



# City of North Bay Report to Council

Report No: CSBU 2021 - 16

Date: March 11, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Deeming By-Law Application by Caterina Fruci & Dominic Fruci Estate – 73  
Eglee Avenue

Closed Session: yes ☐ no ☒

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## Recommendation

1. That Council adopts a Deeming By-law to deem Lot 33 Registered Plan M-539 not to be a separate lot on a Registered Plan of Subdivision; and
2. That the Deeming By-law be brought forward for three readings at the March 23, 2021 meeting of Council.

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## 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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The City of North Bay has received a request from a property owner on Eglee Avenue to deem the property known locally as 73 Eglee Avenue (Lot 33 of Registered Plan M-539) to no longer be a whole lot on a Plan of Subdivision. The purpose of this request is to add lands recently severed from an unaddressed parcel on Veronica Drive. This would allow these newly severed lands to be added to the property holdings at 73 Eglee Avenue.

The request was circulated to all departments and agencies that have an interest in these matters. The Building Department, the North Bay Mattawa Conservation Authority, the Engineering Department and the Ministry of Transportation responded that they had no objections to the requested Deeming By-law.

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## **Financial/Legal Implications**

None

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## **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

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## **Options Analysis**

### Option 1:

1. That Council adopts a Deeming By-law to deem Lot 33 Registered Plan M-539 not to be a separate lot on a Registered Plan of Subdivision; and
2. That the Deeming By-law be brought forward for three readings at the March 23, 2021 meeting of Council.

This is the recommended option.

### Option 2:

Not to pass the Deeming By-law.

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## **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.**

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

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

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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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– 73 Eglee Avenue

## Schedule A



## Schedule B

Notes: Lands identified as "Severed Area" would be added to property highlighted in green

