

Recommendation:

That the Planning-2024-20 report, dated September 3, 2024 regarding a Deeming By-law for Lots 2, 3 and 4, Registered Plan No. 9, Roll Nos. 1522-020-004-24200 and 1522-020-004-24300 be received; and

That Council enact a Deeming By-law pursuant to Section 50(4) of the Planning Act, so as to deem Lots 2, 3 and 4, Registered Plan 9, as not being registered lots within a Plan of Subdivision; and

That the Deeming By-law be passed at the appropriate time during the meeting.

Overview:

Kylie Arlean Martin is the owner of two lots on Barnes Avenue. Lot 'A' is identified as Roll No. 1522-020-004-24200, and described as Lot 4, Registered Plan 9. Lot 'B' is identified as Roll No. 1522-020-004-24300, and described as Lots 2 and 3, Registered Plan 9 and is known municipally as 2321 Barnes Avenue.

A map produced from the County of Peterborough GIS system is attached to this Report along with a Surveyor's Real Property Report prepared by J.B. Fleguel, dated November 6, 2008.

The Owner, via their agent, has submitted a building permit to construct an approximately 16' by 16' screen room addition to the west of the existing dwelling (Permit No. DD-2024-0047). The existing and proposed development is shown on the drawings prepared by Mackenzie Design Inc., dated April 5, 2024 which were submitted in support of the building permit application. A copy of the drawings are attached to this Report.

The subject properties are zoned Limited Service Residential Zone (LSR) in the Township Zoning By-law. During the permit review and through preliminary inquiries with Staff it was determined that the proposed construction would not meet the minimum interior side yard setback requirement for the (LSR) Zone as the two lots were separately conveyable parcels. In order to achieve compliance with the Zoning By-law, the Owner wishes to merge Lot 'A' and Lot 'B'.

The Owner's legal counsel, Philip Aldrich, LLF, noted that "as all of the properties owned by Kylie Martin are lots on a registered plan of subdivision, the appropriate way to merge them into one parcel of land would be to pass a deeming bylaw in accordance with section 50(4) of the Planning Act." A copy of the Draft Deeming By-law is attached to this Report.

Mr. Aldrich also noted that "there was a bylaw registered in 2008 (attached) for Lots 2 and 3 but...it would be appropriate to include all 3 Lots on the deeming bylaw. The 2008 by-law is really just the contractual obligation to merger the properties whereas

the deeming bylaw would be more permanent.” A copy of By-law No. 2008-98 is attached to this Report.

Conclusion:

The Owner is requesting a Deeming By-law to proceed with building permit DD-2024-0047. Subsection 50(4) of the Planning Act authorizes Council to designate by by-law, any plan of subdivision, or part thereof, that has been registered for eight years or more to be deemed not a registered plan of subdivision for the purposes Subsection 50(3) of the Planning Act. This subsection provides Council with the ability to cause abutting lots in common ownership to be merged in title and prevent those lots from being independently conveyed.

If the By-law is approved, it would have the effect of merging the lots into a single property. If, in future, the Owner wishes to sell any portion of the subject lands, a further *Planning Act* approval to divide the lands would be required (i.e. a Consent application). As such, Staff recommend that the lots should be merged in title, as requested by the Owner, to support the construction of the addition to the existing dwelling.

The passing of a Deeming By-law does not require a statutory public meeting however a notice of passing is required and there is a 20 day period for the owner to give notice to the Clerk should they desire to make representations to Council respecting the amendment or to repeal the by-law (Planning Act, Subsection 50(30)).

The Deeming By-law is not effective until the By-law has been registered at the Land Registry Office (Planning Act, Subsection 50(27(28))).

Financial Impact:

The Applicant has paid the required fee of \$550.00 as outlined in Schedule “A” to By-law No. 2023-62, the Township’s User Fees and Charges By-law. Any additional fees required for the registration of the By-law at the Land Registry Office shall be at the Owner’s expense.



Service Modernization and Innovation

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



Business Attraction, Expansion, and Retention

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



Infrastructure Renewal

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

Report Approval Details

Document Title:	Deeming By-law (Lots 2, 3 and 4, Plan No. 9).docx
Attachments:	<ul style="list-style-type: none"> - Lots 2, 3 and 4, Registered Plan No. 9.pdf - 2321 Barnes Avenue - GIS Parcel Map with air photo.pdf - Martin Cottage Screen Room Addition_cp_17592311210534.pdf - bylaw 2008-98.pdf - Draft Deeming By-law.pdf
Final Approval Date:	Aug 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Mike Rutter