



STAFF REPORT

TO: Committee of Adjustment

FROM: Joel Vines, Planner I

SUBJECT: **B02724**, Joe Santo & Peter Santo
Lot 93 Registered Compile Plan 1697; and
Lot 94 Registered Compile Plan 1697
Roll: 436401001530700 (Lot 93)
436401001530600 (Lot 94)
Validation Certificate

DATE: November 6, 2024

A. LANDS SUBJECT TO THE APPLICATION:

The subject lands are located on Robinson Road, and are legally described as REG COMP PLAN 1697 LOT 94 and REG COMP PLAN 1697 LOT 93, Town of Wasaga Beach, County of Simcoe.

B. RECOMMENDATION:

In consideration of the foregoing, based on the below, the Planning Department supports application B02724, and recommend that the Committee of Adjustment approve the issuance of a Certificate of Validation for lands described as Lot 93 Registered Compile Plan 1697 and Lot 94 Registered Compile Plan 1697, being PINS 58946-0139 and 58946-0140.

C. BACKGROUND:

A written request was received from Peter James of Wilson Vukelich LLP Law Office, on behalf of the land owner(s), requesting the issuance of Validation Certificates for:

- PIN 58946-0139, being Lot 93 Registered Compile Plan 1697
- PIN 58946-0140, being Lot 94 Registered Compile Plan 1697

In his request, Mr. James notes that the subject parcels were created by Registrars Compiled Plan, and not a Plan of Subdivision. It is further noted that in June 2022, documents were registered on Lot 94 to transfer ownership to Joe Santo as beneficiary of his mother's estate, and subsequently in May 2023, documents were registered on Lot 93 to transfer ownership to Peter Santo as beneficiary to his mother's estate.

Mr. James notes the problem is that there is a potential buyer of Lot 94 and a vesting of Lot 93 has resulted in the ownership of the Lots merging in the deceased mother's name, breaching provisions

of Section 50 of the *Planning Act*. Mr. James further notes that in his opinion, the granting of a certificate would serve to restore what had been originally intended and would not offend any of the considerations that would be taken into account if a severance application for the Lots was now submitted.

The subject application requests issuance of a Certificate of Validation, as provided for in Section 57 of the *Planning Act*. The intent of this request is to correct title. The location of the subject lands and the Registered Compile Plan 1697 are attached as "Appendix 1" and "Appendix 2" of this report.

D. ANALYSIS:

Section 57 of the *Planning Act* sets out a procedure to address a contravention of the *Act*. It allows the Committee of Adjustment to grant a Validation Certificate to recognize the contravention as not having had the effect of preventing the creation of the interest in the lands. A Validation Certificate retroactively cures any prior contraventions involving the specified lands.

Accordingly, Section 57(6) of the *Planning Act* provides criteria to consider prior to issuing a validation certificate; the Act specifies:

(6) No certificate shall be issued under subsection (1) unless the land described in the certificate of validation conforms with the same criteria that apply to the granting of consents under section 53.

The *Planning Act* requires that certain criteria be taken into consideration before any new parcel of land is created, such as suitability of the lands for development, lot size, road access, adequacy of utilities and municipal services etc. In considering this application, the lots were registered in 1975, have separate PIN numbers, separate assessment roll numbers and are currently vacant. They are located along Robinson Road and are zoned "Residential Type 1" (R1) in the Towns Zoning By-law 2003-60 and would individually comply with the R1 Zone provisions for lot frontage and area.

The subject application, dealing with a conveyance of title contravention, would not have any effect on the status of the lots and thus no change with respect to the Official Plan or Zoning By-law is proposed. Considering the above information, Staff are of the opinion that the issuance of the Validation Certificate as requested is in compliance with Section 57, and therefore should be granted by the Committee of Adjustment.

E. CONCLUSION:

In consideration of the above, the Planning Department supports application B02724 for lands legally described as Lot 93 Registered Compile Plan 1697 and Lot 94 Registered Compile Plan 1697, attached as "Appendix 3" of this report. Staff are of the opinion that the issuance of a Certificate of Validation under Section 57 of the *Planning Act* is appropriate and in general compliance with the criteria for issuing validation certificates.

Respectfully Submitted,



Joel Vines
Planner I

Appendix 1 – Location of Subject Lands: Lot 93 Registered Compile Plan

Appendix 2 – Location of Subject Lands: Lot 94 Registered Compile Plan

Appendix 3 – Registered Compile Plan 1697