



City of North Bay Report to Council

Report No: CSBU 2021 - 21

Date: April 8, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Deeming By-law Request – 2046 Main Street West, 2060 Main Street West,
2080 Main Street West

Closed Session: yes no

Recommendation

1. That Council adopts a Deeming By-law to deem Lot 141, Lot 142, Lot 143, Lot 144 and Lot 145 of Plan M-36 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 April 20, 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 or more smaller, separate lots.

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The City of North Bay has received a request from a property owner on Main Street West to deem the properties known locally as 2046 Main Street West, 2060 Main Street West and 2080 Main Street West (Lot 141, Lot 142, Lot 143, Lot 144 and Lot 145 of Plan M-36) to no longer be a whole lot on a Plan of Subdivision.

The purpose of this request is to allow the lots to merge into one larger property, which would facilitate the development of the subject property.

The request was circulated to all departments and agencies that have an interest in these matters. No objections to the proposed Deeming By-law were received.

Financial/Legal Implications

None

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" 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

- Promote and support public and private sector investment

Options Analysis

Option 1:

1. That Council adopts a Deeming By-law to deem Lot 141, Lot 142, Lot 143, Lot 144 and Lot 145 of Plan M-36 not to be a separate lots 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.

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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Schedule A

