

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-053**

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**Date:** June 5, 2018  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 14

**Subject:** A By-law to Deem Lots 3 and 4, Registered Plan 129, geographic Township of Fenelon, being 201 Snug Harbour Road (Heaslip)

**Author and Title:** Mark LaHay, Planner II

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### **Recommendations:**

**That** Report PLAN2018-053, respecting Lots 3 and 4, Registered Plan 129, geographic Township of Fenelon, Heaslip – Application D30-2018-009, be received;

**That** a Deeming By-law respecting Lots 3 and 4, Registered Plan 129, substantially in the form attached as Appendix “C” to Report PLAN2018-053, be approved and adopted by Council; and

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

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

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

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

## Background:

Proposal:	The owners have requested Council pass a Deeming By-law to deem Lots 3 and 4, Registered Plan 129, not to be a lot within a registered plan of subdivision (see Appendices “A” and “B”).
Owners:	Bruce Heaslip (Lot 3); Nadine Heaslip (Lot 4)
Applicant:	Bruce Heaslip
Legal Desc:	Lots 3 and 4, Registered Plan 129, geographic Township of Fenelon
Official Plan:	“Waterfront” in the City of Kawartha Lakes Official Plan
Zone:	“Rural Residential Type Three (RR3) Zone” in the Township of Fenelon Zoning By-law No. 12-95
Site Servicing:	Private individual well and private individual septic system
Existing Use:	Residential (single detached dwelling and residential accessory structures)
Adjacent Uses:	North: Waterfront Residential East: Snug Harbour Road, Rural, Rural Residential South: Waterfront Residential West: Sturgeon Lake

## Rationale:

The owners of Lots 3 and 4 have requested that Council pass a Deeming By-law to effect the consolidation of these two lots. The owners would like the future flexibility to build across both lots. They currently have their existing dwelling, a principal use, located on Lot 3, with a portion of the surrounding wood deck located on Lot 4, whereas the accessory uses, including a garage, shed and swimming pool are located on Lot 4 with a portion of the pool fence and deck and garage located on Lot 3. Accessory uses would typically not be permitted on Lot 4 as they are located on a separate lot without a principal dwelling. Furthermore, as the accessory buildings or structures straddle the mutual lot line, this consolidation would remove any potential contraventions with respect to the side yard setback provisions for buildings or accessory structures. Please refer to Appendices “A” and “B”.

Adoption and subsequent registration of this Deeming By-law (see Appendix “C”) will permit accessory structures on one property that contains a principal use. This will also allow greater flexibility for siting buildings and/or structures. The effect of the Deeming By-law is that Lots 3 and 4 will consolidate and be merged into one larger property, which cannot be sold as two separate lots. The legal description will remain the same as Lots 3 and 4, Registered Plan 129. Lot 5, Registered Plan 129 will remain as a separate lot.

## **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 owner'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 Recommendations 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 healthy environment priority and quality of life priority by reducing the total number of residential lots adjacent to Sturgeon Lake and by creating a larger property with a sufficient land area to support the existing and proposed development.

## **Planning Comments:**

Pursuant to Sections 50(26) and 50(28) of the Planning Act, a certified copy or duplicate of the Deeming By-law shall be registered by the Clerk in the registry office.

Pursuant to Section 50(29) of the Planning Act, a Notice of Passing is required to be sent within thirty days to the owners. If these owners, within twenty days of the mailing of the notice of passing, give notice to the Clerk that they desire to make representations respecting the amendment or repeal of the Deeming By-law, Council shall hear each person or agent.

## **Conclusions:**

The consolidation of the parcels of land will create a larger lot through the merger of the subject lots. This shall accommodate existing and future development on the property. Planning staff do not anticipate any negative impacts as a result of the consolidation.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A'  
PLAN2018-053.pdf



Appendix 'B'  
PLAN2018-053.pdf



Appendix 'C'  
PLAN2018-053.pdf

Appendix "A" – Location Map

Appendix "B" – Survey of Lots 3-5, Registered Plan 129

Appendix "C" – Draft Deeming By-law

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

**Department Head:** Chris Marshall

**Department File:** D30-2018-009