

Deeming By-Law  
110&120 Shamrock

TO:	CHAIR & MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON OCTOBER 31, 2016
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR DEEMING BY-LAW APPLICANT: JOHN SHIRLEY LOCATION: 110 & 120 SHAMROCK ROAD

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 John Shirley relating to the property located at 110 and 120 Shamrock Road:

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting on November 8<sup>th</sup>, 2016 to deem Lots 28 and 29 in Registered Plan of Subdivision 33M-272 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 two contiguous Blocks 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 owner to obtain site plan approval and issuance of a building permit to construct a building that crosses the existing property boundary.

BACKGROUND

The “Shamrock” subdivision was draft approved by the Ontario Municipal Board in October 1979, and registered as Plan 33M-272 on September 27<sup>th</sup>, 1991. The subdivision did not develop, as originally planned. Contamination was identified on a portion of the site and the lands were in tax arrears for a number of years. In April 2012, Council approved an agreement with the owner, providing for a write off of outstanding property taxes in exchange for the remediation and clean up of the site. As a condition of the agreement with the City, the owner filed a Record of Site Condition in May 2014, which is being revised to reflect contiguous groupings of lots. The subdivision agreement was updated in August 2015 to reflect current servicing standards and municipal requirements. The revised agreement has been executed and the owner is in the process of installing services, in accordance with the approved plans.

The lots in question are located at 110 & 120 Shamrock Road, and are legally described as Lots 28 and 29, Plan 33M-272. Each of the lots currently measures 52 metres (170 ft.) in width by 64.5 metres (212 ft.) in depth. The lands are designated Light Industrial in the Official Plan and currently zoned “Light Industrial (LI6/LI7)”, which permits a range of industrial and associated uses. Site plan consultation was recently undertaken for a proposed building which would cross

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the boundary between the two lots. The construction of buildings 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 building with associated parking and landscaping 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 zoning standards, or where a building is proposed to be constructed across property boundaries.

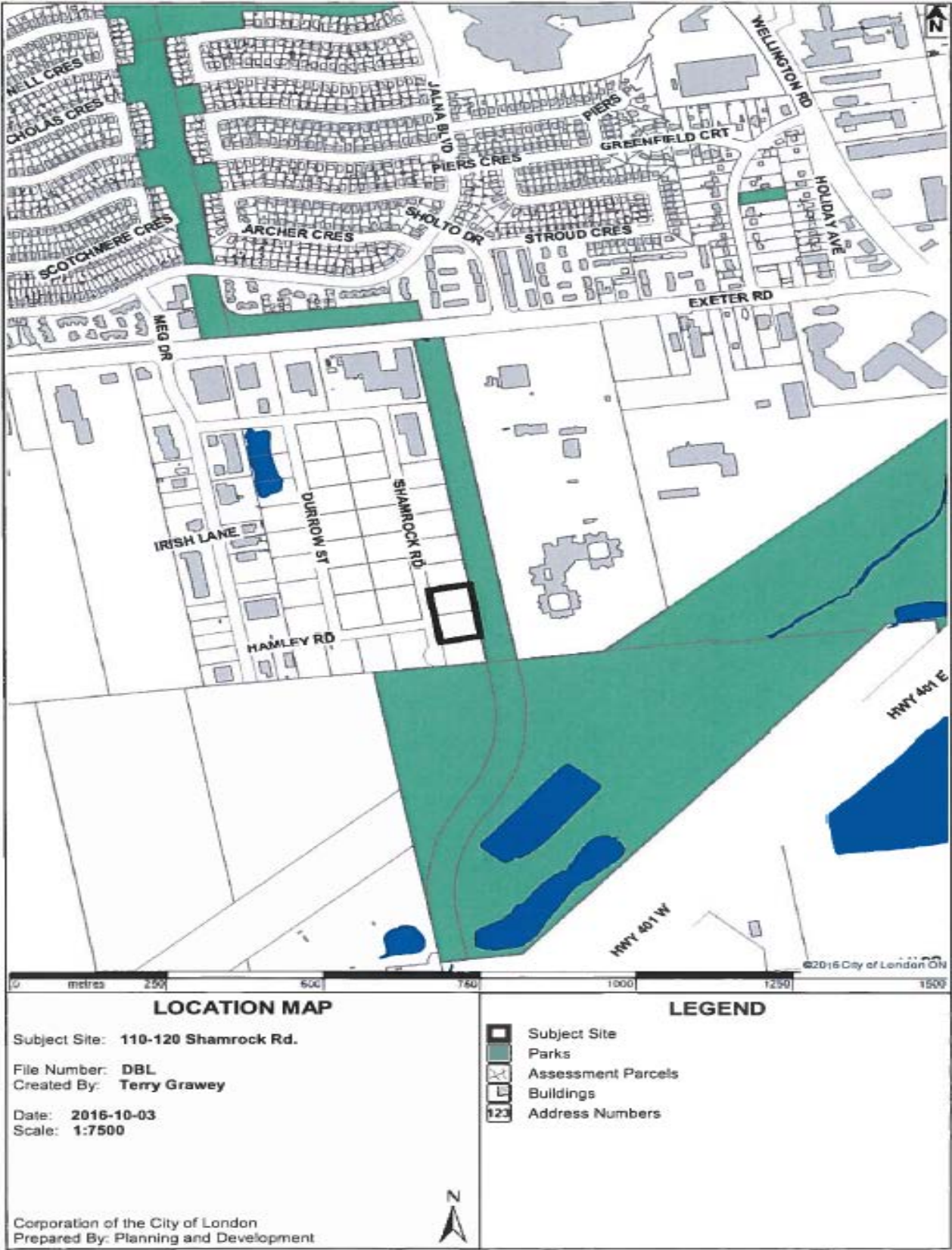
Approval of a Deeming By-law will not affect the approved Zoning, or requirements of the approved servicing drawings and subdivision agreement. No notice or hearing is required prior to the passing of a “deeming” by-law under subsection 50(4) of the Planning Act. Notice of the passing of the by-law must 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 applied for approval of a deeming by-law as a means of facilitating a comprehensive development over both lots.

CONCLUSION

An application has been received from the owner of the property 110 & 120 Shamrock Road 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 building that does not cross property boundaries. Passing of the by-law is recommended as it will allow the owner to obtain Site Plan Approval and apply for a Building Permit.

PREPARED AND RECOMMENDED BY:	CONCURRED BY:
TERRY GRAWLEY, 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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## APPENDIX “A”

Bill No.  
2016

By-law No.

A by-law to deem a portion of Registered Plan No. 33M-272 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 Lots 28 and 29, Registered Plan No. 33M-272 are currently separate lots within the registered plan.

AND WHEREAS Registered Plan No. 33M-272 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 on Registered Plan No. 33M-272 shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*.

(a) Lots 28 & 29, Registered Plan No. 33M-272, City of London, former Township of Westminster  
PIN No's: 0251 & 0252

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 November 8, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 8, 2016  
Second Reading – November 8, 2016  
Third Reading – November 8, 2016