

Recommendation:

That the Clerk's Office-2022-20 report, dated December 20, 2022, regarding a request to have the No Habitation Agreement which is registered on title for 64 Valleyview Avenue be received and that Council approve the request to have the agreement removed from title at the expense of the property owner.

Overview:

In 2019 Mr. McLaren applied for a minor variance to provide him relief from the height restrictions on accessory structures so that he could build a garage with a second storey. That minor variance was approved and the Committee of Adjustment of the day imposed a condition that a No Habitation Agreement be registered on title to prevent the second story of the garage to be used as living space.

Due to the pandemic and other matters, Mr. McLaren has not yet built the garage but would like to move forward with the project in 2023. He has submitted a request to have the No Habitation Agreement lifted so that he may apply to have a secondary suite in the garage.

Conclusion:

Staff have reviewed the request from Mr. McLaren and sought legal advice to confirm that Council has the ability to make this decision. The Township Solicitor stated that Council does have the ability to expunge the agreement if it so chooses and the files does not need to go back to the Committee of Adjustment. The Zoning By-law does allow for secondary suites in accessory structures in this area if a building permit can be obtained. The removal of the No Habitation Agreement would be one step in obtaining a building permit for this project.

Financial Impact:

The Applicant would be responsible to pay for any costs incurred by the Township in the lifting of the No Habitation Agreement.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Request to Remove No Habitation Agreement.docx
Attachments:	- A-06-19 - MV Review Report.docx - Letter - No Habitation Agreement - McLaren - Request for REemoval.pdf - Scan - Notice of Decision - A-06-19.pdf
Final Approval Date:	Dec 16, 2022

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Christina Coulter

Elana Arthurs