# Table of contents

What is part lot control? ................................................................. 1
   What is part lot control exemption? ...................................... 1
   Part lot control exemption process ..................................... 1
   Initial review meeting (optional) ........................................... 1

Seven steps of the part lot control exemption process .......................... 2

Application submission requirements ........................................ 3
   Required application form ................................................. 3
   Required fees ................................................................ 3
   Application checklist ...................................................... 3
   Application acceptance .................................................... 3
   Application processing .................................................... 3
   Communications regarding application status .................. 3
   Approval ........................................................................ 3
   Bylaw extension ............................................................. 3
   Request for repeals ......................................................... 3

Appendix A • Process map .......................................................... 4
Appendix B • Application for Part Lot Control Exemption ............... 5

---

**Most recent version of this manual**

This manual will be reviewed and updated from time to time. You can retrieve the most recent version online at [guelph.ca](http://guelph.ca). If you encounter any difficulties, please contact the Planning Services department at [planning@guelph.ca](mailto:planning@guelph.ca) or 519-837-5616 to obtain the latest copy.

**Suggestions to improve this manual**

This manual will be reviewed and updated from time to time. As a user of this manual, we ask and welcome users to provide comments/suggestions.

Alternative formats are available upon request in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005.*
Subsection 50(5) of the Planning Act regulates Part Lot Control. It states that part of a lot or block on a registered plan of subdivision cannot be sold, charged (e.g. mortgaged) or transferred separately from the rest of the lot or block without the municipality’s approval. This includes a Transfer of Easement (e.g. maintenance and access easements). Part Lot Control prevents the arbitrary division and conveyance of land by deed or transfer, other than whole blocks or lots that were created through a legally approved and registered plan of subdivision. With Part Lot Control in effect, parts of whole blocks or lots can usually only be created and legally conveyed once further approved by the municipality, through a consent (severance) application.

The Province and the municipality use this section of the Planning Act to prevent potentially uncontrolled and indiscriminate creation of parts of lots not created within a plan of subdivision or through the land division (severance) process.

What is part lot control exemption?

Subsection 50(7) of the Planning Act presents exemptions to Part Lot Control, allowing a property owner to create and convey a portion (or portions) of a lot without further approvals. An exemption can be granted as long as the proposed lot division does not:
1. Require new roads or services, and/or
2. Change the nature/character of the subdivision and/or current pattern of lotting.

To initiate the exemption process, an application is submitted to the City, requesting a temporary “lift”, or removal, of Part Lot Control. This is done by passing a bylaw.

Part Lot Control Exemption is typically requested to allow for the creation of semi-detached and street townhouse dwelling lots, once the buildings are under construction and unit demising foundations/walls are in place. This process may also be used to modify lot lines, correct title or create an easement.

Part lot control exemption process

Part Lot Control Exemption may be considered to create different types of lots within a lot or block on a registered plan of subdivision, such as:
- Townhouse lots
- On-street townhouse lots
- Semi-detached lots
- Industrial or commercial lots

Refer to Appendix A to see an illustration of the Part Lot Control Exemption process. This is also summarized on the next page.

Initial review meeting (optional)

An Initial Review Meeting is an optional, yet valuable, preliminary step in the Part Lot Control Exemption process. Planning, Urban Design and Building Services staff will review your preliminary request and provide useful advice and feedback, before you submit the formal application. They check the completeness of your application, so it is efficiently processed once you submit the formal application. However, this initial meeting does not guarantee that staff will recommend your application be approved.

All applicants are encouraged to take advantage of the Initial Review Meeting step.

A request for an Initial Review Meeting can be made using the form found at: guelph.ca/wp-content/uploads/050916_InitialPlanningMeetingRequestForm.pdf
Seven steps of the part lot control exemption process

The Part Lot Control Exemption process includes the following seven steps:

**Step 1**
The application is submitted to Planning, Urban Design and Building Services. It includes a draft reference plan, the application fee, the application form, and any additional materials/documents identified during the initial review meeting (if held).

**Step 2**
The application is reviewed to determine if the subject property is within a registered plan of subdivision, is appropriately zoned and if Site Plan Approval has been obtained. If access easements were identified on the approved site plan they should be shown on the draft and deposited registered plan.

**Step 3**
The draft reference plan is reviewed for zoning compliance by Development Planning staff. Upon a successful review, the File Manager informs the applicant that the plan may be deposited in the Registry Office.

**Step 4**
Once the applicant’s surveyor deposits the Reference Plan, Development Planning staff prepares a Draft Part Lot Control Exemption Bylaw and forward it to Legal, Realty and Risk Services for review.

**Step 5**
The City Clerk’s Office adds the bylaw to the next available Council agenda.

**Step 6**
After (and if) the bylaw is passed by Council, the Mayor and the City Clerk sign it and returns it to Legal, Realty and Risk Services for registration at the Registry Office. A Part Lot Control Exemption Bylaw usually has an expiry period of three (3) years.

**Step 7**
Legal, Realty and Risk Services sends a copy of the Registered Bylaw to the applicant, along with an invoice for the registration fee, and the registration and search disbursements charged by the Province.

**Step 8**
An extension may be applied for, if necessary.

**NOTE:**
The applicant is responsible to submit a complete building permit application. More information on applying for building permits can be found on guelph.ca/city-hall/building-permits-inspections/.
Required application form
The required application form can be found at: guelph.ca/wp-content/uploads/Part_Lot_Control_Application.pdf

Required fees
The Planning Application fees can be found at: guelph.ca/city-hall/planning-and-development/how-to-develop-property/development-application-fees-and-charges/.

See the Part Lot Control Exemption Application Fee in the Fee Bylaw.

The Legal, Realty and Risk Services registration fee for Part Lot Control Bylaws can be found at: guelph.ca/wp-content/uploads/UserFeesBylaw2016.pdf

Application checklist
The following materials are required to process an application:
- Application fee
- two (2) copies of the application form
- two (2) copies of a draft reference plan, illustrating all proposed lots* and all proposed access easements
- four (4) hard copies (two full size to scale and two reduced to legal size) and a digital copy of the deposited reference plan* in AutoCAD .dwg format.

* A deposited reference plan and digital copy of same are not required up front. They are required to be submitted after step 3 (see Seven Steps of The Part Lot Control Exemption Process above). However, should the applicant wish to submit these items up front they would be doing so at their own risk.

Application acceptance
The City of Guelph will review your application for completeness and accuracy. Staff will make every effort to complete this within two (2) days of receiving an application.

Should your application be considered as not complete, staff will contact the applicant by email, as provided in the application form, and indicate what additional information or material is required to be submitted.

The process takes approximately four (4) weeks to complete. However, this process will only begin once the City has deemed your application to be complete.

Application processing
Once the application is deemed complete, the File Manager will create the bylaw, which will then be forwarded to Legal, Realty and Risk Services for legal description confirmation and accuracy. Once in final form, the bylaw will be forwarded to the City Clerk’s department for inclusion on the next Council agenda.

Communications regarding application status
Applicants will be notified at the following key milestones in the application process:
- When the application is received and a File Manager is assigned to your application
- The Council meeting date when the bylaw will be heard
- When the approved bylaw is registered on title

Approval
Council consideration of approval of the Part Lot Control Exemption will occur at the Council Meeting during which the bylaw is scheduled to be heard. If, and after, Council passes the bylaw, the Mayor and City Clerk sign the bylaw and send it to the Clerk’s Department to be certified. It is then returned to Legal, Realty and Risk Services to be registered on title. Legal, Realty and Risk Services then notifies the applicant that the bylaw was registered. An invoice is sent to the applicant for the registration fee, and the registration and search disbursements charged by the Province. This completes the Part Lot Control Exemption process.

There is no appeal period.

Bylaw extension
If, due to extenuating circumstances, the applicant is not able to complete the transfer of the lands within the three (3) year expiry period, an extension may be requested by providing a written request to the Development Planning Division at planning@guelph.ca.

Request for repeals
Should an applicant require the bylaw to be repealed, a written request should be made to the Development Planning Division at planning@guelph.ca.
Exemption of Part Lot Control Process

Application Submission complete with appropriate fee, draft reference plan and application form.

Administrator of Planning Technical Services confirms that the property is:
- a) Within a Registered Plan of Subdivision;
- b) is appropriately zoned;
- c) Site Plan approval has been granted.

Admin of Planning Tech. Services reviews draft reference plan for Zoning Bylaw compliance.

Admin of Planning Tech. Services notifies applicant that draft plan can be deposited at Registry Office and submitted to the City.

Upon receipt of the deposited reference plan the Administrator of Planning Technical Services prepares Draft By Law for Council and sends to Legal, Realty and Risk Services for review.

City Clerk’s Office includes the Bylaw on the next Council agenda.

After the Bylaw has been passed by Council and signed by the Mayor and the City Clerk, the Bylaw is returned to Legal, Realty and Risk Services for registration at the Registry Office.

Legal, Realty and Risk Services sends a copy of the registered by-law to the applicant along with an invoice for the registration fee and registration and search disbursements charged by the Province.
Application for Part Lot Control Exemption

1. Type and purpose of proposed request (check one)
   - Residential
     - Townhouse
     - On-street townhouse
     - Semi-detached
     - Detached
   - Non-residential
   - Correction of title
   - Creation of easement
   - Request for extension

2. Project name

3. Property information
   - Municipal address:
   - Legal description:
   - Roll number:
   - PIN number:
   - Property size:
## 4. Proposal information

*General description of property and intent of application*

<table>
<thead>
<tr>
<th>Description of Property and Intent of Application</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

## 5. Applicant information

<table>
<thead>
<tr>
<th>Applicant name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant is:</td>
</tr>
<tr>
<td>Full mailing address:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
<tr>
<td>Telephone:</td>
</tr>
</tbody>
</table>

Note: All correspondence, notices, etc. initiated by the City in respect of this application will, unless otherwise required bylaw, be directed to the applicant noted above, except where no applicant is employed, in which case it will be directed to the registered owner. Where the registered owner is a numbered company, please indicate a project or development name.

## 6. Registered owner information

<table>
<thead>
<tr>
<th>Owner name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full mailing address:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
<tr>
<td>Telephone:</td>
</tr>
</tbody>
</table>
7. **Owner’s lawyer information (optional)**

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer name/Law firm</td>
<td></td>
</tr>
<tr>
<td>Full mailing address</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
</tbody>
</table>

8. **Ontario Land Surveyor information**

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name/Company</td>
<td></td>
</tr>
<tr>
<td>Full mailing address</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
</tbody>
</table>

9. **Lots or blocks proposed for exemption**

<table>
<thead>
<tr>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

10. **Description of existing easements**

    | Details   |
    |-----------|
    |           |

11. **Description of proposed easements**

    | Details   |
    |-----------|
    |           |
12. Corresponding Subdivision/Site Plan or adjacent or associated Condominium/Committee of Adjustment file number(s)

<table>
<thead>
<tr>
<th>File number:</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13. Affidavit of owner or authorized agent

I ___________________________ of the __________________________ in the __________________________
(full name) (city/town) (municipality)

Solemnly declare that all the above statements contained within the application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

Declared before me at the __________________________ in the __________________________
(city/town) (municipality)

This ___________ date of ___________ month, ___________ year.
(day) (month) (year)

__________________________  __________________________
A Commissioner of Oaths  Signature
14. Registered owner’s authorization

I __________________ the __________________ of __________________________
(full name) (title, if applicable) (corporate registered owner, if applicable)
of the __________________________ in the ______________________ confirm that
(city/town) (municipality)

I, or the Corporation, am the registered owner and hereby authorize
______________________________ to prepare and submit an application for
(applicant name)

Exemption from Part Lot Control.

______________________________
(Name of Corporation, if applicable)

Signature __________________________ Date __________________________

Before submitting an application from the Part Lot Control provisions of the Planning Act,
please ensure that the following information has been reviewed and is included in the
submission.
For more information
Planning, Urban Design and Building Services
1 Carden Street, Guelph, Ontario, Canada N1H 3A1
519-837-5616
planning@guelph.ca