June 17, 2021

# C2: INFORMATION REPORT

## Re: Use of Agreements on Title by the Niagara Escarpment Commission

## SUMMARY

This report is being provided to the Commission to provide background information on the Niagara Escarpment Commission’s (NEC’s) legal authority to require agreements registered on title as a condition of a Development Permit approval.

## BACKGROUND:

The NEC’s practice of entering into agreements registered on title came up in relation to Development Permit Application W/R/2020-2021/132 at the October 2020 Commission meeting. Staff had recommended approval of the application, subject to agreement on title to prevent the proposed accessory facility (garage) from being used as a secondary dwelling unit. The inclusion of a recreation room, washroom, and storage space on the second floor of the garage was of concern to staff since it could easily being converted to a secondary dwelling unit. Secondary dwelling units are not permitted in accessory structures, and are prohibited altogether in Escarpment Protection Area.

Although staff recommended approval, the applicant had objected to the agreement on title condition. The Commission deferred consideration of the application to the November 2020 meeting so that the applicant had time to consider a different approach. When the Application was brought forward at the November 2020 meeting, the attached report was provided to explain the rationale for agreements on title. However, prior to the meeting, the applicant withdrew the application. The attached report was provided to the Commission for information purposes, and the Commission did not need to make a decision on the application.

A revised application is now back before the Commission for a decision. The proposal is substantially changed, and staff is recommending refusal due to clear non-conformity with Niagara Escarpment Plan (NEP) policies. The attached report is being provided to the Commission once again as a reminder of the rationale for agreements on title, although staff is no longer recommending approval of the application, rendering the use of an agreement on title irrelevant in this specific case.

The issue of agreements on title was also raised at the May 2021 policy meeting in relation to temporary accommodations for farm labour.

## RECOMMENDATION:

That the Commission receive this report for information.

## Prepared by:

Original signed by:

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Kim Peters, MCIP, RPP

Manager (A)

## Approved by:

Original signed by:

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Debbie Ramsay, MCIP, RPP

Director (A)

Appendix 1 – November 19, 2020 Staff Report re: Agreements on Title