



# City of North Bay

## Report to Council

Report No: CSBU 2021-34

Date: June 9, 2021

Originator: Beverley Hillier, Manager, Planning & Building Services

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Request for Concurrence & Deeming By-law

Closed Session: yes ☐ no ☒

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### Recommendations

1. That Council offers no objection to the filing of a Court Order pursuant to Section 88 of the *Registry Act*, R.S.O. 1990, c. R.20, as amended, to cancel or suspend in whole or in part a portion of the Plan of Subdivision, being Block 17, Plan 36M-709, in order to facilitate a lot addition.
2. That Council adopts a Deeming By-law to deem Lot 16, Registered Plan 36M-662 not to be a separate lot on a Registered Plan of Subdivision; and
3. That the Deeming By-law be brought forward for three readings at the June 29, 2021 meeting of Council.

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### Background

A request has been received from Sandro Orlando, Solicitor for the property owners Sylvain and Rebecca Rivet, to obtain Council support in the filing of a Court Order pursuant to Section 88 of the *Registry Act*, R.S.O. 1990, c. R.20, as amended, to cancel or suspend in whole or in part a portion of the Plan of Subdivision, being Block 17, Plan 36M-709 in order to facilitate a lot addition to their property at 433 Pearce Street, as shown on Schedule A attached hereto.

In conjunction with this request Sandro Orlando, Solicitor for the property owners Sylvain and Rebecca Rivet, have requested a deeming by-law to deem Lot 16, Plan 36M-662 not to be a lot on a Plan of Subdivision.

The purpose of this request is to remove each of the properties' status as a whole block and lot on a Plan of Subdivision.

The Owner is required to obtain a Court Order for Block 17, 36M-709 in order to facilitate the lot addition. This is required as the Plan of Subdivision 36M-709 has not been registered for eight years or more.

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. Plan 36M-662 was registered in March 2010.

The Deeming By-law Request, combined with the Court Order, would allow for Block 17, Plan 36M-709 to be merged with Lot 16, Plan 36M-662 as one large property. Lot 16, Plan 36M-662 is developed with an existing single detached dwelling. Block 17, Plan 36M-709 is not large enough to accommodate new development. This lot addition was contemplated through the design of Plan 36M-709.

Infrastructure and Operations and Planning Services do not have any objections with the proposed request as this lot addition was contemplated through the design of Plan 36M-709. The property will continue to meet the minimum regulations of the City's Zoning By-law and will not impact the overall development of the larger Plan of Subdivision.

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## Financial/Legal Implications

N/A

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## Corporate Strategic Plan

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

## Specific Objectives

Facilitate the development of housing options to service the needs of the community

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## Options Analysis

### Option 1:

1. That Council offers no objection to the filing of a Court Order pursuant to Section 88 of the *Registry Act*, R.S.O. 1990, c. R.20, as amended, to cancel or suspend in whole or in part a portion of the Plan of Subdivision, being Block 17, Plan 36M-709, in order to facilitate a lot addition.
2. That Council adopts a Deeming By-law to deem Lot 16, Registered Plan 36M-662 not to be a separate lot on a Registered Plan of Subdivision; and

3. That the Deeming By-law be brought forward for three readings at the June 29, 2021 meeting of Council.

Option 2:

That Council not support the filing of a Court Order pursuant to Section 88 of the *Registry Act*, R.S.O. 1990, c. R.20, as amended, to cancel or suspend in whole or in part a portion of the Plan of Subdivision, being Block 17, Plan 36M-709 or the passing of the Deeming By-law to deem Lot 16, Plan 36M-662 not to be a separate lot on a Registered Plan of Subdivision, in order to facilitate a lot addition.

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## **Recommended Option**

Option 1 is the recommended option.

1. That Council offers no objection to the filing of a Court Order pursuant to Section 88 of the *Registry Act*, R.S.O. 1990, c. R.20, as amended, to cancel or suspend in whole or in part a portion of the Plan of Subdivision, being Block 17, Plan 36M-709, in order to facilitate a lot addition.
2. That Council adopts a Deeming By-law to deem Lot 16, Registered Plan 36M-662 not to be a separate lot on a Registered Plan of Subdivision; and
3. That the Deeming By-law be brought forward for three readings at the June 29, 2021 meeting of Council.

Respectfully submitted,

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Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

## **We concur with this report and recommendation.**

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Name: Adam Lacombe, P. Eng  
Title: Senior Capital Program Engineer

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Name: John Severino, P.Eng, MBA  
Title: City Engineer – Infrastructure and Operations

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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

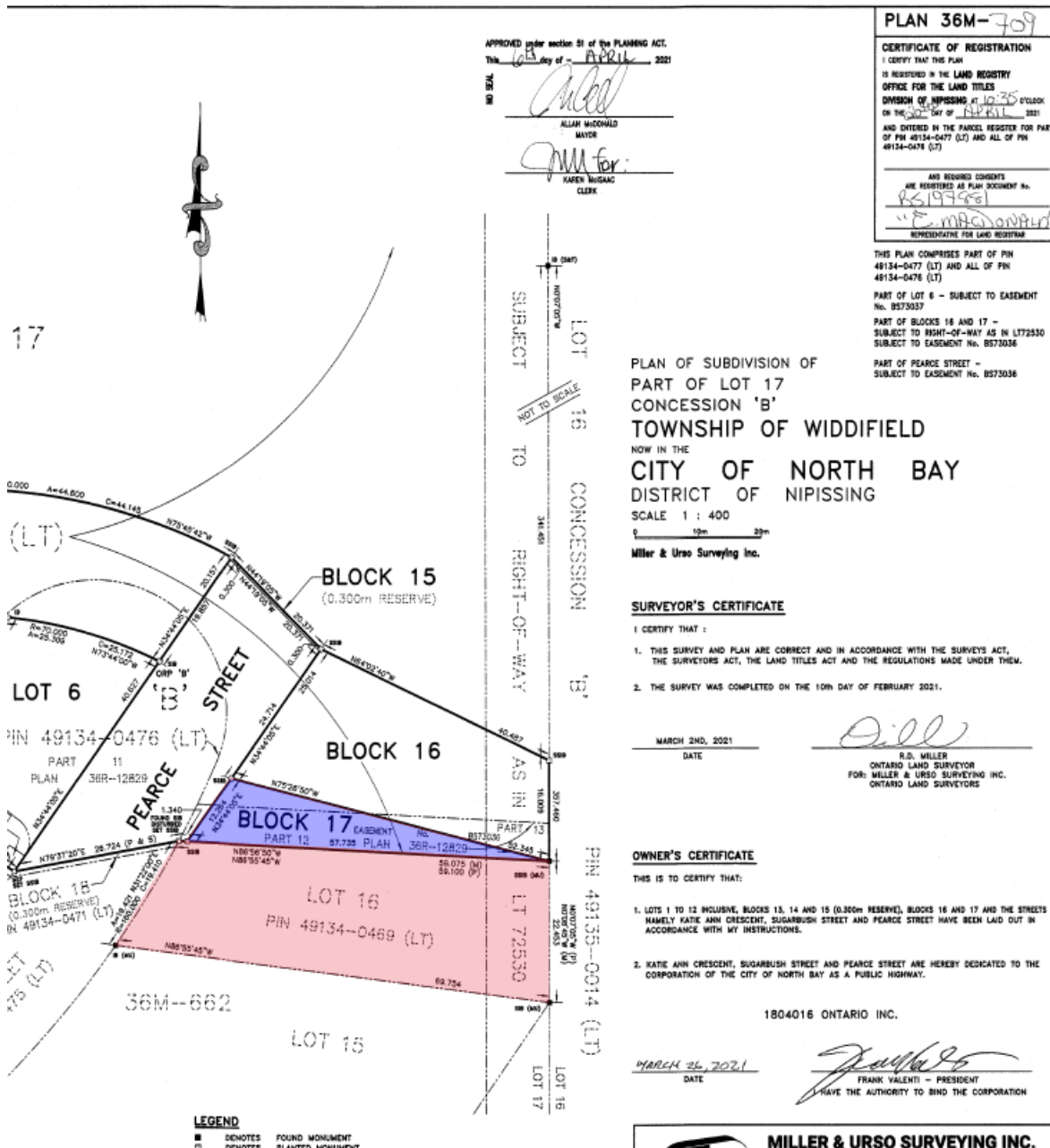
Personnel designated for continuance:

Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2021\CSBU 2021-34 - Request for Concurrence Block 17, Plan 36M-709 & Deeming By-law Lot 16, Plan 36M-662.docx

# Schedule A



Blue = Block 17, Plan 36M-709

Red = Lot 16, Plan 36M-662