



City of North Bay Report to Council

Report No: CSBU-2023-028

Date: March 10, 2023

Originator: Peter Carello – Senior Planner

Business Unit:

Community Services

Department:

Planning & Building Department

Subject: Deeming By-Law Application by Kyle and Melissa Kivimaki – 7
Kenreta Drive

Closed Session: yes ☐ no ☒

Recommendation

1. That Council adopts a Deeming By-law to deem Lot 7 Registered Plan 36M-652 not to be whole lot on a Registered Plan of Subdivision; and
2. That the Deeming By-law be brought forward for three readings at the April 11, 2023 meeting of Council.

Background

The City has received a request from the property owners of 7 and 11 Kenreta Drive to merge these two parcels via a Deeming By-law. The two properties are under the same ownership.

Properties that are whole lots from an initial Plan of Subdivision can be individually transferred without Planning Act approvals. This also means that these whole lots on a Plan of Subdivision cannot merge with other lots.

Section 50(4) of the Planning Act allows City Council to pass a by-law to “deem” any lots within a Plan of Subdivision to no longer be whole lots within a Plan of Subdivision. This removes the right of the whole lot in the plan of subdivision to be individually transferred. However, it also means that individual lots can merge with adjacent lands in common ownership.

The property owners have requested a Deeming By-law from the City in order for 7 Kenreta and 11 Kenreta to merge together into one larger lot. A Deeming By-law was previously approved for 11 Kenreta Drive in 2021 through [Report to Council 2021-12](#).

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 to the City

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

Options Analysis

Option 1:

Approve the proposed Deeming By-law and allow the two lots to merge into one larger lot.

Option 2:

Deny the proposed Deeming By-law.

Recommended Option

Option 1 is the recommended option.

1. That Council adopts a Deeming By-law to deem Lot 7 Registered Plan 36M-652 not to be a whole lot on a Registered Plan of Subdivision; and
2. That the Deeming By-law be brought forward for three readings at the April 11, 2023 meeting of Council.

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, Community Services

Name John Severino, P.Eng., MBA

Title: Interim Chief Administrative Officer

Personnel designated for continuance:

Peter Carello, MCIP, RPP

Senior Planner, Current Operations

Schedule A

