

Recommendation:

That the Planning-2023-23 report, dated June 20, 2023, regarding Request to Release Agreement (379 Eighth Line Road-S-Dummer) be received and;
That Council authorize Staff to direct Roger Howson, Barrister and Solicitor to prepare a partial release of the Agreement, being Instrument Number R567154 as it pertains 379 Eighth Line Road-S-Dummer, Part 1, Plan 45R-9540.

Overview:

Ronald and Julie Hurtubise applied to Peterborough County Land Division for the severance of two residential lots from their property located at 379 Eighth Line Road-S-Dummer. Copies of Severance Application File No.'s B-54-22 and B-55-22 are attached to this Report. The applications were granted provisional consent on August 2, 2022 and copies of the decisions are attached to this Report. The decision notes that the applications conform to the County and Municipal Official Plans and Zoning By-law.

During the preparation of Mitigation Measures Agreements which are required as Condition No. 7 for these severance applications, Roger Howson, Barrister and Solicitor for the Hurtubise's discovered an Agreement registered against the title of the subject property. Mr. Howson has requested that the Agreement be removed from the title of the subject property.

Instrument Number R567154, was registered on July 15, 1992 and is an Agreement between the previous Owners of the property and the former Township of Dummer. The Agreement stipulates, in short, that there shall be no further severances from the subject property being Part 1, Plan 45R-9540 and from property described as Part 2, Plan 45R-9540, now known municipally as 1342 Webster Road. A copy of Instrument Number R567154 is attached to this Report.

Registration of the "no further severances agreement" was required by the Township of Dummer as a condition of Severance Application File No. B-28-92. Application B-28-92 severed 1342 Webster Road from the subject property. A map showing the severed and retained parcels is attached to this Report.

Conclusion:

In order to complete severance applications B-54-22 and B-55-22, the "no further severances agreement" being Instrument No. R567154, must be removed from the title of the subject property. Given that a decision has been made to grant approval of applications B-54-22 and B-55-22 and that neither the Township nor the County identified any concerns with the granting of the severances and that the applications conform to the County and Township Official Plan, Staff recommend that it is appropriate to direct Mr. Howson to prepare a release of the Agreement.

At this time, Staff have not received a request to release the Agreement as it pertains to 1342 Webster Road, being Part 2, Plan 45R-9540. Therefore, Staff recommend that

Mr. Howson be directed to prepare a partial release of the Agreement only as it pertains 379 Eighth Line Road-S-Dummer, Part 1, Plan 45R-9540.

Financial Impact:

None. The cost of the release of the Agreement and the consent applications is the responsibility of the Owner/Applicant.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability:

N/A

Report Approval Details

Document Title:	Staff Report Regarding Request to Release Agreement (379 Eighth Line Road-S-Dummer).docx
Attachments:	<ul style="list-style-type: none"> - 54-22 Application.pdf - 55-22 Application.pdf - 54-22 Decision.pdf - 55-22 Decision.pdf - Instrument No. 567154.pdf - B-28-92 Map.pdf
Final Approval Date:	Jun 13, 2023

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

No Signature - Task assigned to Martina Chait-Hartwig was completed by workflow administrator Elana Arthurs

Martina Chait-Hartwig

Elana Arthurs