

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.