

## 3951 Chief Lake Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	June 26, 2023
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

## Report Summary

This report provides a recommendation regarding a request to deem certain lots not to be part of a registered plan of subdivision, 3951 Chief Lake Road, Sudbury.

## Resolution

THAT the City of Greater Sudbury approves designating Lot 5 & 6, Plan M-664 as being deemed 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 “3951 Chief Lake Road, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 26, 2023;

AND THAT Staff be directed to prepare a by-law for Council to enact deeming Lot 5 & 6, Plan M-664 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

There are no financial implications associated with this report.

## Report Overview:

Staff are recommending that Lot 5 & 6, Plan M-664 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 as a means of consolidating abutting lots in the same ownership.

# STAFF REPORT

## Location:

Lot 5 & 6, Plan M-664, Lot 6, Concession 3, Township of Broder, Sudbury

## 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 M-664 was registered on September 6, 1962. 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.

The subject lands are designated Living Area II in the Official Plan and are zoned "R1-2", Low Density Residential One. The lands are known as 3951 Chief Lake Road, and contain an existing residential dwelling, garage, and several smaller accessory structures. The owner is intending to construct a larger garage where the existing garage is located. The existing garage could be replaced, however, given the proposed increased garage size and the zoning by-law requirement that accessory structures cannot be constructed on a lot without a main use, a request for a deeming by-law is required to enable the project. Municipal sewer and water services are not available in this location.

In order to consolidate the land ownership as per the owner's request, it is recommended that a by-law be enacted by Council deeming Lot 5 & 6, Plan M-664 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.

Passage of a deeming by-law does not affect the applicable zoning, and the owner is advised to ensure their project complies with the applicable zoning by-law standards (e.g. setbacks, maximum height and lot coverage).