

Staff Report

Report To: Committee of Adjustment
Report From: Sabine Robart, Manager of Planning & Heritage
Meeting Date: June 24, 2025
Report Code: CS-25-070
Subject: Request for Certificate of Cancellation – 1875 16th Avenue East (B04-2013)

Recommendations:

THAT in consideration of Staff Report CS-25-070 respecting a request for Certificate of Cancellation for 1875 16th Avenue East (B04-2013), the Committee of Adjustment approves the issuance of a Certificate of Cancellation for the lands known municipally at 1875 16th Avenue East.

Highlights:

- The property owner's lawyer has submitted a request for a Certificate of Cancellation to facilitate a lot addition to 1875 16th Avenue East.
- Section 53(45) of the Planning Act allows the owner to request a Certificate of Cancellation of a previous Consent. The Certificate would provide that subsection 50(12) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, does not apply to the subject land. The result of the Certificate would allow for the merging of the subject land with an adjacent parcel of land.
- This Certificate will enable the fulfillment of a condition of approval for Consent Application B06-2025 (Staff delegated approval DA-25-010)
- The cancellation of a certificate does not affect any planning issues, that is, there are no Official Plan or Zoning By-law policies that are impacted by the Certificate.

- Staff recommend approval of this Certificate of Cancellation.

Strategic Plan Alignment:

This report supports the delivery of Core Service.

Climate and Environmental Implications:

There are no anticipated climate or environmental impacts.

Previous Report/Authority:

[Committee of Adjustment – July 16, 2013 B04/2013](#) page 25-36

Background & Proposal:

The property owner's lawyer has submitted a request for a Certificate of Cancellation for 1875 16th Avenue East.

Consent B06-2025 proposes to sever a portion from 1929 20th Street East for the purpose of a lot addition to the adjoining parcel to the west, 1875 16th Avenue East, to ensure that a proposed industrial development is entirely located on one parcel and to provide access and a stormwater outlet to 20th Street East. No new lot will be created by this application.

B06-2025 was an undisputed consent and therefore subject to staff-delegated approval. Approval DA-25-010 was provided on June 23, 2025. DA-25-010 is attached as Schedule 'A'.

1875 16th Avenue East was created through Consent B04-2013. The Committee of Adjustment approved the consent on August 20, 2013, and the Secretary-Treasurer certified the consent on July 31, 2014.

Consequently, section 50(12) of the Planning Act applies to 1875 16th Avenue East, and as such, it is a separately conveyable parcel of land in perpetuity. In other words, the lot addition proposed through B06-2025 will not 'stick' to 1875 16th Avenue East.

Situations where lot additions will not 'stick' to the receiving parcel are not uncommon. In the past, consent-granting authorities used various methods to ruin the legal description of the parcel receiving the lot addition to allow the lot addition to merge. For example, conveying small portions of land (i.e., 1 m x 1m triangles) would facilitate the merger.

Recent changes to the Planning Act, introduced through Bill 279 in 2022, have provided a new mechanism to address this issue. The 2022 Planning Act amendment revises several provisions in the Act that grant authority to councils that issue consents and by delegation to committees of adjustment and land division committees to issue certificates of cancellation.

Section 53(45) of the Planning Act now allows the owner to request a Certificate of Cancellation of a previous Consent (i.e. a lot created by severance consent approval given by the Committee of Adjustment). The Certificate would provide that subsection 50(12) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, does not apply to the subject land. The result of the Certificate would allow for the merging of the subject land with an adjacent parcel or parcels of land.

Please note that cancelling a consent only affects transactions subsequent to the registration of the cancellation certificate.

Analysis:

The owner has requested a Certificate of Cancellation (attached as Schedule 'B') for lands municipally known as 1875 16th Avenue East in order for the lot addition proposed through B06-2025 to merge. As noted above, the lot addition will ensure that a proposed industrial development is entirely located on one parcel and to provide access and a stormwater outlet to 20th Street East. No new lot will be created by this application.

The cancellation of a certificate does not affect any planning issues. That is, there are no Official Plan or Zoning By-law policies that are impacted by the Certificate. The recommendation report for the consent for lot addition found that the consent for lot addition:

- conforms to the policies of the City's Official Plan, subject to the recommended conditions; and,
- all zoning requirements regarding the consent have been met; as such proposal meets the requirements of the City's Zoning By-law 2010-078, as amended.

The City's Planning & Heritage Division is satisfied with the general site layout, subject to the recommended conditions.

As the purpose of this Certificate of Cancellation is to allow a consent for lot addition to be finalized, Planning staff recommend approval of the Certificate of Cancellation.

Financial Implications:

None to the City.

Communication Strategy & Consultation:

There are no statutory requirements to circulate this request for a Certificate of Cancellation. As such, the request has not been circulated to any external agencies.

Attachments:

Schedule 'A': DA-25-010 Staff Delegated Approval of Consent B06-2025
for 1929 20th Street East (Peter Van Dolder)
Schedule 'B': Draft Certificate of Cancellation

Recommended by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

Submission approved by:

Pam Coulter, BA, RPP, Director of Community Services

For more information on this report, please contact Sabine Robart, Manager of Planning & Heritage, at srobart@owensound.ca or 519-376-4440 ext. 1236.