



## **STAFF REPORT**

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**Meeting Date: September 25, 2023**

**Title: Deeming By-law 452 Government and 62 Boozhoo Avenue**

**Prepared By: Dhruv Mehta**

**Department:** Building and Planning

**Report Number: Building & Planning-2023-018**

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### **Recommendation:**

**That,**

- 1) Council pass a By-law to deem the following lots in the City of Dryden not to be on a Plan of Subdivision in accordance with the draft Deeming By-law attached; namely, PT Lots 17, PCL 19524 and PT PCL 19576 NORTH of Plan M163 for the purposes of Section 50(4) of the Planning Act, RSO 1990.
- 2) In accordance with the provisions of the Planning Act, this by-law shall come into force and take effect at the final passing thereof by the Council of the Corporation of the City of Dryden and upon registration of this by-law in the Lands and Titles Office for the District of Kenora.
- 3) That the applicant shall be responsible for all costs associated with such registration. That the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction.

### **Background:**

1078434 Ontario Inc., owner of the lands legally known as PT Lots 17, PCL 19524 and PT PCL 19576 NORTH at 452 Government Street and 62 Boozhoo Avenue, has submitted a request to deem PT Lots 17 of Plan of Subdivision M163, as not to be whole lots in this plan of subdivision. The subject lots are both zoned Highway Commercial (CH) and are currently vacant.

**Discussion:**

Section 50(4) of the Planning Act allows City Council by by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, to be deemed not to be a registered plan of subdivision for the purposes of conveying land by way of a deed or transfer. A deeming by-law will merge the two (2) lots together as one lot of record. No public notice or hearing is required by the Planning Act prior to passing of a deeming by-law under 50(29) but Council shall give notice of the passing within thirty (30) days to each person appearing on the last revised assessment roll as owner of land to which by-law applies. No later than twenty (20) days after notice was given can an appeal be filed. If no appeal is filed, the decision shall be deemed to have been made on the day after the last day for an appeal occurs.

If, in future, the owner wishes to sell any portion of the subject lands, further Planning Act approval to divide the lands would be required, such as a Consent application.

While we have not received a specific development proposal for these lands, it's important to note that they are currently zoned as Highway Commercial. If the properties are merged, the applicant has indicated that the lot's developmental value would increase. As the merged properties would better meet the requirements of the zoning by-law and provide a larger lot area appropriate for future development. The property known as 62 Boozhoo Avenue is currently landlocked.

The deeming process would rectify this situation by ensuring that the property gains municipal road access. Currently, both lots are separately billed for unconnected water and sewer charges. However, upon the successful completion of the deeming process and the submission of proof of registration by the owner of the merged lots to Land and Titles, there will be only one bill for the merged lot.

**Financial Implications:****Current Budget Allocation:****Account #:**

Planning application fee of \$450.00 has been received

4903557

**Potential Loss to the City after the merger:** \$720 (annually on the landlocked lot - 62 Boozhoo Avenue)

**Attachments (Reference Material):**

Deeming By-law Application brief  
Draft Deeming By-law

Areal Imagery of the Lots:

