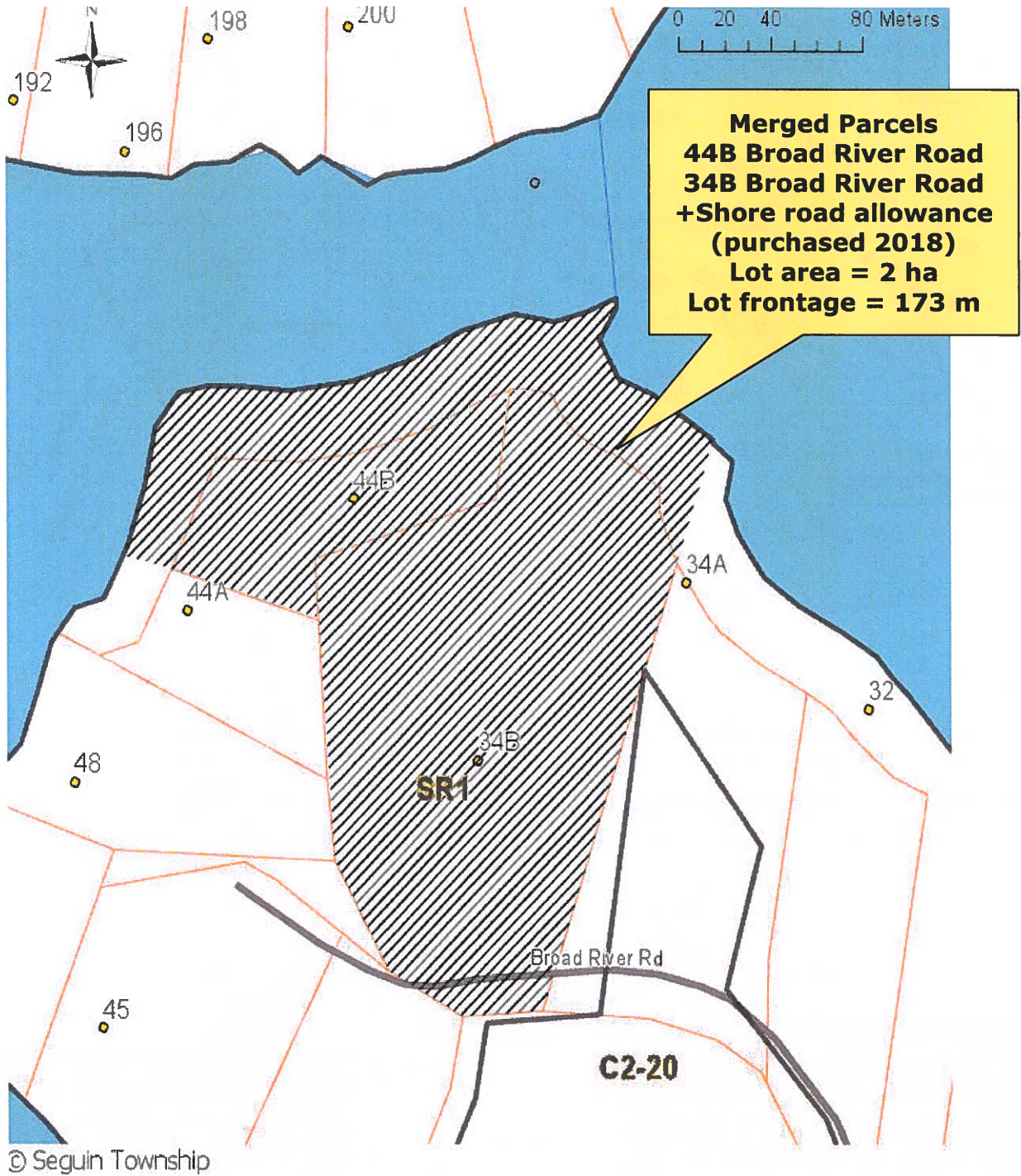
### **2.0 Background & Property Description**

THE PURPOSE and EFFECT of the proposed Consent application is to permit a "technical severance" to re-create and modify the dimensions of a waterfront residential lot (44B Broad River Road) that has merged with an abutting waterfront residential lot (34B Broad River Road) in 1994. The proposed technical severance and reconfigured lot would have 93.5 metres of frontage on Whitefish Lake, and a lot area of 1 hectare. This lot contains an existing cottage, detached garage, and septic system. The retained lands would have 93.5 metres of frontage on Whitefish Lake, and a lot area of 1 hectare. This lot contains an existing cottage, 2 sheds, and a septic system. An explanatory letter from Terry Fraser has been provided with respect to the lot merger, and is attached for reference in Schedule A of this report.

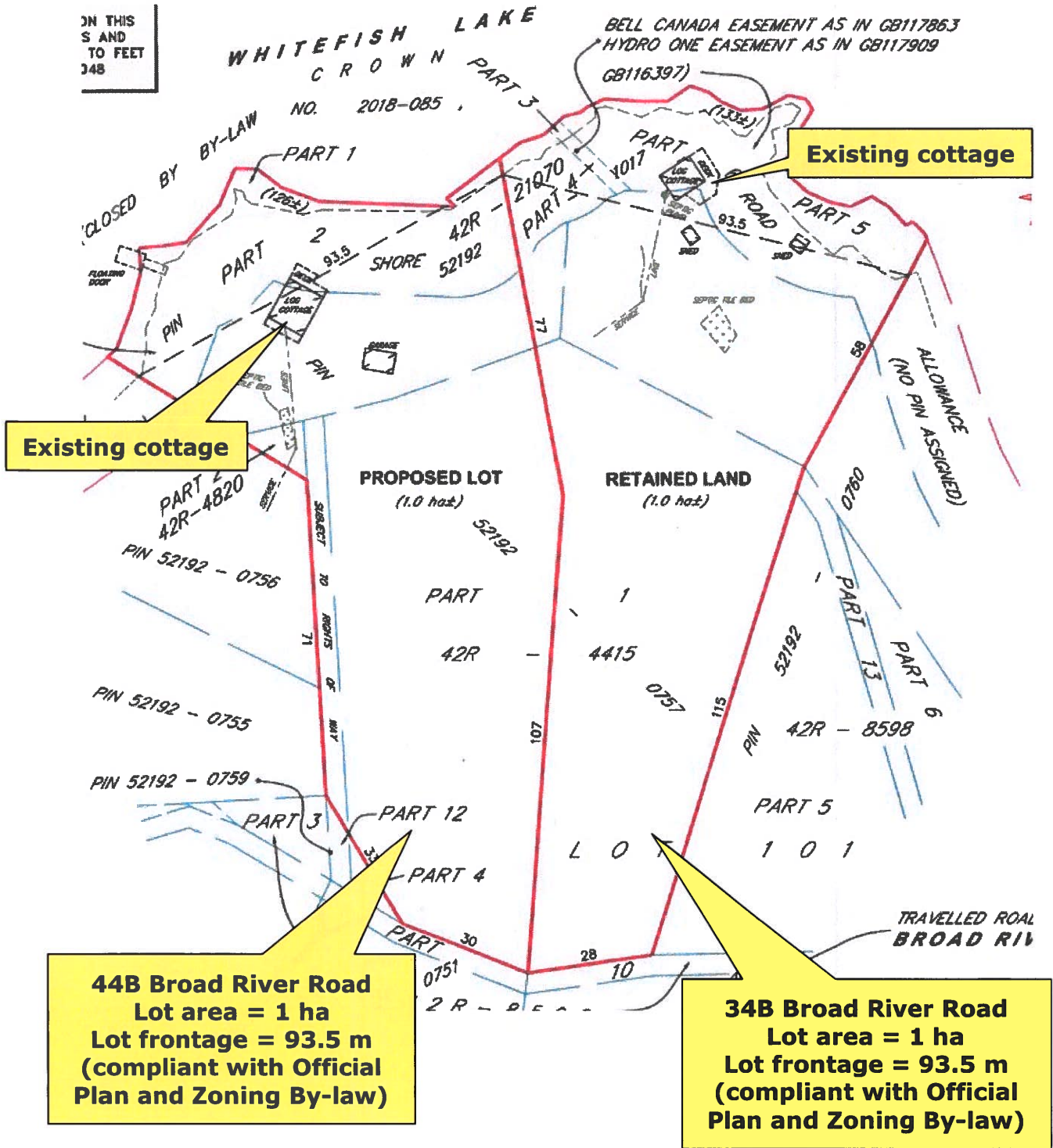
**FIGURE 1 – ORIGINAL LOT CONFIGURATION**



**Figure 2 - Current Merged Parcel Configuration**



**Figure 3 – Technical Severance Sketch**



**Official Plan Designation:** Shoreline Area

**Zoning:** Shoreline Residential One (SR1) Zone

**Access:** Broad River Road (private maintained)

**Lot Area:** 2 hectares

**Frontage:** 173 metres (Whitefish Lake)

**Existing Development:** 2 single detached dwellings (cottages) each serviced with a septic sewage disposal system. These cottages were previously on separate lots that have subsequently merged.

### **3.0 Comments**

**CAO:** No objection.

**Clerk:** No objection.

**Building:** No objection.

**Fire/By-law:** No objection.

**Public Works:** No objection.

**Treasury:** No objection.

### **4.0 Land Use Planning Policy & Analysis**

#### **4.1 Provincial Policy Statement (PPS) 2014**

Pursuant to Section 3 of the Planning Act, all planning decisions must be "consistent with" the policies of the PPS. Section 1.1.4 of the PPS states that in rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

#### **4.2 Seguin Official Plan**

The subject lands are designated SHORELINE AREA by the Official Plan. Permitted uses include "low density residential uses; recreational and tourist commercial uses; small scale industrial uses servicing the waterfront community; and parkland/natural areas". For this technical severance application, there are several sections of the Official Plan that outline policies relating to re-creation of merged lots:

B.12.2.7 - Technical Severances: A consent application to correct a situation where two or more lots have merged on title may be considered, provided Council is satisfied that the new lot(s):

- a) was once a separate conveyable lot(s) in accordance with the Planning Act;
- b) merging was unintentional and was not merged as a requirement of a previous planning approval;
- c) is of the same shape and size as the lot which once existed as a separate conveyable lot;
- d) can be adequately serviced by on-site sewage and water systems;
- e) fronts on and will be directly accessed by a public road that is maintained year-round by a public authority;
- f) there is no public interest served by maintaining the entire property as a single conveyable parcel;
- g) conforms with the policies of B.12.2.1 of this Plan; and,
- h) is subject to the access policies of the relevant road authority.

Subsection g) refers back to the general lot creation policies of the Seguin Official Plan, and are summarized below:

**B.12.2.1 – General Criteria (new lot creation):** All new lot creation is subject to “good planning” with respect to minimum lot area, frontage, access, and servicing feasibility. Specifically, B.12.2.1 h) states that the retained and severed lot can be serviced with an appropriate water supply and means of sewage disposal and is generally a minimum lot size of 1 hectare or as approved in accordance with Section E5 of this Plan;

**B.3.2.1 Lakes Trout Lakes at Capacity:** b) New development, which shall include any development requiring a Planning Act application (excluding minor variances and site plan approvals) within 300 metres of the high water level of any lake trout lake identified in Appendix II shall not be permitted, except for development on existing lots of record where the existing zoning would permit the development. Whitefish Lake is classified as a lake trout lake at capacity, where creation of new vacant development parcels is not permitted.

**B.3.3 – Recreational Carrying Capacity:** New development shall not be permitted where a lake is “over capacity” with respect to recreational use. Whitefish Lake is a RCC “over capacity” lake, where creation of new vacant development parcels is not permitted.

**C.3.1.3.1 – Residential Development Policies:** New lots created through consent shall have a minimum area of 1 hectare and minimum lot frontage of 90 metres.

## 5.0 Conclusion

It is recommended that this report be received and public and/or agency comments be given consideration. At the direction of Council, Staff will prepare a recommendation report on the merits of this proposal for future consideration.

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**Respectfully submitted**



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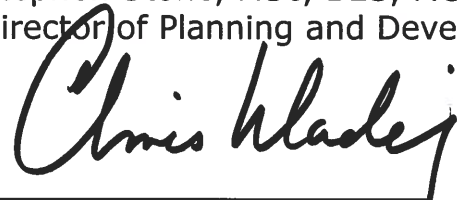
Adam Kozlowski, MCIP, RPP  
Senior Planner

**Reviewed**



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Stephen Stone, MSc, BES, MCIP, RPP  
Director of Planning and Development



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Chris Madej, MA, MCIP, RPP  
Chief Administrative Officer

### **Attachments:**

Schedule A – Letter from Terry E. Fraser

AK/SS/CM/li

**TERRY E. FRASER, B.A.(Hons.), LL.B.**  
*Barrister, Solicitor & Notary Public*

55 Church Street, Parry Sound, Ontario P2A 1Y8  
Telephone (705) 746-7847 Fax (705)746-8401  
*Email: tfraser@vianet.ca*

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May 10, 2017

HAND DELIVERED

Dear: Kevin Stoneman

Re: STONEMAN, Kevin Merger of Lots  
My File No. 8488.15

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You asked me to confirm when a planning act violation took place on Alma Stoneman's property. I confirm I noted this Planning act violation to you and your aunt about a year ago when I was asked to review her right of way status. I've enclosed a photocopy of an old assessment map that shows the various pieces of title that I will be discussing.

Your aunt first took title to a piece of property from your grandfather in 1958. This Deed was RO19024 and is clearly shown on the assessment map as the piece of land on the point having about 215' of frontage. The next transfer in the favour of your aunt was again from your grandfather for part 1 on plan 42R-4415 and this was done in 1976. I note that this grant from your grandfather had a planning act approval on the front page. I have enclosed a copy of the front page for your records.

The transfers from Gap to Alma Stoneman represent the Planning Act problems. On February 25, 1994, Alma Gap transferred Part 2 on 42R-4820 to Alma Stoneman in deed RO150334. The balance of the Gap property was transferred by Alma Gap to Alma Stoneman on the same day by deed RO150336. The two pieces of land that were transferred from Alma Gap to Alma Stoneman touch each other and therefore Alma Gap was not allowed to convey them in separate Deeds. This would have been a valid transfer if all the property would have been described in one Deed. This is a technical violation of the Planning Act in that nothing was done that resulted in an improper land division. The technical provisions of the Planning Act were violated by the way this matter was handled.

The problem is compounded because the Gap property was abutting the original lands that your aunt Alma owned. Your aunt Alma may have good title to the Gap property now because of the length of time that she was in possession of the property and the old registry rules would have worked in order to fix her title by adverse possession. The main problem is that the original Gap title has now merged in title with the original portion conveyed to your aunt by your grandfather. The backlands which were described as Part 1 on plan 42R-4415 have not merged as they were endorsed with a planning act stamp at the time of the conveyance in 1976.



I would suggest that you request a Planning Act consent stamp on the portion of the lands that were conveyed from the Gap chain to your aunt. This would prevent any questioning of the validity of the Gap deeds to Alma Stoneman and cure the accidental merger of the Gap title and the title that was granted to your aunt in 1958.

I hope that this helps you to understand the situation. If you have questions please do not hesitate to contact me.

Yours very truly,

TERRY E. FRASER

TEF:jn