



## The Corporation of the Township of Huron-Kinloss

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### Staff Report

**Report Title: Deeming Plan 145 Lots 541 and 540**

**Date: Oct. 7, 2024**

**Report Number: BLD-2024-10-22**

**Department: Building and Planning**

**File Number: C11 BLD 24**

**Prepared By: Michele Barr, Deputy CBO**

**Attachments: Plan 145**

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#### **Recommendation:**

THAT the Township of Huron-Kinloss Committee of the Whole hereby approves Report BLD-2024-10-22 prepared by Michele Barr, Deputy CBO

AND FURTHER authorizes Lot 541 and 540 Plan 145 to not be lots in a registered plan;

AND FURTHER that the appropriate By-law be brought forward.

#### **Background:**

The owners of Lot 541 and 540 Plan 145 are requesting a deeming by-law be granted to obtain the required setbacks and allow the construction of an addition in the rear yard.

The owners of Lot 541 purchased Lot 540 in 2005. Since the lots 541 and 540 are whole lots on Plan 145 it is unclear whether the lots have merged. After obtaining a legal option it was determined that the lots may have not merged for the purposes of the *Planning Act*. Therefore, it was noted the path forward was to apply for a deeming by-law. Plan 145 attached for reference.

#### **Discussion/Analysis/Overview:**

Pursuant to subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P13, as amended Council has the authority to designate a Plan of Subdivision, or part thereof, that has been registered for eight years or more, to be deemed not to be lots in a registered Plan of Subdivision to the purpose of subsection 50(3) of the *Planning Act*. Plan 145 fits into the required parameters.

Lot 541 contains a single detached dwelling; Lot 540 is vacant, and both are zoned Residential One "R1" which permits residential use. The owner has indicated that they would like to construct an addition in the rear yard.

A deeming By-law is required to remove Lot 541 and 540 Plan 145 from the plan of subdivision, thereby allowing the two parcels to merge and ensuring the development is consistent with all applicable laws and regulations.

#### **Financial Impacts:**

As per the Consolidated Fees By-Law. Fees and deposits have been received to cover legal and registration costs. Any unused portion of the deposit will be refunded, overages will be the responsibility of the applicant.

**Performance Measurement:**

**Strategic Area:**

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|--|---|
| <input type="checkbox"/> Embrace a thriving rural lifestyle      | <input type="checkbox"/> Enhance Municipal Service Delivery |
| <input checked="" type="checkbox"/> Prepare for Inclusive Growth | <input type="checkbox"/> Ensure Financial Stability         |

**Strategic Goal: Build Community Capacity**

**Respectfully Submitted By:**

Michele Barr, Deputy Chief Building Official

**Report Approved By:**

Jodi MacArthur, Chief Administrative Officer