

August 26, 2013

To: His Worship the Mayor  
and Members of City Council

Re: Application for Tie-Code Removal (4890 ROY) - 1227 & 1233 Royal Street

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RECOMMENDATION

1. That the request for tie-code removal of Lots 7, 8, 9, 10 and 49, Block 42, Plan No. OLD 218, being 1227 & 1233 Royal Street be REFUSED.

CONCLUSION

An application for parcel-tie removal was submitted to allow for the four lots to be dealt with separately. A parcel-tie removal is a form of subdivision in accordance with *The Planning and Development Act, 2007* and *The Subdivision Bylaw No. 7748*.

The tie-code removal would result in lot frontages in contravention of *Regina Zoning Bylaw No. 9250*. The Subdivision Bylaw stipulates that City Council must formally deny the application. The Applicant will have the opportunity to appeal the decision of refusal to the Development Appeals Board, who has the ability to relax the development standards and permit the removal of the parcel ties.

BACKGROUND

The applicant has applied to remove the parcel ties from the five lots (Lot 49 acts functionally as part of Lot 9), which comprise the subject properties. *The Planning and Development Act, 2007* defines a parcel tie as “an electronic code imposed by the Registrar to link two or more parcels together so as to prevent those parcels from being individually dealt with in the land titles registry or abstract directory.”

Further, *The Planning and Development Act, 2007* considers the removal of parcel ties to be a form of subdivision, and therefore by extension falls within the jurisdiction of *The Subdivision Bylaw No 7748*. The Bylaw stipulates where the Development Officer is unable to certify a severance application because of non-compliance, he shall report to Council who shall refuse approval. Accordingly, this application will not proceed to City Council through the Regina Planning Commission as do other development planning applications. Section 128 (1)(c) of *The Planning and Development Act, 2007* states that an application for subdivision shall not be approved unless the proposal conforms to the provisions of the Zoning Bylaw that affects the land proposed to be subdivided.

DISCUSSION

The applicant has requested to remove the parcel ties between the aforementioned lots to allow for the titles to be dealt with separately as opposed to two separate lots. Currently, there is a parcel tie between Lots 7 and 8 (1227 Royal Street) and Lots 9, 10 and 49 (1233 Royal Street).

The applicant intends to demolish the two existing homes and garages on the two sites and construct four detached dwellings on the property.

The subject properties are zoned R2 – Residential Semi-Detached. Chapter 5, Section 5C.1 states that all uses of land or development in every land use zone shall conform to the development standards applicable to that zone. Further, Table 5.6 in Section 5C.1 stipulates that the minimum lot frontage in the R2 Zone is 10.5 metres for a detached dwelling.

If the Development Appeals Board grants approval, lots 7, 9 and 10 would be untied, and be developable 25 foot lots. A parcel tie would be placed between 8 and 49, to ensure a minimum frontage of 7.5m is provided.

The structures currently on the subject properties (i.e., two houses and two detached garages) would need to be demolished prior to the parcel ties being removed and subject to favourable consideration through the Development Appeals Board to relax the minimum lot frontage standards in the R2 Zone.

#### Approval Procedure

Pursuant to *Subdivision Bylaw 2003-3*, subdivision and severance approvals are delegated to the Administration. Section 6.8 of the Bylaw however, states that “Where the Development Officer is unable to certify a severance application because of non-compliance with the regulations herein, he shall report to Council who shall refuse approval and the Development Officer shall duly notify the applicant of City Council’s decision.” City Council therefore, does not have the ability to relax the development standards to grant approvals in such circumstances; City Council must refuse the subdivision or severance application.

The applicant’s opportunity for appeal is afforded pursuant to Section 9 of the *Subdivision Bylaw*, which allows the applicant to file an appeal with the Development Appeals Board and subsequently to the Saskatchewan Appeals Board, if unsuccessful.

#### RECOMMENDATION IMPLICATIONS

##### Financial Implications

The subject properties already receive a full range of municipal services. Should the applicant successfully appeal the development regulations for the R2 Zone, the applicant would be responsible for the cost of any additional changes to existing infrastructure that may be required to directly or indirectly support the development in accordance with City standards and applicable legal requirements.

##### Environmental Implications

None with respect to this report.

Strategic Implications

The formal denial of the request is required by City Council. The applicant will then have the ability to appeal the decision to the Development Appeals Board, who will consider the impacts of relaxing the standard.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

The applicant will be notified of City Council's review. Upon filing of an appeal by the applicant, the required notification procedures will apply. Furthermore, all property owners within 75 metres of the subject properties would also be notified of the application and have an opportunity to provide feedback.

DELEGATED AUTHORITY

Where a subdivision application does not conform to the regulations and requirements pursuant to *Subdivision Bylaw No. 7748* and *Regina Zoning Bylaw No. 9250*, City Council is required to issue formal refusal of the application in accordance with the requirements of *Subdivision Bylaw No. 7748*.

Respectfully submitted,



Fred Searle, Manager  
Current Planning

Respectfully submitted,



Jason Carlston, Deputy City Manager  
Community Planning and Development