

# Report

**To:** Mayor and Council  
**From:** Faye Flatt, Municipal Planner  
**Date:** 3 June 2014  
**Re:** 418 Third Street East – Deem Lots 14 & 15 Plan SM-34  
and Lots 33 & 34 Plan SM-109 not to be lots on subdivision plan



The property known as 418 Third Street East is comprised of four full lots on two subdivision plans. The owner has made application for a building permit that would extend across the common lot lines and would not satisfy the setback provisions of Zoning by-Law #3/14.

To enable the issuance of a building permit the owner of the property has requested Council enact a by-law to deem the lots noted above not to be lots on a plan of subdivision.

At it's regular meeting held June 2, 2014, the Planning and Development Executive Committee received the application and recommendation to approve the request as it satisfies the legislated criteria as set out in the Planning Act.

The Planning and Development Executive Committee supported the request and recommends that a by-law be enacted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Faye Flatt', written over a horizontal line.

Faye Flatt, Municipal Planner

**COUNCIL APPROVAL OF THIS REPORT:** Authorize the preparation of By-Law to deem Lots 14 and 15 Plan SM-34 and lots 33 and 34 Plan SM-109 not be lots on a Registered Plan of Subdivision for the purposes of Section 50(3) of The Planning Act.







**APPLICATION TO DEEM LOTS NOT TO BE  
ON A REGISTERED PLAN OF SUBDIVISION**

SECTION 50(4), ONTARIO PLANNING ACT, R.S.O. 1990, C.P. 13

**Subject Property:** Municipal Address: 418 Third Street East, Fort Frances, ON

**Lots:** 14 & 15 / 33 & 34

**Registered Plan:** SM34 / SM109

I/We, the undersigned Owner(s) of the above-noted property, hereby apply to the Corporation of the Town of Fort Frances for the enactment of a By-Law to deem the above-noted lots deemed not to be on a registered plan of subdivision for the purposes of Section 50 (3) of the Planning Act.

I/We acknowledge that full lots on a registered plan of subdivision are separately conveyable from one another and that the enactment and registration of the deeming by-law will merge them as one lot of record and that future conveyances will require approval of the Town of Fort Frances through the Consent process.

**Purpose of Application:** The 4 lots were purchased as one parcel for the purpose of construction of a single family residence which will be constructed in accordance with all applicable zoning, by-law and building code requirements.

I/We submit with this application the following:

- ☒ Evidence of ownership (original deed/s or copy of parcel register/s)
- ☒ Site Plan of property
- ☒ Required fee of ~~\$129.06~~ 244.70

**Owner's Name(s):**

**Owner's Signature:**

Clint Allen Calder

Sarah-lynn Klassen


**Mailing Address:**

Site 206-197, RR2

**Phone:** 807-274-7076

Fort Frances, ON P9A 3M3

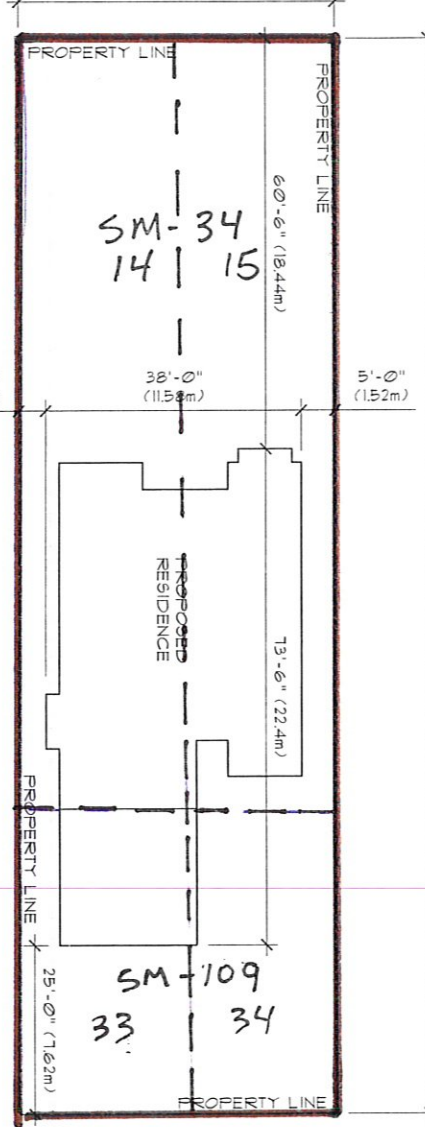
**Dated:** May 1, 2014

FOR OFFICE USE ONLY	
Application Received: <u>6 May 2014</u>	RECOMMENDED BY PLANNER
Receipt No.: <u>42089</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - see reasons attached
Plan No: <u>SM34/SM109</u> Registered: <u>Circa 1936</u>	
Ownership Confirmed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
By-Law No. <u>20/14</u> Passed:	
Date Registered: Document No.	



REAR LANE


47'-0" (14.33m)



SITE PLAN  
SCALE: 1" = 20'-0"

LOT 14 & 15, PLAN SM 34  
LOT 33 & 34, PLAN SM 109

THIRD STREET EAST

SP -	SHEET NO.	PROJECT NO.	DATE	SHEET TITLE:		ECIN: 43291		SAULTEAUX CONSULTING & ENGINEERING	REVISION RECORD	
				SITE PLAN					MARK	DESCRIPTION
				PROJECT TITLE:						
				RESIDENCE FOR CLINT CALDER						
				418 THIRD STREET EAST						
				FORT FRANCES, ON.						

**TOWN OF FORT FRANCES**

**BY-LAW NO. 20/14**

(Being a By-Law to deem Lots 14 & 15 Plan SM-34 and lots 33 & 34 Plan SM-109 (418 Third St. E) to no longer be lots on a registered plan of subdivision pursuant to Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13, as amended).

**WHEREAS** Section 50(4) of The Planning Act, R.S.O. 1990, c.P.13 (the "Act") gives Council the authority to pass a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, to not be a registered plan of subdivision for the purposes of subsection (3) of Section 50 of the Act; and

**AND WHEREAS** an application has been received from the property owner requesting that lots 14 & 15 Plan SM-34 and lots 33 & 34 Plan SM-109 be deemed not to be lots on a registered plan of subdivision so as to enable the construction of a single family dwelling;

**AND WHEREAS** Plan SM-34 and Plan SM-109 were registered more than eight years ago;

**AND WHEREAS** the application was considered and supported by the Municipal Planner and the Planning and Development Executive Committee and approved by Council on June 9, 2014.

**NOW THEREFORE** the Council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. That Lots 14 & 15 Plan SM-34 and lots 33 & 34 Plan SM-109 are deemed not to be on a registered plan of subdivision for the purposes of subsection 3 of Section 50 of the Act.
2. That this By-Law shall come into full force and take effect upon the passing thereof, subject to the provisions of Subsections 28, 29 and 30 of the said Section 50 of the Act.

READ THREE TIMES AND FINALLY PASSED in open Council this 9<sup>th</sup> day of June 2014.

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MAYOR, R. AVIS

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CLERK, G. W. TREFTLIN