

REPORT

REPORT TO: Chair and Members of Planning, Public Works & Transportation Committee

REPORT FROM: Romaine Scott, Legal Coordinator
Planning & Sustainability Department

DATE: September 10, 2019

REPORT NO.: PLS-2019-0066

RE: Deeming By-law Request
Lots 35 and 36, Plan 32 – 18 Morris St, Halton Hills (Georgetown)
File No. D26 GA

RECOMMENDATION:

THAT Report No. PLS-2019-0066 dated September 10, 2019 regarding a by-law to deem Lots 35 and 36, Plan 32 not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*, R.S.O., 1990, as amended, (subdivision control) be received;

AND FURTHER THAT staff be authorized to bring forward a by-law under subsection 50(4) to deem Lots 35 and 36, Plan 32, not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*, R.S.O., 1990, as amended;

AND FURTHER THAT the Clerk be directed to lodge a certified copy of such by-law in the office of the Minister of Municipal Affairs and Housing, pursuant to subsection 50(26) of the *Planning Act*;

AND FURTHER THAT the Clerk be directed to give notice of the passing of such by-law within thirty (30) days of the passing to each person appearing on the revised assessment roll to be the owner of the land to which the by-law applies, which notice shall be sent to the last known address of such person, pursuant to subsection 50(29) of the *Planning Act*.

BACKGROUND:

Lots 35 and 36 are whole lots on registered Plan 32 and comprise the property municipally known as 18 Morris Street, Georgetown. The current owner has made an application for a Minor Variance to allow the construction of a 97.5 m² accessory structure which dimensions exceed what is permitted under the current zoning by-law. The proposed accessory structure is to be constructed wholly on Lot 36 whereas the existing primary structure is located wholly on Lot 35. Zoning By-law 2010-0050

requires that an accessory structure be located on the same lot as the main or primary structure.

It is a condition of the Decision for Minor Variance, that the owner obtains a by-law under subsection 50(4) deeming Lots 35 and 36 not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*, R.S.O., 1990, as amended. The requested Deeming By-law will effectively merge the 2 lots into one parcel and the proposed accessory structure will be deemed to be on the same lot as the primary structure.

A location map for the property is attached as Appendix "1".

COMMENTS:

Once the deeming by-law is registered on title to the lots, the 2 lots being in common ownership will be merged as one property and the owner will be able to construct the accessory structure in accordance with the zoning by-law.

RELATIONSHIP TO STRATEGIC PLAN:

This report has no relationship to the Town's strategic plan.

FINANCIAL IMPACT:

There is no financial impact with respect to this Report.

CONSULTATION:

There has been consultation with the owner and with staff from both Planning and Zoning.

PUBLIC ENGAGEMENT:

There is no public engagement with respect to this Report.

SUSTAINABILITY IMPLICATIONS:

There is no sustainability implication with respect to this Report.

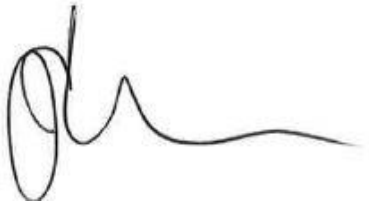
COMMUNICATIONS:

In accordance with subsection 50(29) of the *Planning Act*, the Clerk shall notify the owner of the property of the passing of the by-law, within thirty (30) days of the passing of such by-law. The Clerk will also provide a certified copy of the by-law to the Minister of Municipal Affairs and Housing pursuant to subsection 50(26) of the *Planning Act*.

CONCLUSION:

The owner is eager to proceed with the proposed development of the property and the Committee of Adjustment has issued a Decision that is conditional on the owner requesting the Deeming By-law, as set out in this Report. Staff therefore, recommends to Council that the necessary by-law be enacted to deem Lots 35 and 36, not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to be 'John Linhardt', with a stylized, flowing script.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to be 'Brent Marshall', with a stylized, flowing script.

Brent Marshall, Chief Administrative Officer