

## **City of North Bay Report to Council**

Report No: CSBU-2021-052

Date: October 4, 2021

Originator: Peter Carello – Senior Planner, Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Deeming By-law Request – 769 Champlain Street (Lots 309 and 310, Plan M-153)

Closed Session: yes ☐ no ☒

---

### **Recommendation**

1. That Council adopts a Deeming By-law to deem Lots 309 and 310 on Plan M-153 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 October 21, 2021 meeting of Council.

---

### **Background**

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.

A request has been received from the property owner to deem Lots 309 and 310 on Plan M-153 to no longer be separate lots on a Registered Plan of Subdivision. The properties in question are shown on Schedule A and B attached hereto.

The purpose of the requested Deeming By-law would be to allow the two properties to merge into one large lot. The property owner intends to construct a garage in the area of the two property lines and requires the lots to be merged in order to build in their desired location.

Road access is not currently provided to the westerly lot (Lot 310 on Schedule A). As a result, staff does not have any objections to the two lots merging into one larger lot.

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 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:

To approve the proposed Deeming By-law and permit the two separate lots to merge into one consolidated lot

1. That Council adopts a Deeming By-law to deem Lots 309 and 310 on Plan M-153 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 October 21, 2021 meeting of Council.

Option 2:

Not to pass the Deeming By-law.

---

**Recommended Option**

Option 1 is the recommended option.

1. That Council adopts a Deeming By-law to deem Lots 309 and 310 on Plan M-153 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 October 21, 2021 meeting of Council.

Respectfully submitted,

Name: Peter Carello, MCIP RPP

Title: Senior Planner

**I concur with this report and recommendation**

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name David Euler, P.Eng., PMP

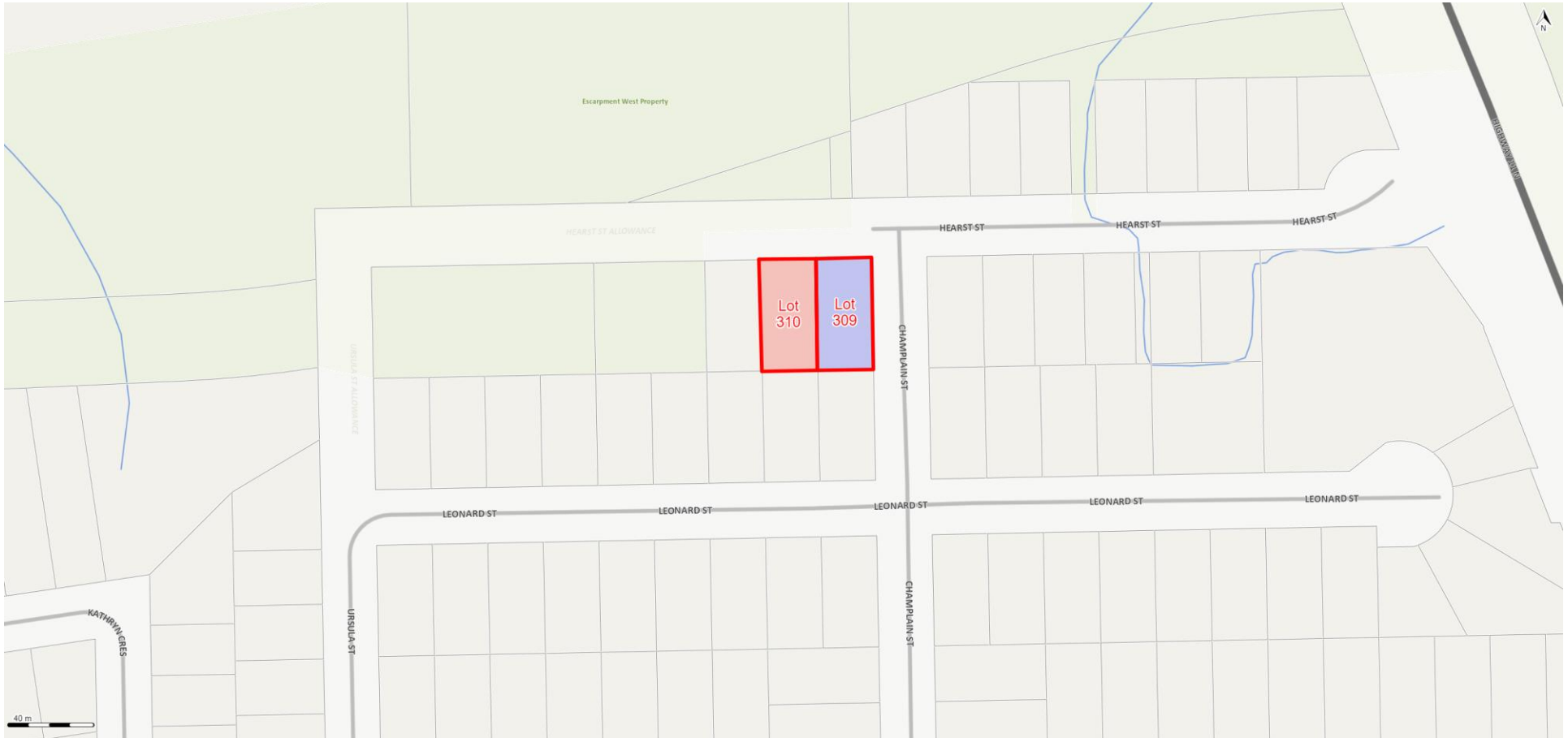
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP

Title: Senior Planner

## Schedule A



## Schedule B

## Plan M-153

