



City of North Bay Report to Council

Report No: CSBU 2021 - 12

Date: February 25, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Deeming By-Law Application by Laurentian Heights Limited – 11 Kenreta Drive, 22 Mapleview Place and 26 Mapleview Place

Closed Session: yes no

Recommendation

1. That Council adopts a Deeming By-law to deem Lot 6 Registered Plan 36M-652, Lot 22 Registered Plan 36M-628 and Lot 2 Registered Plan 36M-628 not to be separate lots on a Registered Plan of Subdivision; and
2. That the Deeming By-law be brought forward for three readings at the March 9, 2021 meeting of Council.

Background

The Planning Act states that, in the absence of a deeming by-law, a whole lot in a plan of subdivision can always be transferred in its entirety. Lands can be added to a whole lot, but the owner would always retain the right to transfer the original parcel from the plan of subdivision. In these circumstances, any lands added to a whole lot in a plan of subdivision in essence never really merges with the original lot, as the whole lot can still be sold and transferred separately.

Section 50(4) of the Planning Act allows City Council to pass a by-law to designate or “deem” any Plan of Subdivision or part thereof that has been registered for eight years or more not to be a Plan of Subdivision. This removes the right of the whole lot in the plan of subdivision to be individually transferred, meaning that it would fully merge with adjacent lands in common ownership. This allows the lots in question to be developed as one large lot as opposed to two smaller, separate lots.

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An application has been received to deem certain lots on Maplevue Plan and Kenreta Drive to no longer be separate lots on a Registered Plan of Subdivision. The properties in question are Lot 6 Registered Plan 36M-652 (11 Kenreta Drive), Lot 22 Registered Plan 36M-628 (26 Maplevue Place) and Lot 2 Registered Plan 36M-628 (22 Maplevue Place). The lots are shown below on Schedule A attached hereto.

The purpose of the requested Deeming By-law is to add portions of land severed from an adjacent parcel to be added to the applicants' existing land holdings.

Two concurrent Consent to Sever applications (B-25-20 and B-23-20) were submitted and approved by the Committee of Adjustment. These applications reconfigured the lot layouts in this area. This Committee of Adjustment approval is conditional upon this deeming by-law request being approved by City Council. The new lot configuration is shown on Schedule B attached hereto.

This application was circulated to agencies and departments that have an interest in these matters. No objections were received from any party.

Financial/Legal Implications

None

Corporate Strategic Plan

- | | |
|--|--|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

N/A

Options Analysis

Option 1:

1. That Council adopts a Deeming By-law to deem Lot 6 Registered Plan 36M-652, Lot 22 Registered Plan 36M-628 and Lot 2 Registered Plan 36M-628 not to be separate lots on a Registered Plan of Subdivision; and
2. That the Deeming By-law be brought forward for three readings at the March 9, 2021 meeting of Council.

This option would allow the addition of new lands to the subject property and to relocate an existing drainage easement.

Option 2:

Not to pass the Deeming By-law.

Recommended Option

Option 1 is the recommended option

Respectfully submitted,

Name: Peter Carello, MCIP RPP
Title: Senior Planner – Current Operations

I concur with this report and recommendation.

Name: Beverley Hillier, MCIP RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP RPP
Title: Director of Community Development and Growth

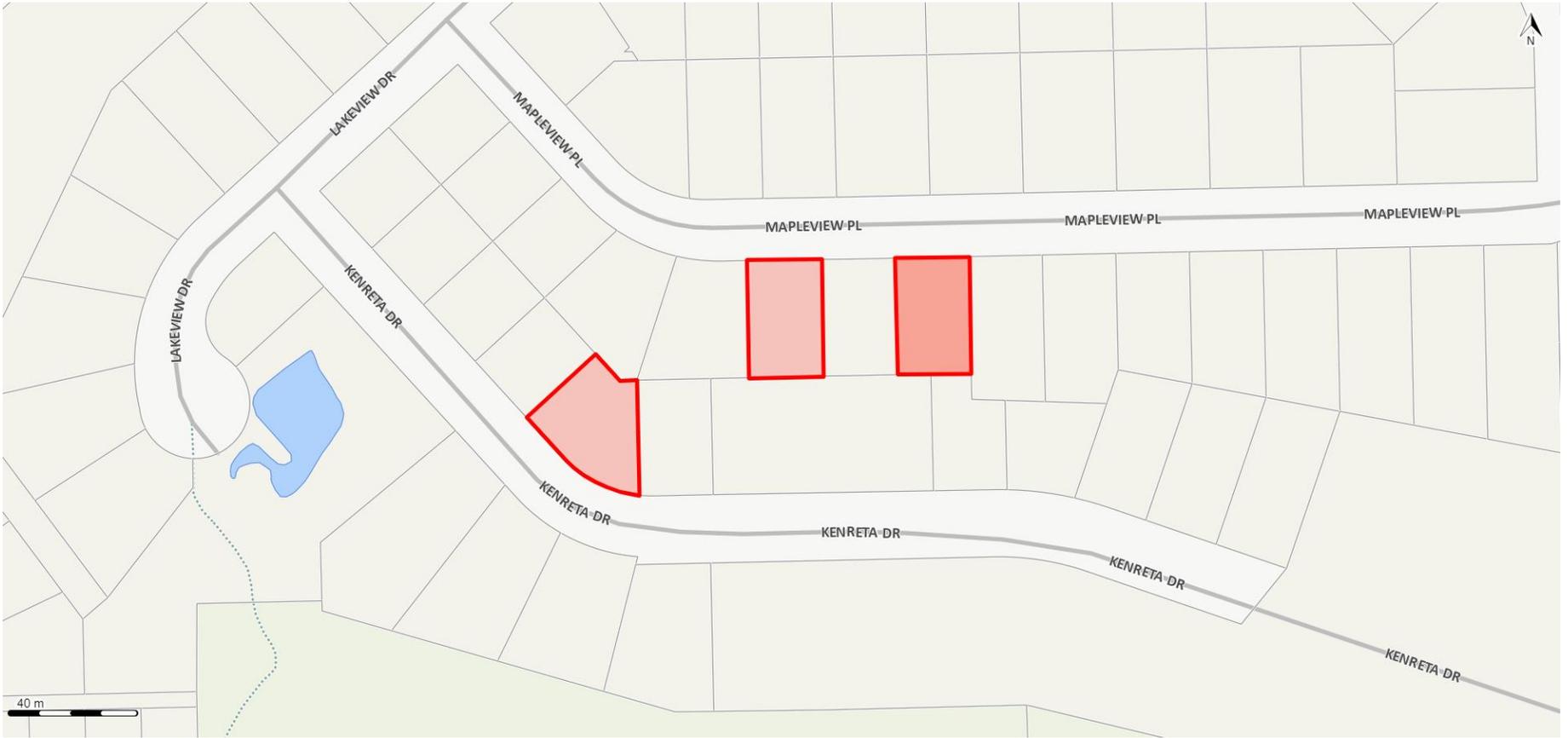
Name: David Euler, P.Eng
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello
Title: Senior Planner – Current Operations

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– 11 Kenreta Drive, 22 Mapleview Place, 26 Mapleview Place

Schedule A



Schedule B

