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RECEIVED May 8 2016

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9 May 2016

BY FAX TO 519-338-2005

Town of Minto
R.R. 1
HARRISTON, Ontario N0G 1Z0

ATTENTION: Bill White

Dear Sir:

**RE: J & J Metzger Construction Ltd. s/t Turner
Application for Exemption from Part Lot Control Bylaw**

Please be advised that we are the solicitors for J & J Metzger Construction Ltd. who are in the process of selling property to Mr. and Mrs. Richard Turner being Part Park Lot 5, on the northeast side of George Street and being Part of Part 1 on Plan 61R-20538 and which property is now known municipally as 44 George Street North, Harriston.

It is our understanding that our client prepared and submitted to the municipality an Application under Section 50 (7) of The Planning Act to designate Part 1 on the plan (and possibly other parts on the plan) as being areas exempt from Part Lot Control under The Planning Act.

As you are aware, the dwelling constructed on the lot and the dwellings proposed to be constructed on the other parts of the reference plan are duplexes and the intent of the developers is to sell separately each one-half of the duplexes.

We understand that a question was raised by yourself or someone in your office of the appropriateness of the Application in light of the provisions of The Planning Act that indicates that a Part Lot Control Exemption Bylaw only applies to property that is within a plan of subdivision as referred to in subsection (5) of Section 50. As you are no doubt aware the Part Lot Control Provision set out in subsection 5 of Section 50 refers to land that is "within a plan of subdivision registered before or after the coming in to force of this section" (underling is mine). As you are no doubt aware, the property in question being on the northeast side of George Street in the Town of Harriston

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is Part of Park Lot 5 which is a Lot in the original "Town Plan of Harriston". It is our position and the view of other solicitors in the area that the Town Plan for Harriston is a plan of subdivision within the meaning of The Planning Act. As such, it would appear that the option of a Part Lot Control Exemption By-law is available for the property in question.

We understand that our clients are in the process of having a reference plan of survey completed which would actually depict each half of the duplexes for the purposes of providing the required legal description for conveying purposes so that this transaction can proceed.

It is our understanding that the Municipality has a council meeting scheduled for May 17, 2016 and it would be appreciated if this Application can be dealt with on that date.

We would of course be pleased to discuss this matter with you or the municipal solicitor should you wish to obtain his opinion on this issue.

We look forward to hearing from you. We remain,

Yours very truly,

FALLIS, FALLIS & McMILLAN, per:

*Dictated by Ernest J. McMillan but
signed in his absence to avoid delay.*

EJM:ew

Ernest J. McMillan 