

**The Corporation of the City of Kawartha Lakes**  
**Council Report**

Report Number PLAN2018-020

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**Date:** March 20, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 5

**Subject:** A By-law to Deem Lots 11 and 12, Registered Plan 291,  
geographic Township of Fenelon, being 584 Birch Point Road  
(Kelly – D30-2018-003)

**Author Name and Title:** Janet Wong, Planner II

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**Recommendations:**

**RESOLVED THAT** Report PLAN2018-020, “Kelly – D30-2018-003”, be received;

**THAT** a Deeming By-law respecting Lots 11 and 12, Registered Plan 291,  
substantially in the form attached as Appendix “D” to Report PLAN2018-020, be  
approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents required by  
the approval of this application.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

Proposal: To deem Lots 11 and 12, Registered Plan 291, not to be a lot within a registered plan of subdivision

Owner: Kerstin Kelly and Robert Kelly

Applicant: Heather Richardson, Staples & Swain Professional Corporation

Official Plan: “Waterfront” and “Environmental Protection” – City of Kawartha Lakes Official Plan

Zone: “Residential Type Three (RR3) Zone” – Township of Fenelon Zoning By-law Number 12-95

Site Servicing: Private individual septic system and lake-based water supply

Existing Use: Shoreline Residential

Adjacent Uses: North: Shoreline residential  
East: Balsam Lake  
South: Shoreline residential  
West: Rural

## **Rationale:**

The property is comprised of three lots in a registered plan, but used as one lot with two residences. The owners are seeking to sever 787 sq.m. of residential land with part of an existing dwelling and accessory structures from Lot 12, Plan 291 to consolidate with Lot 11, Plan 291 and retain an existing dwelling on the balance of the lands. The consent application (D03-17-016) was conditionally approved November 2, 2017 by the Director of Development Services.

The owner is seeking to deem Lots 11 and 12, Registered Plan 291 in order to allow for the lot addition and consolidation on title of one parcel with an entire dwelling (Lot 11 and Part Lot 12) as well as allow for the retained lands with one dwelling to consolidate (Part Lots 12 and 13) into one property. As Part of Lot 13 is not the whole of a lot, Part of Lot 13 does not have to be deemed to not be a part of a registered plan in order for the consolidation of the retained lands to occur. Please refer to Appendices “B” and “C”. The owners have requested that Council pass a Deeming By-law to effect the intended lot addition related to Lots 11 and 12, Registered Plan 291.

Adoption and subsequent registration of this Deeming By-law (Appendix “D”) will allow the applicant to register the deed to effect the consolidation intended by consent application D03-17-016. The effect of this Deeming By-law is that Lot 11 and Part of Lot 12 will consolidate into one lot and allow for the lot addition to legally occur. The legal description will remain as Lot 11, Registered Plan 291 and Lot 12 and Part of Lot 13, Registered Plan 291 until such time as the consent application has been finalized. All agency comments have been addressed through consent file D03-17-016.

## **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the applicant's lands.

## **Financial/Operation Impacts:**

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

## **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the quality of life and healthy environment priorities by creating a shoreline property with the dwelling and accessory structures to be located on one lot and by reducing the total number of undersized residential lots.

## **Conclusion:**

The consolidation of the lands will allow for the creation of a lot with structures associated with the lot to be located on one property. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## **Attachments:**

Appendix "A" – Location Map  
Appendix "B" – Consent Application Sketch  
Appendix "C" – Registered Plan 291  
Appendix "D" – Draft Deeming By-law



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf



Appendix D.pdf

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

**Department File:** D30-2018-003