

# Report



**To:** Mayor and Council

**From:** Faye Flatt, Municipal Planner

**Date:** 4 September 2013

**Re:** **Deeming - Lots on Plan SM-122 (reconsideration)**

Municipal Planner  
Report #2013-20

In April By-Law #10/13 was enacted to deem lots 1 to 5 on plan SM-122 to not be lots on a registered plan of subdivision as provided for by section 50 (4) of The Planning Act. This was done on the basis that the owners of Lots 1 to 4 would be each acquiring a portion of Lot 5 that abutted their property.

As the owner of Lot 4 (401 Mosher Avenue) has chosen not to continue in this process, it serves no purpose to include that lot in the deeming by-law – the owner of the property to the west (626 Church St.) will be instead. For this reason it is appropriate to that the original by-law (#10/13) that deemed all of the lots on the plan be rescinded and replaced with a new by-law for only those lots involved in the process. An illustration of the distribution of Lot 5 is attached for reference.

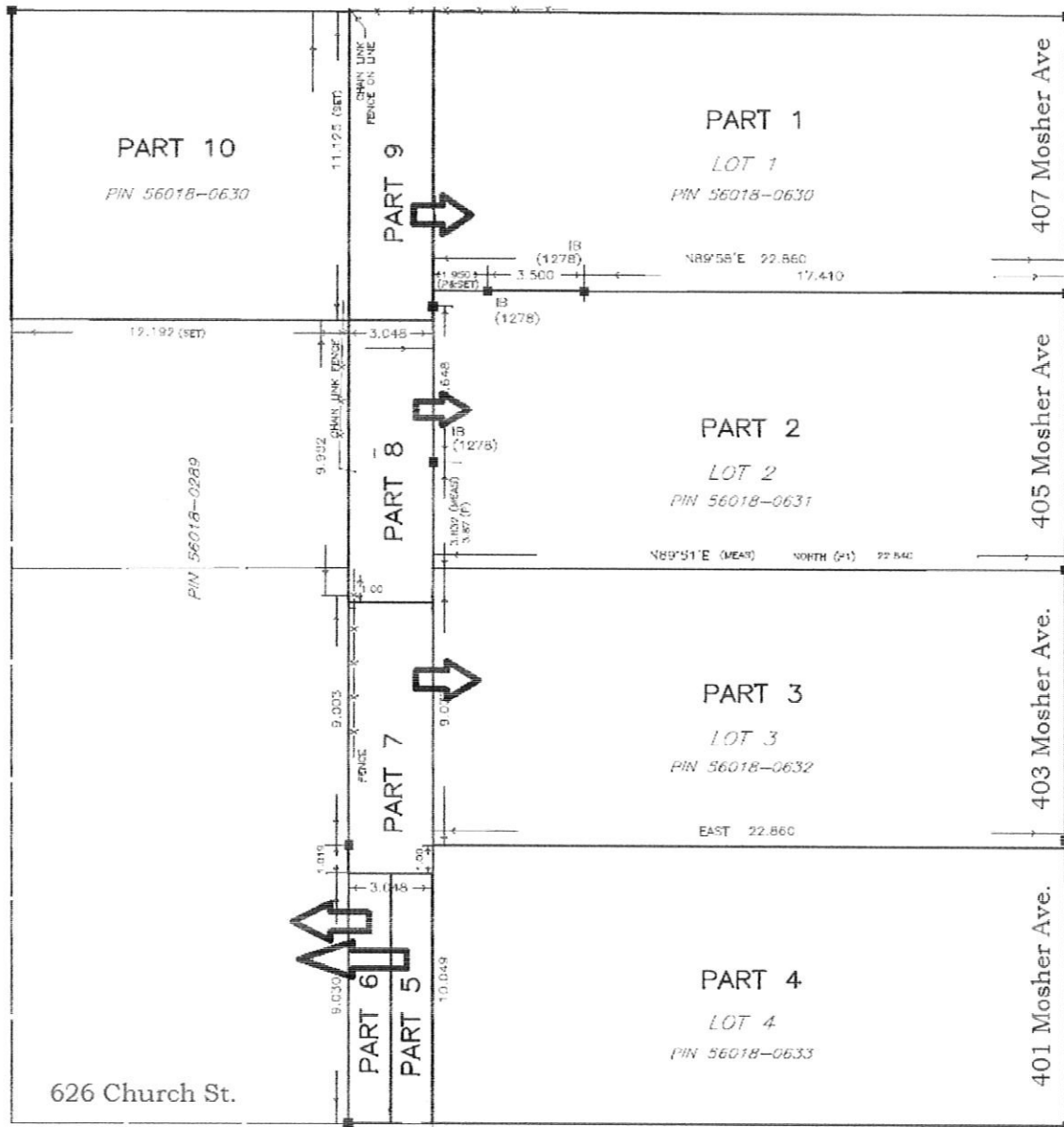
At it's regular meeting held September 3<sup>rd</sup>, a recommendation was made to, and supported by the Planning and Development Executive Committee that Council reconsider the deeming of Lots 1 to 5 on Plan SM-122 and that a by-law be enacted to rescind by-law #10/13 and deem lots 1, 2, 3 and 5 on Plan of Subdivision SM-122 not to be a Plan of Subdivision.

Respectfully submitted,

Faye Flatt, Municipal Planner

**COUNCIL APPROVAL OF THIS REPORT:** Authorize the preparation of By-Law to deem Lots 1, 2, 3 and 5 on Plan of Subdivision SM-122 to not be lots on a Registered Plan of Subdivision for the purposes of Section 50(3) of The Planning Act and rescind previously enacted by-law #10/13.





**TOWN OF FORT FRANCES**

**BY-LAW NO. 43/13**

(Being a By-Law to rescind By-Law #10/13 and deem Lots 1, 2, 3 and 5 on Plan SM-122 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** Plan SM-122 was registered more than eight years ago; and

**AND WHEREAS** on April 18, 2013 Council enacted By-Law #10/13 deeming lots 1 to 5 on Plan SM-122 not to be lots on a registered plan of subdivision so as to enable a portion of lot 5 to be added to and consolidated with those lots.

**AND WHEREAS** on September 9, 2013, Council approved the recommendation of the Municipal Planner, supported by the Planning and Development Executive Committee, that because the owner of Lot 1 will not be acquiring a portion of Lot 5, By-Law #10/13 be rescinded and a new by-law enacted to deem the other lots that will be acquiring a portion of Lot 5.

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

1. That lots 1, 2, 3 and 5 on Plan SM-122 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 previously enacted by-law #10/13 be and is hereby rescinded.
3. 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 September 2013.

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R. Avis, Mayor

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K. Lawson, Deputy Clerk