

Authority: Etobicoke Community Council Report No. 11, Clause No. 11,
as adopted by City of Toronto Council on September 28 and 29, 1999
Enacted by Council: September 29, 1999

CITY OF TORONTO

BY-LAW No. 595-1999

A By-law to Validate Lands Pursuant to Sections 50 & 57 of the Planning Act.

WHEREAS Ernest Frederick Salt and Florence Alberta Salt, (hereinafter called "Salt") are the registered owners of the lands known as 107 Martin Grove Road and more particularly described in Schedule "A" herein; and

WHEREAS Robert Charles Smith and Evlyne Smith, (hereinafter called "Smith") are the registered owners of the lands known as 109 Goswell Road and more particularly described in Schedule "B" herein; and

WHEREAS Smith applied to the Committee of Adjustment to sever the rear of their abutting lands described as Firstly in Schedule "C" herein and Salt applied to the Committee of Adjustment to sever the rear of their abutting lands being described as Secondly in Schedule "C" herein; and

WHEREAS the lands described in Schedule "C" were to create a new single family lot municipally known as 93 Goswell Road; and

WHEREAS portions of the Schedule "A" lands and the Schedule "B" lands abut the Schedule "C" lands and are therefore subject to the part lot provisions in the Planning Act, R.S.O. 1990, c.P.13; and

WHEREAS the Committee of Adjustment approved both Applications and all conditions were met; and

WHEREAS the parties did not have the Committee of Adjustment stamp their conveyances as to the lands in Schedule "C" herein and as a result the Transfers were registered without the Committee of Adjustment stamp; and

WHEREAS on February 13, 1976, Ernest Frederick Salt and Florence Alberta Salt conveyed by Instrument No. 458867 Etobicoke that part of Lot 2, Registered Plan 3860 being Part 2 on Plan 64R-5173 to Joe Muhic, carrying on business under the firm name and style of Joe Muhic Construction; and

WHEREAS the transfer of the lands by Instrument 458867 Etobicoke resulted in a breach of the Planning Act in that Ernest Frederick Salt and Florence Alberta Salt retained abutting lands when they conveyed Part 2 on Plan 64R-5173; and

WHEREAS on February 13, 1976, Robert Charles Smith and Evlyne Smith, as joint tenants conveyed by Instrument No. 458869 Etobicoke that part of Lot 1, Registered Plan 3860 being Part 1 on Plan 64R-5173 to Joe Muhic, carrying on business under the firm name and style of Joe Muhic Construction; and

WHEREAS the transfer of the lands by Instrument No.458869 Etobicoke resulted in a breach of the Planning Act in that Robert Charles Smith and Evelyn Smith retained abutting lands when they conveyed Part 1 on Plan 64R-5173; and

WHEREAS on September 27, 1976, Joe Muhic, carrying on business under the firm name and style of Joe Muhic Construction conveyed by Instrument No.467616 Etobicoke the lands described in Schedule "C" to Smajo Ticic and Berta Ticic, as joint tenants, being the present registered owners of the lands in Schedule "C"; and

WHEREAS Florence Alberta Salt, as surviving joint tenant has requested a Validation Order pursuant to Section 57 of the Planning Act, R.S.O, 1990; and

WHEREAS Section 57(1) of the Planning Act, R.S.O., 1990, Chapter P.13, as amended, states that a council authorized to give a consent under Section 53 may issue a certificate of validation; and

WHEREAS the City of Toronto deems it appropriate to issue a Certificate of Validation.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That a contravention of Section 50 of the Planning Act or a predecessor thereof, or a by-law passed under a predecessor of Section 50 or of an order made under clause 27(1)(b), as it existed on the 25th day of June, 1970, of the Planning Act, being Chapter 296 of the Revised Statutes of Ontario, 1990, or a predecessor thereof, does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in the lands described in Schedule "C" herein;

2. That by the passage of the herein By-law, Council has given consent for validation of the lands described in Schedule "C" and described in Instrument Nos. 458867 Etobicoke and 458869 Etobicoke;

3. That this By-law shall take effect upon its approval by the City of Toronto and upon its registration in the appropriate Land Registry Office.

ENACTED AND PASSED this 29th day of September, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE “A”Lands municipally known as 107 Martin Grove Road

Part of Lot 2, in the City of Toronto (formerly the City of Etobicoke) according to Plan 3860 and being more particularly described as Part 3 on Plan 64R-5173 filed in the Land Registry Office for the Registry Division of Toronto.

SCHEDULE “B”Lands municipally known as 109 Goswell Road

Part of Lot 1, in the City of Toronto (formerly the City of Etobicoke) according to Plan 3860 and being more particularly described as Part 4 on Plan 64R-5173 filed in the Land Registry Office for the Registry Division of Toronto.

SCHEDULE “C”Lands municipally known as 93 Goswell Road**FIRSTLY:**

Part of Lot 1, in the City of Toronto (formerly the City of Etobicoke) according to Plan 3860 and being more particularly described as Part 1 on Plan 64R-5173 filed in the Land Registry Office for the Registry Division of Toronto.

SECONDLY:

Part of Lot 2, in the City of Toronto (formerly the City of Etobicoke) according to Plan 3860 and being more particularly described as Part 2 on Plan 64R-5173 filed in the Land Registry Office for the Registry Division of Toronto.