

WHAT IS PART-LOT CONTROL?

A property owner may sell a whole lot or block within a registered plan of subdivision, even though the landowner may own abutting lots. Section 50(28) of the Planning Act, R.S.O. 1990, c.P13, provides that part of a lot on a registered plan of subdivision cannot be transferred without the approval of the municipality. Part-lot control has the effect of preventing the division of land in a registered plan, other than that allowed for in the approved plan of subdivision, without further approvals.

The part-lot control provisions of the Planning Act allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring the approval of the land division committee.

WHEN IS EXEMPTING LAND FROM PART-LOT CONTROL APPROPRIATE?

Exemption from part-lot control is appropriate when a number of land transactions are involved, but the resulting changes will not affect the nature or character of the subdivision. For example, exemption from part-lot control is commonly used to facilitate the development of industrial subdivisions, where large blocks are further subdivided to accommodate the needs of purchasers.

Exemption from part-lot control is also used for semi-detached and townhouse developments, as individual semi-detached or townhouse lots are not normally indicated on a registered plan of subdivision. This approach is used because of the difficulty the builder would have in ensuring that the common centre wall between two dwelling units was constructed exactly on the property line.

The Planning and Building Department will not process any requests for exemption from part-lot control which will have the effect of creating additional lots unless the development proposed under the exemption from part-lot control request has been subject to a previous planning application, which clearly indicated the proposed changes to the lot configuration and which involved a public meeting.

Subject to the above-noted condition, the City of Mississauga will accept the following types of exemption from part-lot control applications:

- creation of townhouse lots within an approved plan of subdivision
- creation of semi-detached lots within an approved plan of subdivision
- lot realignments within non-residential plans of subdivision
- mechanical severances, such as additions to lots, easements, land dedications, etc.
- adjacent lands within plans of subdivision

The exemption from part-lot control process cannot be used to re-align lots within existing residential plans of subdivision which will create additional building lots.

RESTRICTIONS - INDUSTRIAL SUBDIVISIONS

Prior to Council enacting a by-law exempting industrial lands from part-lot control, the property owner will be required to consent to the registration of restrictions against the property. Restrictions prohibit the owner from transferring or mortgaging any portion of a lot prior to the City consenting to the transfer or mortgage, even though the lands have been exempted from part lot control. Restrictions are registered on title to ensure that lots are not created that do not comply with zoning requirements.

The City will not delete restrictions from title until the part-lot control exempting by-law is repealed. Once all land transactions have been completed, at the request of the property owner, the City will repeal the exempting by-law and delete the restrictions from title. This will eliminate the need for property owners to obtain the City's consent when transferring or mortgaging the property in the future.

EXPIRATION

All by-laws exempting lands from part-lot control shall expire three years after the date of the enactment of the exempting by-law. At the request of the property owner, Council may extend the term of the exempting by-law.

PROCESS

Requests for exemption from part-lot control are processed within approximately 8 weeks. The process is as follows:

1. Applicant files complete request with Development Services, Planning and Building Department.
2. Request is circulated to the Development & Design, and Building Divisions, Planning & Building Department, Transportation and Works and Fire.
3. Part-lot control exempting by-law is prepared upon receipt of departmental clearances.
4. By-law is considered and approved by City Council.
5. By-law is forwarded to the Office of the City Solicitor for registration.
6. By-law/restrictions are registered on title.

Should you require additional information, please contact:

Development Services
Planning and Building Department
(905) 615-3200 ext. 5523.

