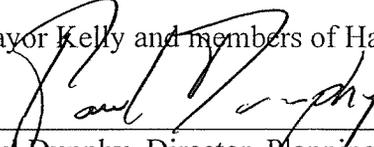
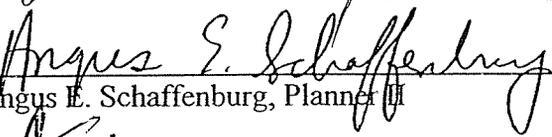


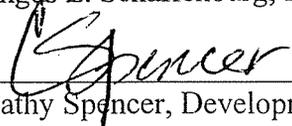
Halifax Regional Council
March 5, 2002

TO: Mayor Kelly and members of Halifax Regional Council

SUBMITTED BY:


Paul Dunphy, Director, Planning and Development Services


Angus E. Schaffenburg, Planner III


Cathy Spencer, Development Officer

DATE: February 19, 2002

SUBJECT: Lot Consolidations in Halifax Regional Municipality

INFORMATION REPORT

ORIGIN

1. Motion at Harbour East Community Council on June 19, 1997 that staff "be requested to investigate the consolidation of 33 foot lots in the former City of Dartmouth"; and
2. Question at January 19, 1998 meeting of Municipal Government Act Review Committee.

BACKGROUND

Council/Committee Comments

- The Harbour East Community Council indicated some people in the former City of Dartmouth have two adjacent 33 foot lots. If they want to make an addition such as a veranda or garage extension, they are being told this is not possible without a lot consolidation. A lot consolidation can cost up to \$5,000.
- Staff was asked to come up with an agreement to permit this or propose a by-law change that would allow these small lots to have the center line erased without the expense of having them surveyed.
- Similar sentiments were expressed at the Municipal Government Act Review Committee.

- In the early 1900's a number of subdivisions were developed particularly in Dartmouth but also in other areas of the Municipality creating small lots with 30 to 40 feet of frontage and 90 to 100 feet in depth. In many cases a person purchased two or more of these lots, constructed a dwelling and perhaps accessory structures on these lots and used the property as one, although the common boundary of the lots was never formally erased by a subdivision or lot consolidation process.
- In some cases the dwelling was located within the boundaries of one lot and the accessory structure (ie. garage or shed) was on the adjacent lot. Often the dwelling and/or the accessory structure was built over the common boundary of two lots.
- The property has obviously been used as one by the owner. In the event of sale/transfer of title, the lots have been conveyed as one. The property has one property identification number, one assessment number and one civic address. In fact, many property owners may not be aware that the property is comprised of two lots.
- These properties are "consolidated in law" by a "defacto consolidation". The former municipalities had various practices as to whether formal lot consolidations were required. These are described in the attached appendix.

DISCUSSION

A "defacto consolidation" will be recognized for lots developed when lot consolidation was not required by any legislative requirement. Further development of the property will be able to take place, therefore, without a consolidation of the properties by survey and subdivision approval. As a result, staff will issue Development and Building permits for these properties. There will not be a violation of Land Use By-laws or the National Building Code as there is not a recognized lot line.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

None

ATTACHMENTS

Appendix A - Lot Consolidation Practices

Further information regarding the contents of this report may be obtained by contacting Angus E. Schaffenburg, Planner II, at 869-4005 or Cathy Spencer, Development Officer at 490-4416. For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk, at 490-4210 (TEL) or 490-4208 (FAX).

Appendix A - Lot Consolidation Practices

Dartmouth: Until 1983, in Dartmouth, a property owner who owned two or more adjacent lots could build across a property boundary or close to a property boundary without having to first consolidate the lots. Neither the Dartmouth City Charter, nor the Dartmouth Subdivision By-law required lot consolidation. There were no setback requirements from a side or rear property boundary in the majority of the zones in the Dartmouth Land Use By-law. However, in 1983 the then Municipal Solicitor advised that the 1980 National Building Code (NBC) referred to clearances from property lines and that the property owner must comply with these requirements. Staff then required a formal lot consolidation to be undertaken when property development was to occur.

Halifax: Halifax required consolidation in all cases, but their ability to do so was challenged with the construction of the Dalplex in 1976/77. The court found that the City's requirement for consolidation was unauthorized. The legislation, in place at the time, only enabled the City to require that there be a subdivision to create a lot for each individual building. In the case of the Dalplex there was only one building over several lots. As a result, the Halifax City Charter was amended in May 1977, to support the requirement for lot consolidation for all development in the City of Halifax.

Halifax County and the Town of Bedford: Lot consolidation was required in the former County or the Town of Bedford if development was proposed over a lot line, as far as staff can determine.