

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

Report No: CSBU-2023-014

Date: January 17, 2023

Originator: Peter Carello, Senior Planner

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Laneway Closure by Brittany Godon & Jason Pearce – 230  
Third Avenue East

Closed Session: yes ☐ no ☒

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### **Recommendation**

1. That the application by Brittany Godon & Jason Pearce to close a portion of the laneway located adjacent to 230 Third Avenue East, as shown on Schedule "A" attached to Report to Council CSBU No. 2023-014, be approved; and
2. That the closure of the laneway be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by City Council to initiate normal closure procedures for the subject laneway

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### **Background**

#### **Site Information**

**Site Description:** The laneway proposed for closure is located adjacent to 230 Third Avenue East, as shown below and on attached Schedule A.

The laneway and adjacent property is designated "Residential" by the Official Plan and is zoned "Residential Third Density (R3)" under the City's Zoning By-law No. 2015-30.

**Figure 1: Map of Subject Property and Surrounding Area**



**Surrounding Land Uses:** The area is comprised largely of low-density residential units. There is a vacant parcel of land opposite the property that was previously utilized as part of the CN rail line that once bisected the City.

### **Background**

The applicants, Brittany Godon and Jason Pearce, have submitted an application to close the portion of the laneway adjacent to their property located at 230 Third Avenue East. The application would only apply to the portion of the laneway adjacent to the side yard. The laneway at the rear yard would remain in public ownership in order to avoid landlocking the remainder of the laneway.

The stated purpose of the application is to construct a driveway on the laneway.

Section 34(1) of the Municipal Act 2001 (S.O. 2001, c.25) permits municipalities to pass By-laws for “stopping up any highway or part of a highway”.

The subject application was circulated to all parties that have an interest in these matters, including the property owners that directly abut laneway. City staff received the following responses to the proposed closure:

- 1) Ministry of Transportation: “The Ministry of Transportation of Ontario (MTO) has reviewed the attached application to close a laneway. The MTO has determined that the subject lands are not located within MTO’s permit control area, therefore, the MTO does not have any comments to provide.”
- 2) Enbridge: “Enbridge Gas Inc. has completed review and have no interest in the subject lands.”

- 3) Engineering Department: Engineering has "reviewed and confirmed that there is sewer and water infrastructure within the existing laneway. See the attached PDF. If the laneway were to close...an easement [is required] to be able to access the infrastructure."
- 4) North Bay Mattawa Conservation Authority: "The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS, 2020; and therefore, we have no objection to this application."

In discussion with the Engineering Department, the presence of the infrastructure will not preclude the closure of the laneway. The closure would be subject to the placement of an easement on the laneway that continue to provide access to the City to maintain the underground infrastructure. The Applicant would not be permitted to construct any permanent structures on the laneway. A copy of the infrastructure mapping is attached to this report as Schedule B.

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### **Financial/Legal Implications**

There are no financial implications to the City of North Bay. The applicant is required to pay all costs associated with the closure, including the reference plan and transfer documents.

The legal implications to the City would be the transfer of a parcel of laneway into private ownership.

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### **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

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### **Options Analysis**

#### Option 1:

Do not close the laneway. This option is not recommended because there is no municipal requirement for the subject laneway.

#### Option 2:

1. That the application by Brittany Godon & Jason Pearce to close the laneway located adjacent to 230 Third Avenue East, as shown on Schedule "A" attached to Report to Council CSBU No. 2023-014, be approved;
2. That the closure of the laneway be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by City Council to

initiative normal closure procedures for the subject laneway

This option is recommended for the reasons outlined in Report to Council CSBU 2023-14.

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**Recommended Option**

Option 2 is the recommended option.

1. That the application by Brittany Godon & Jason Pearce to close the laneway located adjacent to 230 Third Avenue East, as shown on Schedule "A" attached to Report to Council CSBU No. 2023-014, be approved;
2. That the closure of the laneway be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by City Council to initiative normal closure procedures for the subject laneway

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Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

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

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP. RPP

Title: Director, Community Services

Name: John Severino, P.Eng., MBA

Title: Interim Chief Administrative Officer

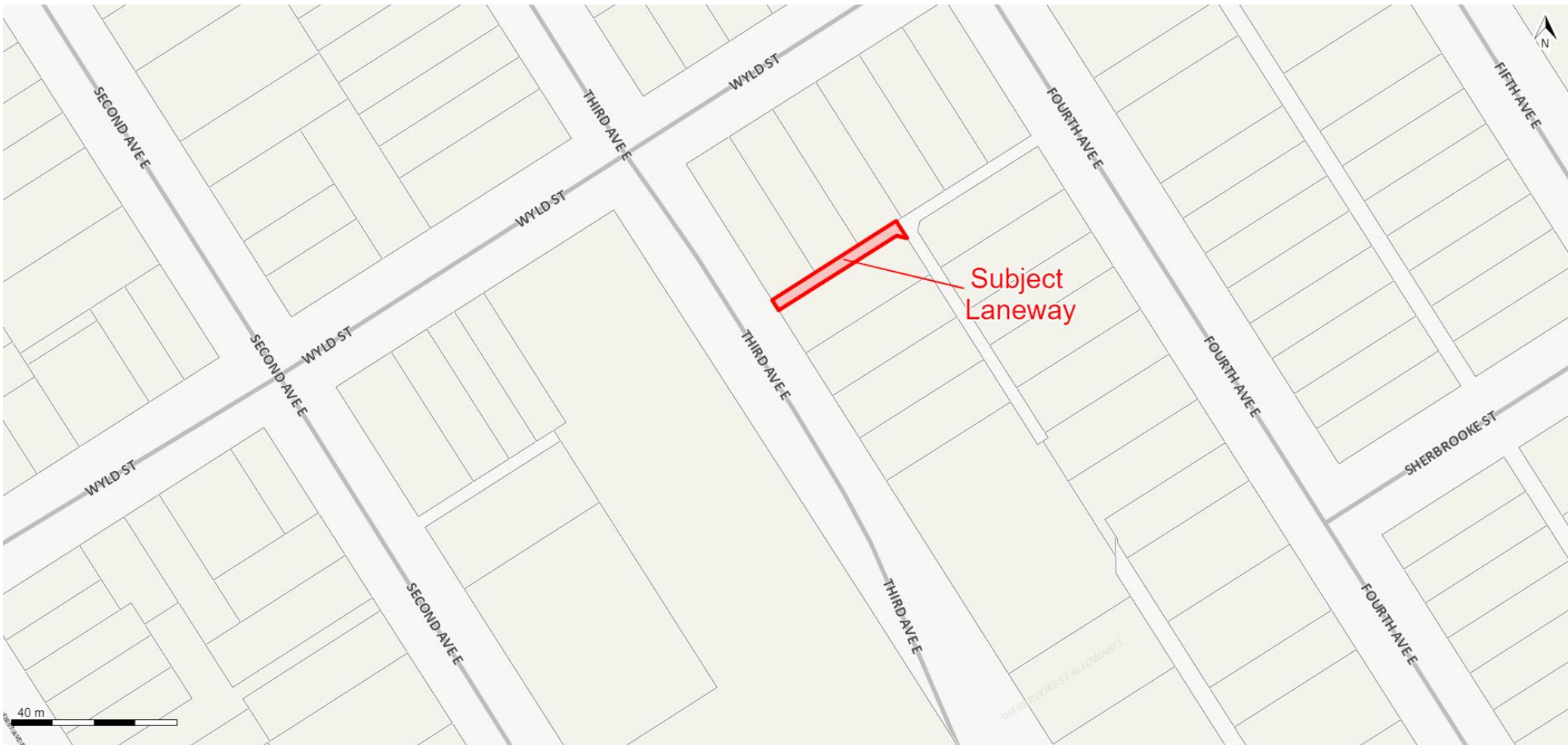
Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

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## Schedule A





## Schedule B

