

## Request for Decision

### Deeming By-law for Lot 8 & 9, Plan M-38, 0 & 477 Kirkwood Drive

|               |                            |
|---------------|----------------------------|
| Presented To: | Planning Committee         |
| Presented:    | Monday, Oct 05, 2020       |
| Report Date   | Friday, Sep 11, 2020       |
| Type:         | Routine Management Reports |

### Resolution

THAT the City of Greater Sudbury approves designating Lot 8 & Lot 9, Plan M-38 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”, from the General Manager of Growth and Infrastructure presented at the Planning Committee meeting on October 5, 2020;

AND THAT staff be directed to prepare a by-law for Council to enact deeming Lot 8 & Lot 9, Plan M-38 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 are recommending that Lot 8 & Lot 9, Plan M-38 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 single detached dwelling and septic system are proposed to be constructed across the lot lines.

### Financial Implications

There are no financial implications associated with this report.

#### Signed By

**Report Prepared By**

Wendy Kaufman  
Senior Planner  
*Digitally Signed Sep 11, 20*

**Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Sep 11, 20*

**Financial Implications**

Steve Facey  
Manager of Financial Planning & Budgeting  
*Digitally Signed Sep 16, 20*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Sep 22, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Sep 23, 20*

**Title: Deeming By-law for Lot 8 & Lot 9, Plan M-38, 0 & 477 Kirkwood Drive**

**Date: September 8, 2020**

## **STAFF REPORT**

### **Location:**

Part of Lot 7, Lot 8 & Lot 9, Plan M-38, 0 & 477 Kirkwood Drive, in 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-38 was registered on July 2, 1904. 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 1 in the Official Plan and are zoned "R1-3", Low Density Residential One. Part of Lot 7 and Lot 8, Plan M-38 are known as 477 Kirkwood. Lot 9 is currently vacant and is known as 0 Kirkwood. There is a single detached dwelling and a garage on Part of Lot 7 and Lot 8, which was constructed in 1940. The owner has made an application to demolish the existing single detached dwelling and detached garage on Part of Lot 7 and Lot 8 (Permit #B19-2024). They have also submitted a permit to construct a single detached dwelling (Permit #B20-1282), and the accompanying new septic system will be located on Lot 9. Building Services has advised that the proposed site layout may not meet the zoning provisions for the R1-3 zone, and the owner may choose to seek relief through the minor variance process.

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.

In order to consolidate the land ownership and prevent the individual transfer of any of the lots, it is recommended that a by-law be enacted by Council deeming Lot 8 & Lot 9, Plan M-38 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. The portion of 477 Kirkwood which is known as Part of Lot 7, Plan M-38 cannot be included in the deeming by-law given it is not a full lot on a plan of subdivision.

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.

**SUBJECT  
PROPERTY**

Ramsey Lake

934

531

521

511

680

501

491

**R1-3**

477

467

455

445

439

427

LOT 3  
CON 3

LOT 2  
CON 3

Roderick

**R1-3**

937

Kirkwood

**R1-3**

**SUBJECT  
PROPERTY**

Ramsey Lake

Kirkwood

Elliott

Algoma Hospital

Bedford

Lake Point

Dixon

Ramsey Lake

Bethel Lake

## Growth and Infrastructure Department



Subject Property being PINs 73581-0215 & 73581-0271, Part of Lot 7, 8 & 9, Plan M-38, Parcel 23848, Lot 2, Concession 3, Township of McKim, 0 & 477 Kirkwood Drive, Sudbury, City of Greater Sudbury

NTS

Sketch 1

Date: 2020 09 04