

Deeming By-law for 3 and 5 Cedro Court, Capreol

Presented To:	Planning Committee
Meeting Date:	April 12, 2023
Type:	Managers' Reports
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

Staff are recommending that Lot 40 and Lot 41, Plan 53M-1211 be deemed to not be part of a registered plan of subdivision as a means of consolidating the lots and preventing the transfer of the individual lots. The intent is to construct a single dwelling on the consolidated parcel.

Resolution

THAT the City of Greater Sudbury deems Lot 40 & Lot 41, Plan 53M-1211 not to be part of a registered plan for the purposes of Section 50(3) of the Planning Act, as outlined in the report entitled “Deeming By-law for Lots 40 & 41, Plan 53M-1211, 3 & 5 Cedro Court, Capreol”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2023; and,

AND THAT Staff be directed to prepare a by-law for Council to enact deeming Lot 40 & Lot 41, Plan 53M-1211 not to be part of a plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The designation of part of a Registered Plan to be deemed not to be a registered plan for the purposes of Section 50(3) of the Planning Act is an operational matter under the Planning Act.

Financial Implications

If approved, staff estimates approximately \$4,800 in taxation revenue, based on the assumption of a single dwelling detached unit based on an estimated assessed value of \$375,000 at the 2022 property tax rates.

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City. In addition, this would result in total development charges of approximately \$22,000 based on assumption of 1 single family detached unit and based on the rates in effect as of the date of this report.

Report Overview

Staff are recommending that Lot 40 and Lot 41, Plan 53M-1211 be deemed to not be part of a registered plan of subdivision as a means of consolidating the lots and preventing the transfer of the individual lots. The intent is to construct a single dwelling on the consolidated parcel.

STAFF REPORT

Location:

The parcels are legally described as PIN 73507-1690, Lots 40 & 41, Plan 53M-1211 Capreol; S/T LT683825, LT683826, LT683827, SD227132; City of Greater Sudbury and are known municipally as 3 & 5 Cedro Court, Capreol.

Background:

Section 50(4) of the Planning Act provides that the council of a local municipality may, by by-law, designate any plan of subdivision that has been registered for 8 years or more not to be a registered plan for the purposes of Section 50(3) of the Planning Act. Plan 53M-1211 was registered on July 14, 1990. Subsection 50(3) of the Planning Act contains the subdivision control provisions preventing the transfer of land unless the land is within a plan of subdivision along with other restrictions and requirements.

In the past when a development project proposed to cross lot lines, a lot consolidation agreement had been entered into between the property owner and the City, which has been registered, on title. The Registry Office, however, is no longer agreeable to the registering of these types of agreements on title.

Application:

The subject lands are designated Living Area 1 in the Official Plan and are zoned "R1-5", Low Density Residential One. Both lots are currently vacant.

In order to consolidate the land ownership and prevent the individual transfer of either of the lots, it is recommended that a by-law be enacted by Council deeming Lot 40 & Lot 41, Plan 53M-1211 not to be a registered plan for the purposes of Section 50(3) of the Planning Act. The deeming by-law would be forwarded to the Registry Office, and would appear on title to the property and would prevent the transfer of the lots individually. The lots could only be transferred together as long as the deeming by-law remains in place.

Staff has received an acknowledgement from the owner that they understand the implications of the deeming by-law and agree with the lots being deemed for the purposes of Section 50(3) of the Planning Act.

Recommendation

It is recommended that Council approve the application as noted in the Resolution section.