

Application for Exemption From Part Lot Control

The Corporation of the Town of Whitby
575 Rossland Road East, Whitby Ontario, L1N 2M8
Telephone: 905.430.4306
[http://webforms.whitby.ca/Planning/Electronic Submission of Planning Applications](http://webforms.whitby.ca/Planning/Electronic%20Submission%20of%20Planning%20Applications)



Please read the entire Application Form prior to completing

General Information and Procedures

The attached application is to be used by persons or public bodies as an application for exemption from Part Lot Control. In the application, "subject land(s)" means the land(s) that is the subject of this application. This application and any attached supporting documentation contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours. Personal information on this application is collected under the authority of the *Municipal Act*, as amended, and the *Planning Act*, as amended, and will be used for the purposes of processing this application. Questions regarding this collection should be directed to The Corporation of the Town of Whitby, Access and Policy Coordinator, 575 Rossland Road East, Whitby, Ontario, L1N 2M8 905.430.4315.

Purpose:

Where land is within a registered plan of subdivision and the owner wishes to subdivide a lot or a block within such registered plan for the purpose of selling, conveying, leasing or mortgaging such part lots or part blocks, an owner may request the Town to pass a Part Lot Control Exemption By-law under Section 50(7) of the *Planning Act*. This provision establishes that subsection 5 (Part Lot Control) does not apply to land that is contained within the lands subject to a Part Lot Control by-law. The Town uses this provision as a means of preventing the possible uncontrolled division of lots within a plan of subdivision after the plan has been registered.

Submission of Application:

Pre-consultation prior to submission of an application is encouraged.

Applicants are required to provide 1 copy of a draft reference plan prepared by an Ontario Land Surveyor, showing all existing proposed easements, lot lines, location, dimensions and setbacks to all buildings or foundations and accessory structures and all other appropriate measurements.

The completed application is to be submitted to:

Town of Whitby Planning and Development Department
575 Rossland Road East
Whitby, Ontario L1N 2M8
(Telephone: 905.430.4306)

Fees:

All fees, as detailed in the application, must be submitted with the completed application.

Procedure:

Following evaluation of the proposal and internal comments, a by-law exempting the proposal from Part Lot Control will be forwarded to Council for adoption.

Town staff register the by-law on title and notify the applicant of registration.

Application for Exemption from Part Lot Control

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http://webforms.whitby.ca/Planning/Electronic_Submission_of_Planning_Applications



SHADED AREAS FOR OFFICE USE ONLY		
File No.:	Date Entered in AMANDA:	Entered By (Initials):
By-law: <input type="checkbox"/> 1784 <input type="checkbox"/> 2585 <input type="checkbox"/> 5581-05	<input type="checkbox"/> With Zoning Amendment	<input type="checkbox"/> With Major Redline Revision
Date Received:	<input type="checkbox"/> With Removal of 'H' – Holding	<input type="checkbox"/> With Redline Revision

Part I – Applicant Information

1. Owner / Applicant / Agent:

Please list the contact information for the each of the following (if applicable):

Name	Mailing Address & Postal Code	Contact Information
Owner:*		Telephone: Email:
Applicant:**		Telephone: Email:
Agent or Solicitor:**		Telephone: Email:

* If there is more than one owner, attach a list of each owner. If the owner is a company, provide the name and address of company owner(s).

**An Owner's authorization is required if the applicant is not the owner. If the applicant is a prospective purchaser, also attach a copy of the Offer to Purchase.

2. Primary Contact:

Correspondence relating to this application should be sent to (select one only):

Owner Applicant Agent / Solicitor

Part II – Property Information

3. Property Information:

Location and Description of Subject Land(s):

Municipal Address (Street # and Street Name)		Assessment Roll #	
Registered Plan(s)	Lot(s) / Block(s) #	Reference Plan(s)	Part(s) #

Lot(s) 4.1	Concession(s)	Approximate Area (hectares)
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4. Heritage / Easements / Encumbrances / Mortgages:

4.1 Is this property Designated under Ontario Heritage Act / Listed on Municipal Heritage Register:

Yes No Unknown

If Yes, please identify below the Type of designation

Individual Designation (Part IV) or District Designation (Part V)

4.2 Are there any easements, rights-of-way, restrictive covenants, etc., affecting the subject land(s)?

Yes No

If **Yes**, please identify below, and indicate on a site plan, the nature and location of the easement, right-of-way, restrictive covenant, etc:

Are there any mortgagees, holders of charges or other encumbrances?

Yes No

If **Yes**, please list the names and addresses of the mortgagees, holders of charges or other encumbrances:

Part III - Details of Application

5. Official Plan:

What is the current Town of Whitby Official Plan designation, and if applicable, Secondary Plan designation of the subject land(s)?

6. Zoning By-law:

By-law What is the current zone category(s) of the subject land(s)?

1784

2585

5581-05

7. Previous, Current & Proposed Land Uses:

7.1 What was the previous use of the subject land(s)?

7.2 Date of acquisition of subject land(s):

7.3 Existing use(s) of the subject land(s):

7.4 Length of time the existing uses of the subject land(s) have continued:

7.5 Date of construction of all buildings and structures on subject land(s):

7.6 Proposed use(s) of the subject land:

8. Details of the Request for Removal from Part Lot Control:

8.1 What is the reason for requesting removal of Part Lot Control (e.g. to create a new lot; to create a lot addition; to “split” an attached structure)?

8.2 Nature of request:

Proposed Use	Type of building / structure	Number
Residential	Single detached dwellings	
	Semi-detached dwellings	
	Townhouse dwellings	
	Apartments or Other	
	Total Dwelling Units	
Industrial	Describe:	
Commercial	Describe:	
Other	Describe:	

8.3 Does the owner have an interest in nearby or adjoining lands?

Yes No

If **Yes**, please indicate the location and area of nearby or adjoining lands in which the owner has an interest:

9. Plans:

A key map, a draft legal plan of survey (40R- plan), and a registered plan (40M- plan) which illustrate the land(s) subject to the application for removal of part lot control must be submitted with the application. (All dimensions are to be in metric units.)

Are the key map, draft legal plan(s) of survey and registered plan(s) attached?

Yes No

10. Other Applications:

10.1 Has the subject land(s) ever been subject of a previous application under the Planning Act?

Yes No

If **Yes**, please specify (i.e. Applicant, File No.(s), year, status, effect):

10.2 Please indicate if the applicant or owner is also submitting any of the following applications under the *Planning Act* for the subject land(s):

Other Applications	Subject Lands	
	Yes	No
Durham Regional Official Plan Amendment		
Whitby Official Plan Amendment		
Plan of Subdivision		
Plan of Condominium		
Zoning By-law Amendment		
Consent to Sever		
Site Plan Approval		
Minor Variance		
Minister's Zoning Order		

If **Yes** was answered to any of the questions above, the *Other Applications Table* must be completed.

11. Site Screening Questionnaire:

The attached *Site Screening Questionnaire* for identifying potentially contaminated sites must be completed and submitted with the completed application.

Is the attached *Site Screening Questionnaire* completed?

Yes No

Part IV – Submission of Application

12. Fees:

Town of Whitby (Fees effective October 1, 2023; subject to change without prior notice)

- A non-refundable application fee of **\$1,528.53** for each new unit/lot/block, paid by cash, debit card or cheque made payable to the **Treasurer of the Town of Whitby**.

13. Forms, Information and Materials:

- One (1) original copy of the completed application form
- One (1) original covering letter outlining the nature of the requested Removal of Part Lot Control
- One (1) copy of a site location map, or key map, in 8½" x 11" format
- One (1) copy of the proposed Building Siting Plan for any proposed semi-detached and/or townhouse dwelling lots proposed for Part Lot Control
- One (1) copy of a draft Reference Plan (40R- Plan), with a Surveyors Frontage and Area Certificate (*All dimensions are to be in metric.*)
- One (1) reduced copy, on 8½ x 11 sheet of paper, of the Reference Plan (40R-Plan)
- One (1) copies of the Registered Plan (40M-Plan) with the proposed area for Removal of Part Lot Control clearly highlighted (*All dimensions are to be in metric.*)
- One (1) reduced copy, on 8½" x 11" sheet of paper, of the Registered Plan (40M-Plan) with the proposed area for Removal of Part Lot Control clearly highlighted
- One (1) digital version of the plan(s) in .dwg format (correctly geo-referenced in North American Datum 1983 (NAD83) Zone 17 North Projection and using UTM grid bearing reference)
- Owner's Authorization, if applicable
- Completed and signed *Other Applications Table*
- Completed and signed *Site Screening Questionnaire*

14. Applicant's Acknowledgments:

The Applicant hereby acknowledges:

- that this application and the attached supporting documentation, information and materials, if any, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*
- that personal information on this application is collected under the authority of the *Municipal Act*, as amended, and the *Planning Act*, as amended, and will be used for the purpose of processing the application and to determine compliance with the policies and by-laws of the Town of Whitby
- that conceptual development plans and/or drawings submitted with this application are not reviewed for compliance with the Ontario Building Code (O.B.C.) and/or related regulations
- that submission of this application constitutes tacit consent for authorized Town staff representative(s) to inspect the subject lands or premises, and to carry out any inspections, tests and investigations as may be required
- that all vegetation on the subject land(s) must be maintained and no filling, grading or excavating is permitted on the subject land(s) during the processing of this application
- that additional approvals from the Town and/or other agencies (e.g. building permit, site plan approval, CLOCA permit) may be required
- that additional fees and/or charges (e.g. building permit fees, parkland dedication fees, development charges) associated with any development approved in conjunction with this application may be required
- that the applicant will be required to pay reasonable legal fees of the Town for the preparation and registration of agreements when such agreements are required
- that additional information and/or materials may be required, and therefore, the application may not be deemed complete, nor processed unless the additional information and/or materials are submitted.

Questions about the collection and inspection of this information should be directed to: **Commissioner of Planning and Development, Town of Whitby, 575 Rossland Road East, Whitby, Ontario, L1N 2M8, Telephone: 905.430.4306.**

15. Owner’s Authorization:

If the applicant is not the owner of the land that is the subject of this application, then written authorization by the owner, authorizing the applicant to prepare and submit the application must be attached, or the owner must complete the authorization set out below.

Is written authorization attached?

Yes No

If **No**, then the following Owner’s Authorization for the Agent to prepare and submit the Application must be completed:

I, _____, am the owner of the land that is the subject of this application and
(Please print)
I authorize _____ to prepare and submit this application on my behalf.
(Please print)

Signature of Owner

Date

16. Declaration:

I, _____, of the _____,
(Please print) (e.g. Town of Whitby)
in the _____, make oath and say (or solemnly
(e.g. Region of Durham)
declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the Sections above is true.

Sworn (or declared) before me at the _____, in the
(e.g. Town of Whitby)
_____, this _____ day of _____, in the year _____.
(e.g. Region of Durham)

Applicant

Commissioner of Oaths

**Applications will not be processed
where application forms and/or fees are incomplete**

Other Applications



If there are other applications for the subject lands the table below must be completed and submitted with the completed application form.

Subject Land(s)						
Other Applications	File No.	Approval Authority	Lands Affected	Purpose of Application	Effect of Application	Status of the Application
Durham Regional Official Plan Amendment						
Plan of Subdivision / Condominium						
Zoning By-law Amendment						
Consent to Sever						
Site Plan Approval						
Minor Variance						
Minister's Zoning Order						
Other (Describe)						

Prepared By:

Name: _____ Signature: _____
 (Please Print)

Date: _____

Site Screening Questionnaire



This form must be completed and submitted with the attached development application, unless a Phase 1 Environmental Site Assessment, prepared in accordance with the *Provincial Guideline for Use at Contaminated Sites in Ontario*, is provided. Although a consulting engineer can and should assist in the preparation and completion of the form, the Registered Owner of the subject land(s) must sign this form.

Location of Subject Land(s):

Municipal Address (Street # & Street Name)		Assessment Roll #	
Registered Plan(s)	Lot(s) / Block(s) #	Reference Plan(s)	Part(s) #
Lot(s)	Concession(s)	Approximate Area (hectares)	

1. Was the subject land(s) or adjacent land(s) used for Industrial Uses where there is a potential for site contamination?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Was the subject land(s) or adjacent land(s) used for Commercial Uses where there is a potential for site contamination?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Has filling occurred on the subject land(s) or adjacent land(s)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Was the subject land(s) or adjacent land(s) used for aboveground / underground storage tanks or for buried waste?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Was the subject land(s) or adjacent land(s) used for Agricultural Uses where potentially toxic chemical products may have been used as pesticides?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Was the subject land(s) or adjacent land(s) used as a weapons firing range?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Are the boundaries of the subject land(s) within 500 metres (1,640 feet) of the fill area of an operating or former landfill?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8. If there are any existing or previously existing building(s) on the subject land(s), are there any building materials remaining on site, which are potentially hazardous to public health?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Is there any reason to believe that the lands may have been contaminated based on a previous land use on the subject land(s) or adjacent land(s)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10. What information was used to determine the answers to Questions 1 to 9?		

If the answer to any of Questions 1 to 9 is **Yes**, then a Phase 1 Environmental Site Assessment (ESA), in accordance with the *Ministry of Environment's Guideline for Use at Contaminated Site in Ontario*, is required. Please submit seven (7) copies with the completed application.

Has a Phase 1 ESA report been prepared for the subject land(s) or adjacent land(s)? Yes No

If **Yes**, is the Phase 1 ESA report attached? Yes No

Site Screening Questionnaire continued



Declaration:

This form must be completed and signed by the Registered Owner as well as and signed and stamped by a Professional Engineer.

Consulting Engineer

Name of Consulting Engineer (please print) Signature of Registered Owner Date

Name of Company: Telephone Fax:

Address & Postal Code

Registered Owner (or Authorized Officer)

I, _____, am the registered owner of the land(s) that is subject of an
(please print)
application under the *Planning Act* and to the best of my knowledge, the information provided in this questionnaire is true. I agree for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act, 1989*, to authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Sworn (or declared) before me at the _____ in the
(e.g. Town of Whitby)

_____, this _____ day of _____, in the year _____
(e.g. Region of Region)

Name of Registered Owner (please print)

Signature of Registered Owner

Commissioner of Oaths

Date