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Deeming By-Law

TO:	CHAIR & MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON APRIL 29, 2014
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR DEEMING BY-LAW APPLICANT: ROBERT ARNTFIELD & ARNTFIELD MEDICINE PROFESSIONAL CORPORATION LOCATION: 29 DUNKIRK PLACE

RECOMMENDATION

That, on the recommendation of the Manager of Development Services and Planning Liaison, the following actions be taken with respect to the application of Robert Arntfield and Arntfield Medicine Professional Corporation relating to the property located at 29 Dunkirk Place:

- (a) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting on May 6, 2014 to deem part of Lots 28 and 33, and all of Lots 29, 30, 31 and 32 in Registered Plan of Subdivision No. 448(C) not to be in a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;
- (b) the City Clerk **BE DIRECTED** to provide notice of the by-law passing and undertake registration of the Deeming By-law, in accordance with the provisions in subsections 50(28) and 50(29) of the *Planning Act*, and
- (c) the applicant **BE REQUIRED** to pay for any costs incurred to register the deeming by-law at the land registry office.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of the recommended action is to consolidate several contiguous lots and part lots into one parcel by deeming the subject lands not to be in a registered plan of subdivision. Removal of the internal lot boundaries will permit the issuance of a building permit to construct a single detached dwelling.

BACKGROUND

The subject property is located at 29 Dunkirk Place and is legally described as part of Lots 28 and 33, and all of Lots 29, 30, 31 and 32, Registered Plan 448(C). Each of the original lots in the registered plan measure approximately 10 metres (32.6 ft.) in width by 34.7 metres (114 ft.) in depth. Several of the original lots in this plan have subsequently been reconfigured and/or consolidated into parcels of varying sizes over the years. The lots that comprise the subject property have a combined area of 1,528m² (16,447 sq.ft.), and a combined frontage of 44 metres (144 ft.) on the south side of Dunkirk Place.

The property is designated Low Density Residential in the Official Plan and zoned Residential R1 (R1-4), which requires a minimum lot frontage of 12 metres and a minimum lot area of 360m². The individual lots, as currently configured, do not meet the minimum lot frontage and area requirements of the R1-4 Zone. The property had been developed as a single site, with a single detached residential dwelling and accessory structure for a number of years. The

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dwelling and detached garage were demolished last year and the owner has recently applied for a building permit to construct a new single detached dwelling that would cross the underlying lot boundaries, as shown in Registered Plan 448(C). The construction of dwellings across lot boundaries is not permitted under the Building Code and the underlying lotting pattern must be removed so that the development can proceed in the form of a single detached dwelling on one consolidated lot.

By-laws can be enacted pursuant to Section 50(4) of the Planning Act for the purpose of deeming any plan of subdivision or part thereof, which has been registered for eight (8) years or more, not to be a registered plan of subdivision. The effect of a deeming by-law would be to merge two or more lots or blocks within a registered plan of subdivision into one legally conveyable lot. Deeming by-laws are often used to merge lots from old plans of subdivision which no longer meet current development or zoning standards.

Plan 448(C) was registered in 1907 and the individual lots that comprise the subject property do not meet current zoning regulations for lot frontage or lot area. Approval of a deeming by-law will provide for redevelopment of a larger single detached dwelling that is in conformity with existing zoning. Impacts on the neighbourhood will be minimal since intensification is not proposed and the property will continue to accommodate a single detached dwelling.

No notice or hearing is required prior to the passing of a “deeming” by-law under subsection 50(4) of the Planning Act. Notice of the passing of the by-law must be given within 30 days to the assessed owner of any land to which the by-law applies, and the owner can make representations to Council concerning the by-law within 20 days of issuance of the notice. In this case, the owner has requested that Council approve the deeming by-law.

CONCLUSION

An application has been received from the owner of the property at 29 Dunkirk Place for approval of a by-law to deem the land not to be part of a registered plan of subdivision under the *Planning Act*. The reason for this request is to permit the construction of a single detached dwelling that does not cross property boundaries, as required by the Building Code. Passing of the by-law is recommended as it will allow for a continuation of the existing single detached residential use of the property in conformity with the requirements of the Zoning By-law.

PREPARED AND RECOMMENDED BY:	CONCURRED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
PETER KOKKOROS, P.ENG DEPUTY CHIEF BUILDING OFFICIAL DEVELOPMENT & COMPLIANCE SERVICES	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

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LOCATION MAP – 29 DUNKIRK PLACE

APPENDIX “A”

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Bill No.
2014

By-law No.

A by-law to deem a portion of Registered Plan No. 448(C) not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act, R.S.O. 1990, c. P13*.

WHEREAS subsection 50(4) of the *Planning Act* provides that the council of a local municipality may by by-law designate any plan of subdivision or part thereof that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

AND WHEREAS part of Lots 28 and 33, and all of Lots 29, 30, 31 and 32, Registered Plan No. 448(C) are currently separate lots within the registered plan.

AND WHEREAS Registered Plan No. 448(C) has been registered for more than eight years.

NOW THEREFORE The Municipal Council of The Corporation of the City of London enacts as follows:

1. That the following lots and part lots on Registered Plan No. 448(C) shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*:

- (a) Part of Lot 28 and Lots 29 & 30, Plan 448(C), as in 433550; London/Westminster
PIN: 08380-0016 LT
- (b) Lot 31, Plan 448(C); London/Westminster
PIN: 08380-0017 LT
- (c) Lot 32 and Part of Lot 33, Plan 448(C), being the westerly 4 feet; London/Westminster
PIN: 08380-0018 LT

2. This by-law comes into force on the day it is enacted by the Council of the Corporation of the City of London, subject to the provisions of subsection 50(27) of the *Planning Act*.

PASSED in Open Council on May 6, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – May 6, 2014
Second Reading – May 6, 2014
Third Reading – May 6, 2014