



# Staff Report

## Planning and Development Services

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**Report To:** Committee of the Whole  
**Meeting Date:** January 14, 2020  
**Report Number:** PDS.20.02  
**Subject:** Lots 21 and 22, Plan 16M-6 – Deeming By-law Recommendation Report  
**Prepared by:** Travis Sandberg

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### A. Recommendations

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THAT Council receive Staff Report PDS.20.02, entitled “Lots 21 and 22, Plan 16M-6 – Deeming By-law Recommendation Report”;

AND THAT Council enact a Deeming By-law pursuant to Section 50(4) of the Planning Act, so as to deem Lots 21 and 22, Registered Plan 16M-6, as not being registered lots within a Plan of Subdivision.

### B. Overview

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The purpose of this report is to review a request to merge two existing lots on Clear Water Court into one lot. A single detached dwelling is proposed to be constructed on the resulting parcel.

### C. Executive Summary

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Application File: # P2823

Application Received Date: November 5, 2019

Application Deemed Complete Date: November 19, 2019

Official Plan Designation: Residential Recreational Area ‘RRA’

Zoning Bylaw Designation: Residential ‘R1-1’

Location: Georgian Bay Estates

Planning Services received an application to consider a Deeming By-law request for two lots within registered plan of subdivision 16M-6 (Georgian Bay Estates). Plan 16M-6 was registered on March 23, 2006 and is subject to registered common elements condominium plan GCECC No.67.

## D. Background

An application for a Deeming By-law has been submitted by the agent for the Owner of the subject lands requesting to merge Lots 21 and 22, Registered Plan 16M-6, into one lot in order to construct a single detached dwelling on the resulting land parcel.

A Deeming By-law is required as the lands cannot be merged together without consent of Council, as per Section 50(4) of the Planning Act. Section 50(4) of the Planning Act states that:

*50(4) **Designation of plans of subdivision not deemed registered** - 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, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).*

Registered Plan of Subdivision 16M-6 was registered in March 23, 2006.



**Figure 1:** Location Key Map

## E. Analysis

The Town of The Blue Mountains Official Plan does not provide specific direction for the review of deeming by-laws nor on merging parcels of land. The overall intent of the Plan is to provide a wide range of housing types, generous open space, and to maintain the small town, residential resort character of the area.

The proposed deeming by-law and resulting parcel fabric will be utilized for low-density residential purposes, as permitted in the Residential Recreation Area designation of the Official Plan. Further, the resulting parcel fabric also complies with the minimum lot size requirements of the R1-1 zone.

As a part of the application submission, the applicant provided confirmation from the President of the Condominium Board of Grey Common Elements Condominium Corporation No. 67 that the Condominium Corporation has no concerns with the application. The applicant also provided a legal opinion from their solicitor stating that there are no legal impacts on the registered condominium declaration as a result of the lots being merged on-title.

Planning Staff recommend that Council enact a Deeming By-law in order to permit Lot 21 and 22, Registered Plan 16M-6, to merge on-title and become one lot.

## **F. The Blue Mountains Strategic Plan**

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Goal #3: Support Healthy Lifestyles  
Objective #3 Manage Growth and Promote Smart Growth

## **G. Environmental Impacts**

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Nil

## **H. Financial Impact**

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Nil

## **I. In consultation with**

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Trevor Houghton, Manager of Community Planning

## **J. Public Engagement**

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The topic of this Staff Report has NOT been the subject of a Public Meeting and/or Public Information Centre as neither are required.

## **K. Attached**

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1. Draft Deeming By-law

Respectfully submitted,

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Travis Sandberg  
Planner I

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Nathan Westendorp, RPP, MCIP  
Director of Planning and Development Services

For more information, please contact:

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Planner I

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## The Corporation of the Town of The Blue Mountains

### By-Law Number 2020 –

Being a By-law to designate a Plan of Subdivision, or part thereof, not to be a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act.

Whereas the Council of The Corporation of the Town of The Blue Mountains has authority pursuant to subsection 50(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to designate a 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 purpose of subsection 50(3) of the Planning Act;

And Whereas Lot 21 and Lot 22 within Registered Plan No. 16M-6 are currently separate Lots within the Registered Plan;

And Whereas Registered Plan No. 16M-6 has been registered in the Registry Office for the Registry Division of the County of Grey for eight years or more;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Lot 21 and Lot 22 of Registered Plan 16M-6 are hereby deemed not to be separate lots within a registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act.
2. This By-law shall come into full force and take effect on the date it is enacted by the Council of The Corporation of the Town of The Blue Mountains, subject to the provisions of subsection 50(27) of the Planning Act.
3. This By-law shall be registered by The Corporation of the Town of The Blue Mountains in the Land Registry Office for the Registry Division (16) of the County of Grey.

Enacted and passed this       day of       , 2020.

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Alar Soever, Mayor

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Corrina Giles, Clerk