

DATE: April 9, 2024

REPORT NO: PD-19-2024

SUBJECT: **Information Report Temporary Use Agreement Registration**

CONTACT: Gerrit Boerema, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- When a development agreement, including subdivision, condominium or site plan agreement is executed between a property owner, mortgagee and the Township, it is often registered on title to ensure that future owners and mortgagees of the property are bound by the same agreement.
- Without registration of these agreements on title, future owners and mortgagees are not bound by these agreements and may not be aware of their existence.
- The Township has also registered temporary use agreements, including agreements for garden suites on title to the property.
- There have been recent changes at the Ontario Land Register Office based on an interpretation of the Planning Act which has led to greater limitations on what type of agreements can now be registered on title.
- The Township can no longer register temporary use agreements, such as those done for Garden Suites and as permitted by Section 39.1(1) of the Planning Act.

RECOMMENDATION:

That Information Report PD-19-2024 titled, "Information Report, Temporary Use Agreement Registration", dated April 9th, 2024, be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- Champion strategic and responsible growth

BACKGROUND:

When the Township enters into a planning or development related agreement with a property owner, such as a subdivision or site plan agreement, those agreements are then registered on the subject property following execution. The purpose of registration is to ensure that the agreement becomes binding on future owners and successors to the

property ensuring that the terms of the agreement are followed through.

As an example, if a property subject to a site plan agreement were to default on their mortgage, and the bank took position of the property, the bank and future owners would only be bound to the site plan agreement if it was registered on title.

CURRENT SITUATION:

Up until recently, the Township would register the following agreements on title:

- Subdivision Agreements
- Condominium Agreements
- Site Plan Agreements
- Development agreements tied to a severance
- Removal of Part Lot Control Agreements
- Temporary use agreements, including agreements for Garden Suites

Last year, under the Provincial Bill 23, municipalities are no longer permitted to require site plan agreements or their registration for residential developments of 10 or less units.

Additionally, changes at the Ontario Land Register has limited the Township's ability to have other agreements registered as well, such as temporary use agreements, unless they are specifically referred to in the Planning Act as being able to be registered on title.

This has resulted in the last few garden suite temporary use agreements not being registered including those for 9397 Twenty Road (Merritt), 3775 Canborough Road (Sims), 8399 Concession 2 Road (Griffin) & 5909 Regional Road 20 (Molnar). The Temporary Use Agreement that was approved at 9127 Regional Road 20 (Larry Pomerantz) was converted to a site plan agreement so that it could be registered on title (currently underway).

The difference with temporary use agreements related to garden suites is that the agreements themselves name the specific occupants, and that the temporary use bylaw is only in place subject to the agreement. Therefore, if there was a change of ownership, the new owners would be required to enter into a new agreement with the Township to maintain the validity of the temporary use bylaw. Township staff believe that there is very little risk to the Township in not being able to register agreements tied to Garden Suites.

An alternate way to track agreements with property owners is already in place with the Clerks Department who currently tracks all agreements and bylaws and their date of expiry.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the changes to registration or this report.

INTER-DEPARTMENTAL COMMENTS:

There are no inter-departmental comments.

CONCLUSION:

As changes continue to occur at a Provincial level impacting the ability of the Township to enter into and register agreements relating to development, Township Planning Staff will continue to work towards ensuring that the Township's interests remain protected and that Committee and Council are informed accordingly.

Prepared & Submitted by:

Approved by:



Gerrit Boerema
Manager of Planning



Brian Treble
Director of Planning & Building



Donna DeFilippis
Interim CAO and Treasurer