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Deeming By-Law
7 Annadale Drive

TO:	CHAIR & MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON FEBRUARY 22, 2016
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR DEEMING BY-LAW APPLICANT: CITY OF LONDON LOCATION: 7 ANNADALE DRIVE

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of the City of London relating to the property located at 7 Annadale Drive:

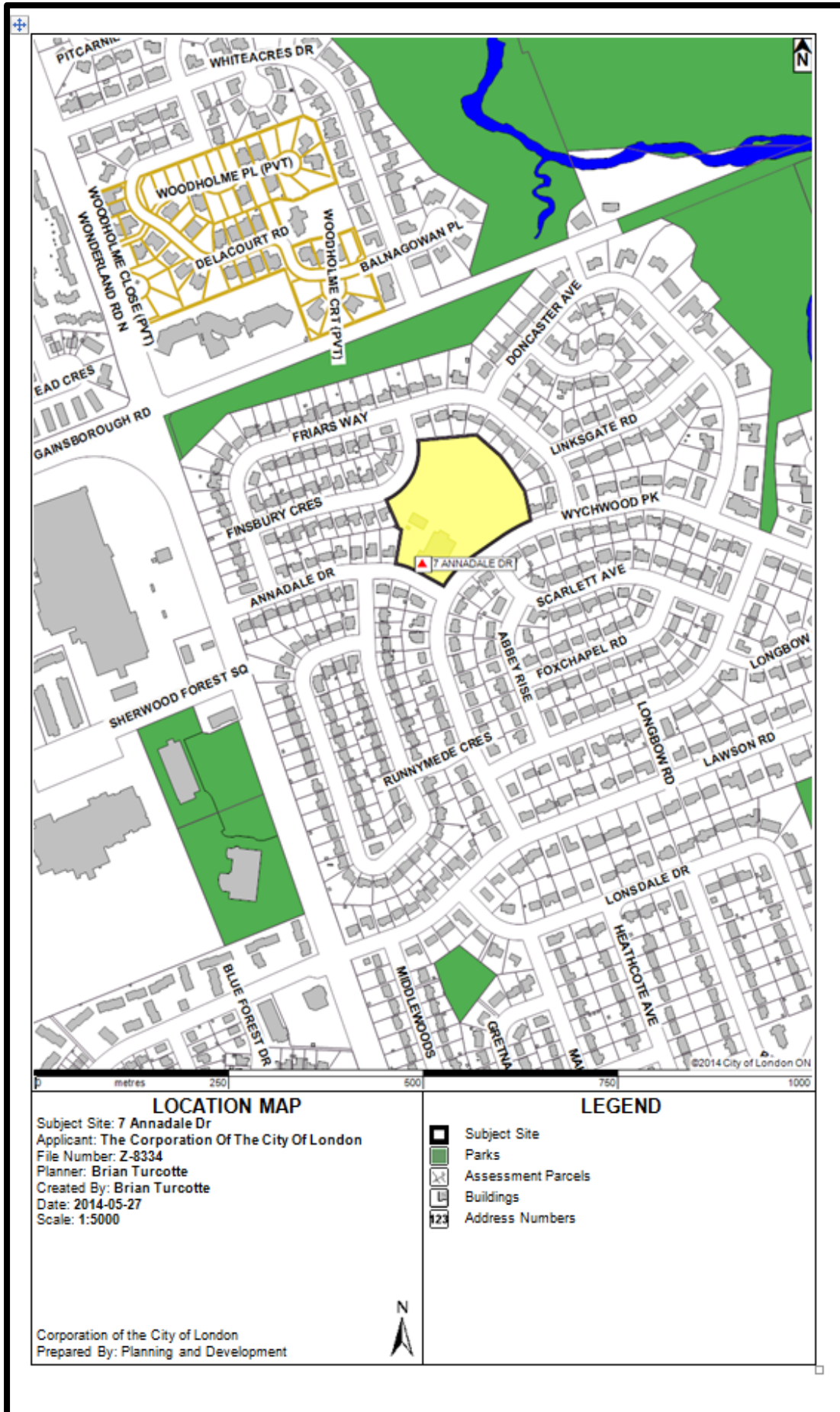
- (a) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting on March 1, 2016 to deem Lots 225 to 227 inclusive, Lots 242 to 255 inclusive, Lots 267 to 271 inclusive, Part of Lot 249, Block I and Part of Block K, Plan 891, designated as Part 1 on 33R-6891, City of London, County of Middlesex 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 allow for the reconfiguration of the former school site and associated playfields lands to be redeveloped for single detached dwellings fronting onto Wychwood Park and Finsbury Crescent, cluster housing opportunities interior to the site, and a neighbourhood park at the intersection of Wychwood Park and Annadale Drive.

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Location Map



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BACKGROUND

The subject property is located at 7 Annadale Drive and is legally described as Lots 225 to 227 inclusive, Lots 242 to 255 inclusive, Lots 267 to 271 inclusive, Part of Lot 249, Block I and Part of Block K, Plan 891, designated as Part 1 on 33R-6891, City of London, County of Middlesex. The property is the former location of Sherwood Public School.

Existing Registered Plan of Subdivision Plan 891

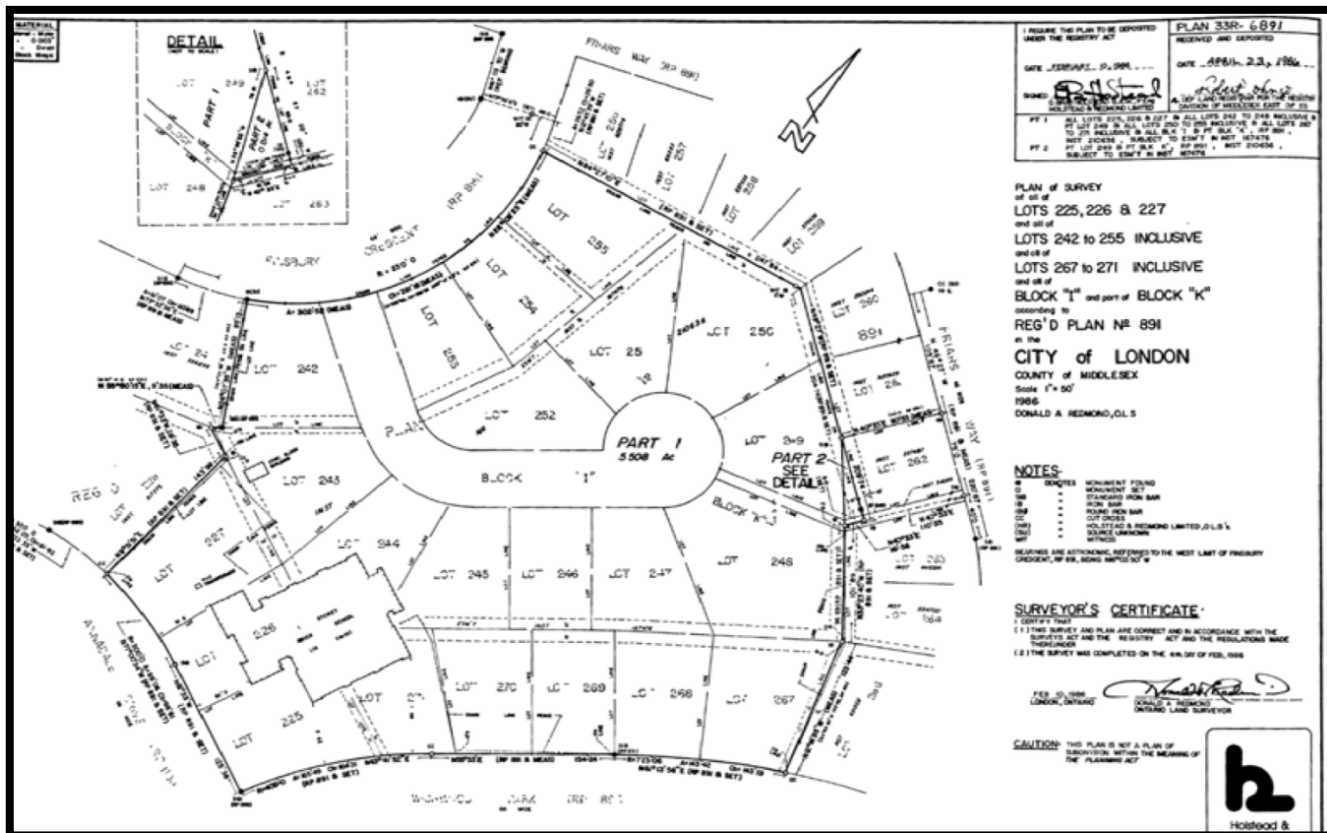


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Existing Reference Plan 33R-6891



In June of 2013 the Thames Valley District School Board (TVDSB) closed the Sherwood Forest Public School. The TVDSB subsequently initiated a School Board Disposition Process (as required under the *Education Act, Ontario Regulation 444/98*).

As a result of this Disposition Process, Municipal Council, at its session on March 18th, 2014 resolved:

*“That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, the Agreement of Purchase and Sale.....for the property known as 7 Annadale Drive (former Sherwood Forest Public School)**BE ACCEPTED** subject to the following conditions:...iv) the completion of the transaction is conditional upon the Purchaser successfully causing the property to be rezoned to an OS [Open Space zone] variation / R1 [Residential R1 zone] variation/R6 [Residential R6 zone] variationwithin 120 days of the Vendor’s acceptance of the Agreement of Purchase and Sale.*

The conditional offer was accepted by the TVDSB on May 6th, 2014. At the time, the “hard date” by which the property would have to be rezoned (or the condition would fail and the offer lapse) was September 3rd, 2014. The City of London subsequently negotiated an extension to the September 3rd 2014 deadline date to December 2nd, 2014. This extension was negotiated to provide staff with an opportunity to consult with the public and private sector stakeholders in the preparation of a preferred land use concept. The preferred land use concept would serve to inform and support a recommended zoning by-law amendment for the property.

The property is designated Low Density Residential in the Official Plan and on October 14, 2014 Council amended the zoning on the lands from a Neighbourhood Facility (NF) Zone to a Holding Open Space (h-18*OS1) Zone, a Holding Residential R1 Special Provision (h-18*R1-5(8)) Zone, a Residential R1 Special Provision (R1-5(13)) Zone and a Holding Residential R6 Special Provision (h-5*h-18*R6-3(8)) Zone to permit the lands to be developed as identified through the extensive public consultation process (see below).

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Preferred Development Concept



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 891 was registered in 1962 and reference plan 33R-6981 was deposited in 1986. The individual lots that comprise the subject property on the existing plans do not implement the preferred development concept as approved by Council identified through the extensive public consultation process. Approval of a deeming by-law will provide for redevelopment of a lands that is in conformity with existing zoning.

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.

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CONCLUSION

The application by the City for the property at 7 Annadale Drive for approval of a by-law to deem the land not to be part of a registered plan of subdivision under the *Planning Act* is appropriate and will allow the lands to be redeveloped. Passing of the by-law is recommended as it will allow for the development of the lands as identified through the public engagement process and is in conformity with the Zoning By-law as approved by Council on October 14, 2014.

RECOMMENDED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

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APPENDIX “A”

Bill No.
2016

By-law No.

A by-law to deem a portion of Registered Plan No. 891 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 225 to 227 inclusive, Lots 242 to 255 inclusive, Lots 267 to 271 inclusive, Part of Lot 249, Block I and part of Block K, Plan 891, are currently separate lots within the registered plan.

AND WHEREAS Registered Plan No. 891 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. 891 shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*: Lots 225 to 227 inclusive, Lots 242 to 255 inclusive, Lots 267 to 271 inclusive, Part of Lot 249, Block I and Part of Block K, Plan 891, designated as Part 1 on 33R-6891, City of London, County of Middlesex being all of PIN 08070-0262
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 March 1, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

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First Reading – March 1, 2016
Second Reading – March 1, 2016
Third Reading – March 1, 2016