

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Tuesday, Oct 01, 2019
Type:	Managers' Reports

## Request for Decision

### Deeming By-law for Lots 190 and 191, Plan M-70A, 9 Randolph Street, Capreol

#### Resolution

THAT the City of Greater Sudbury approves designating Lots 190 and 191, Plan M-70A in Lot 11, Concession 1, Norman Township, 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 "Deeming By-law for Lots 190 and 191, Plan M-70A, 9 Randolph Street, Capreol", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019;

AND THAT staff be directed to prepare a by-law to enact deeming Lots 190 and 191, Plan M-70A 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

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.

#### Report Summary

Staff is recommending that Lots 190 and 191, Plan M-70A be deemed to not be part of a registered plan of subdivision as a means of consolidating the lots with each other, preventing the transfer of either lot without the other. The deeming by-law will facilitate the replacement of a dwelling demolished due to structural collapse caused by snow load.

#### Financial Implications

This report has no financial implications as the purpose is to consolidate two lots.

#### Signed By

**Report Prepared By**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

**Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 7, 19*

**Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

**Title: Deeming Lots 190 & 191, Plan M-70A, 9 Randolph Street, Capreol**

**Date: September 30, 2019**

## **STAFF REPORT**

### **Location:**

Lots 190 and 191, Plan M-70A, Lot 11, Concession 1, Norman Township, 9 Randolph Street, 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 of the purposes of Section 50(3) of the Planning Act. Plan M-70A was registered on March 19, 1918. 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 Zone. On September 18, 2019, the owner requested that the City enact a deeming by-law for the subject lots. The proposal will facilitate the replacement of a dwelling demolished due to structural collapse caused by snow load. The original dwelling, constructed in 1957 straddled the two 12.19 m (40' wide) lots and the owner is requesting that the new dwelling be built in a similar manner.

As staff has noted in other deeming reports to Planning Committee, the Registry Office, is no longer agreeable to the registering of lot consolidation agreements on title and as such it has been necessary to deem lots under Section 50 of the Planning Act in order to ensure that they cannot be transferred separately.

In order to consolidate Lots 190 and 191, to ensure that they cannot be transferred independently of each other, it is recommended that a by-law be enacted by Council deeming both lots not to be lots in 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 either lot without the other lot. Lots 190 and 191 could only be transferred together as long as the deeming by-law remains in place.

