

Joint Memorandum to Council

Legal and Enforcement Services

Legal Services Division



To: Mayor and Members of Council
CC: None
From: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

Roger Saunders, Commissioner of
Planning and Development

Date: April 24, 2023

File #: N/A

Subject: Additional Information regarding Planning
Applications at 3 Cassels Road

Background

The Committee heard a deputation at its meeting on April 3rd, 2023. The deputant indicated that there were conditions of approval from the previous severance applications from the mid-1990s. The conditions that were purported to have been included in the Durham Land Division Committee's previous decision related to:

- Restrictions regarding backyard parking;
- Restrictions regarding future severances of 3 Cassels Road.

At the April 3rd meeting, Town staff had only just had an opportunity to review title to the property, and did not have any materials related to the previous Land Division Committee decision from the mid-1990s.

Staff have reviewed title to 3 Cassels Road

Staff have searched title to the properties and have not found any restrictions registered on the property related to the future severability of the parcels. No other agreements (e.g. a development agreement) or documents related to the severance were registered on title.

There is no indication of any restrictions in the Land Division Committee Minutes and Decisions received by the Town

Staff have recently received the minutes and decisions from the August 12, 1996 and October 7, 1996 Land Division Committee meetings related to the applications to create 15 and 17 Durham Street. Neither the minutes nor the conditions of approval reference a restriction related to backyard parking, nor future severances. A copy of the Land Division Committee's Minutes and Decisions are attached to this Memorandum.

The only objections noted by the Land Division Committee were that only single detached dwellings be permitted on 15 and 17 Durham Street.

There is reference in the decision to satisfying the requirements of the Town of Whitby and Regional Municipality of Durham prior to the consent for severance being finalized. Based on the materials that the Town has received and reviewed, there is no indication that the requirements of the Town and Region included any restrictions on the properties.

Staff Recommendations related to the Official Plan and Zoning By-law Amendment remain unchanged

Given that no restrictions have been found, staff's recommendations regarding the Planning Applications to be considered by Council at its April 24, 2023 meeting remain unchanged.

Attachment 1 – Minutes and Decision related to LD56-94, dated October 7, 1996