

239 Struthers Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	July 8, 2024
Type:	Routine Management Reports
Prepared by:	Stephanie Poirier 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, 239 Struthers Street, Sudbury.

Resolution

THAT the City of Greater Sudbury approves designating Lots 133 & 134, Plan M-163 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 “239 Struthers Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 8, 2024;

AND THAT staff be directed to prepare a by-law for Council to enact deeming Lots 133 & 134, Plan M-163 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 Climate Action Plans

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 is recommending that Lots 133 & 134, Plan M-163 be deemed to not be part of a registered plan of subdivision as a means of consolidating the lots by way of common ownership and preventing the transfer of the individual lots without lifting of the deeming by-law.

STAFF REPORT

Location:

PIN 73590-0423, Parcel 19042, Plan M-163 Lots 133 and 134, Concession 2, Lot 6, Township of McKim

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-163 was registered in October of 1943. 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 I' in the Official Plan and are zoned "R1-5", Low Density Residential One in the Zoning By-law. The lands are known as 239 Struthers Street and contain an existing residential dwelling and accessory building. The current owner advised that they would like to be able to construct future accessory structures on Lot 133. The owner would be unable to build accessory buildings on Lot 133 as a separate lot distinct lot on a plan of subdivision, as 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.

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 Lots 133 & 134, Plan M-163 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).