



Staff Report

Report Title: Deeming – Plan 112 Lot 6 and 7 (Somerville Street – Lucknow)

Prepared By: Emily Dance, Clerk

Department: Clerk

Date: May. 2, 2022

Report Number: CLK-2022-05-43

File Number:

D25 HAC22

Attachments: Plan of Survey, draft map of property

Recommendation:

That the Township of Huron-Kinloss Committee of the Whole hereby approves Report Number CLK-2022-05-43 prepared by Emily Dance, Clerk AND authorizes Lot 6 and 7 Registered Plan 112 to not be lots in a registered plan AND FURTHER authorizes the appropriate By-law coming forward.

Background:

In 2020, the Township was approached by a potential purchaser of Lot 6 & 7 Plan 112 (Somerville Street- Lucknow) to develop the lots for the construction of a single detached dwelling.

There were development challenges associated with the lots including:

- Servicing (Single service to property would be supported without an EA)
- Access on an unopened road
- Elevation of the property being below the regulatory flood elevation;
- Current zoning of Lot 7 of Residential One- Holding (floodplain)¹ which will require the holding provisions to be removed prior to development; and
- Requirement for deeming the lots not to be in a plan of subdivision in order to allow the properties to merge

Council supported the development of the lots subject to approval from Maitland Valley Conservation Authority and entering into an agreement with the property owner regarding servicing at full cost recovery.

Discussion:

The original purchaser opted out of the development and has been resold. The property is now under new ownership with similar development intentions.

Staff have met with the new owner and are moving through the steps to develop on the properties in consultation with Maitland Valley Conservation Authority.

As one of the first steps, the property owner has requested that the Lots be deemed not to be in a Plan of Subdivision to allow the lots to legally merge together and create one lot and allow for the construction of a single detached dwelling and associated accessory building.

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.

This will ensure that the lands cannot be separately conveyed thus ensuring the development is consistent with all applicable laws, policies, and regulations.

A further staff report will come forward regarding a servicing agreement and removal of holding provisions once further information is received.

Financial Impacts:

As per the Consolidated Fees By-Law \$150 plus registration, title search and legal and a deposit of \$750 to cover legal costs. Any unused portion of the deposit will be refunded, overages will be the responsibility of the applicant.

Strategic Alignment / Link:

We are an accessible community that offers opportunities for everyone by ensuring people have a place to live and by being open and transparent

Respectfully Submitted By:

Emily Dance, Clerk

Approved By:

Mary Rose Walden, Chief Administrative Officer