



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Bonnette and Members of Council

FROM: Romaine Scott – Legal Coordinator

DATE: February 9, 2022

REPORT NO.: PD-2022-0013

SUBJECT: Authorization of a Limiting Distance Agreement under the Ontario Building Code for Parts of Block 6 (Unit 39) & Block 11 (Unit 66); and Town Open Space Block 19 on draft M-Plan Worthington (Humberstone) Subdivision Development
File Ref: D12SUB15.001 (24T15.001H)

RECOMMENDATION:

THAT Report No. PD-2022-0013 dated February 9, 2022, regarding a Limiting Distance Agreement under Div. B Part 9, Section 9.10.14 of the Ontario Building Code 2012, as amended, for the benefit of the townhouse units to be constructed on Part of Block 6 (Unit 39) and Part of Block 11 (Unit 66) on the draft plan of subdivision to be registered by Worthington Homes (Humberstone) Inc., be received;

AND FURTHER THAT Council pass a by-law authorizing the Town to enter into a Limiting Distance Agreement with Worthington Homes (Humberstone) Inc, to allow the limiting distances for the townhouse units to be constructed on Part of Blocks 6 (Unit 39) and Part of Block 11 (Unit 66), to be measured within the limits of Town Block 19, as shown on the draft plan of subdivision for the Humberstone Subdivision Development discussed in this Report.

KEY POINTS:

The following are key points for consideration with respect to this Report:

- Ontario Regulation 332/12 (i.e., the “Building Code”) limits the maximum percentage of openings, e.g. windows and glazed portions of doors on the façade of the building to a certain percentage based on the building’s wall area and distance to the property line adjacent to that wall. This requirement is to mitigate the potential risk of fire spread from a building on one property to a building on the adjacent property. When the values in the Building Code are not

met, the Building Code allows for a Limiting Distance Agreement to define a new imaginary property line for the purpose of calculating the maximum percentage of openings allowed.

- The Owner is simply requiring relief from the standard requirements of the Building Code and entering into this Limiting Distance Agreement allows them to increase the number of openings while still complying with the Building Code. The measurement of limiting distance under the Building Code has no effect on the existing zoning for this development.
- The limiting distance required under the Building Code and set out below will be reviewed and approved by the Building Division before the building permits are issued for the respective units.
- Town Block 19 is zoned for public open space and no buildings will be constructed on the land. Allowing the limiting distance to encroach into Block 19 will have no impact on the current or future use of Town Block 19. Staff therefore has no concerns with the measuring of the limiting distance as set out herein.
- The Limiting Distance Agreement will be registered on title to Town Block 19 and to Units 39 and 66 and will be binding on the subsequent owners of the lands.

BACKGROUND AND DISCUSSION:

Building Code regulates the construction material and fire resistance rating of the exposing building face, being the exterior walls area facing one direction on any side of a building. The Building Code also regulates the number and size of unprotected openings such as windows, doors, and any part of an exterior wall having fire resistance rating less than required in relation to the distance from the actual property line. The limiting distance is the distance from an exposing building face to a property line and is required to reduce the risk of fire spreading from a building situated on one property to a building located on an adjacent property.

The Building Code permits municipalities to enter into an agreement with a property owner and an adjacent property owner to establish a point beyond the common property line from which the location of the limiting distance of a building can be measured. The effect of such an agreement is that one property owner is allowed to construct the building with additional openings, i.e. windows, while the adjoining owner is then required to measure its own building location from a new imaginary property line, inside that property.

Worthington Homes (Humberstone) Inc. (the "Owner") is the registered owner of the lands being developed at 3 & 5 Halton Hills Drive and 11421 Trafalgar Road (adjacent to Town Hall) under draft plan of subdivision D12SUB15.001 / 24T15.001H. Registration of the said plan of subdivision is now imminent. Upon registration of the plan of subdivision, Block 19 which abuts both Blocks 6 and 11 will be transferred to the Town for the purpose of open space. No buildings or structures will be constructed on Block 19. The Owner proposes to construct the townhouse units on that part of Block 6 (Unit

39) and that part of Block 11 (Unit 66) with the limiting distances measured on the abutting Town Block 19, as shown on the drawing attached to this Report as Appendix “1”.

The requirements under the Building Code are as follows and further illustrated on the site plans attached as Appendix “2” and “3” respectively.

Block 6 - Unit 39:

- Actual limiting distance to the property line: 4.11 m
- Proposed limiting distance: 6.50 m
- Proposed limiting distance encroachment onto Town Block 19: 2.39 m
- Allowable openings based off a 6.50 m limiting distance = 21.2%
- Actual openings proposed = 19.2%

Block 11 - Unit 66:

- Actual limiting distance to the property line: 1.56 m
- Proposed limiting distance: 6.53 m
- Proposed limiting distance encroachment onto Town Block 19: 4.97 m
- Allowable openings based off a 6.53 m limiting distance = 21.3 %
- Actual openings proposed = 19.1%.

It is the Owner’s desire to make Units 39 and 66 being end units, more favourable by increasing the maximum percentage of openings to add more natural light to these homes and still comply with the Building Code requirements.

STRATEGIC PLAN ALIGNMENT:

This Report is administrative in nature and does not have an impact on the Town’s Strategic Plan.

RELATIONSHIP TO CLIMATE CHANGE:

This Report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this Report is administrative in nature.

INTERNAL CONSULTATION:

There have been consultations with the Town’s Chief Building Official and Building Plans Examiner with respect to the Building Code; and with the Director of Parks & Open Space with respect to Town Block 19.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

John Linhardt, Commissioner of Planning and Development

Chris Mills, Chief Administrative Officer