

Please [√] to ensure the following is provided:

- One (1) copy of completed application
- Application Fee
- Completed Authorization Form
- Digital Copy of Drawings

FILE NUMBER:

ROLL NUMBER(S):



CITY OF TIMMINS

DEEMING BY-LAW AND PART LOT CONTROL APPLICATION FORM

Pursuant to Sections 50(4) and 50(5) of the Planning Act, R.S.O. 1990, c.P.13, as amended

TYPE OF APPLICATION: Deeming By-law

Part Lot Control By-law

NOTE: A letter from the applicant/agent describing the application is to be attached and addressed to the City of Timmins Planning Department as part of the application process.

1.0 PROPERTY OWNER'S INFORMATION

Owner's Name(s): _____

Mailing Address: _____

City, Province: _____

Postal Code: _____

Telephone Number: _____

E-mail Address: _____

1.1 APPLICANT'S / AGENT'S INFORMATION IF NOT OWNER

(If not owner, please complete authorization section 1.2)

Applicant's / Agent's Name(s): _____

Address: _____

City, Province: _____

Postal Code: _____

Telephone Number: _____

E-mail Address: _____

1.2 AUTHORIZATION FORM

The owner(s) formal authorization permitting the applicant to make this application on the owner(s) behalf to the City of Timmins.

I/We _____, the owner's of the property subject of this application, hereby authorize _____ to make this application on my/our behalf to the Corporation of the City of Timmins.

Witness (other than applicant)

Owner's Signature

Date: _____

Date: _____

(Complete & Signed)

2.0 SUBJECT PROPERTY

2.1 Municipal Description of Property

Street Name and Number: _____

2.2 Legal Description of Property

Reference/Registered Plan Number: _____

Part/Block/Lot Number: _____

Township: _____

Concession and Lot Number: _____

Parcel/Pin Number: _____

2.4 Use(s) of Property

Existing: _____

Proposed: _____

3.0 APPLICATION INFORMATION

Provided a sketch/plan showing the current and proposed lot configurations which are the subject of the application on 8 1/2" x 11" paper.

- a) Boundaries, dimensions and area of the subject property;
- b) Location, dimensions and setbacks of existing and/or proposed buildings/structures indicating their distance from the front lot line, rear lot line and side lot lines as well as their heights, building dimensions and floor areas.
- c) The approximate location of all natural and artificial features (for example, building, railways, roads, watercourse, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks that:
 - are located on the subject and adjacent lands; and
 - in the applicant's opinion, may affect the application.
- d) The current land uses on and adjacent to the subject lands.
- e) If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- f) The location and nature of any easement or restrictive covenant affecting the subject land.
- g) A key plan.
- h) True dimensions of the property.

4.0 APPLICATION RATIONLE

4.1 Reasons for requiring a Deeming By-law or a Part Lot Control By-law:

5.0 AFFIDAVIT/SWORN DECLARATION BY APPLICANT

An affidavit/sworn declaration by the applicant certifying that the information containing in this application form is true.

I, _____, of the _____
(Name) (City)

in the _____, do solemnly declare that:
(District, Province)

I am the applicant named in this application;

All of the information and statements made in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the

_____ in the _____
(City) **(District, Province)**

this _____ day of _____, 20_____.

Applicant's Signature

Witness

Deeming By-law
A By-law to Deem Lots not to be Lots in a Plan of Subdivision
(Section 50(4) of the *Planning Act*, R.S.O. 1990, c.P. 13)

Introduction

The Council of a local municipality may by by-law deem any plan of subdivision, or part thereof, that has been registered for eight years or more not to be a registered plan of subdivision.

The result of passing such a by-law is that a property owner cannot sell or build on individual lots without either obtaining a severance (consent) or a decision by Council to repeal the initial deeming by-law.

Passing a deeming by-law does not eradicate the underlying plan of subdivision, but rather “freezes” the lots from being sold individually. At some point in the future, Council could decide to repeal the deeming by-law and allow for the lots in a plan of subdivision to be sold individually again.

There are certain circumstances when a municipality may wish to impose a deeming by-law on undeveloped lots in a plan of subdivision. One may be when individuals own two or more lots in a plan of subdivision and request to have their lots deemed not part of the subdivision. Another circumstance is when an individual owns two small/undersized lots that were created by a plan of subdivision. They can treat the two lots as one building lot and build over the lot line if the lots are deemed not to be lots in a plan of subdivision. When lots are deemed not to be lots in a plan of subdivision and are in **identical ownership**, the lots merge and can be treated as one building lot.

A deeming by-law is passed pursuant to Section 50(4) of the *Planning Act* and is subject to the provisions of Section 50(26) through 50(30).

Process

Complete Application

- The applicant shall complete the relevant application form and submit the appropriate fee to the City.
- The ownership and legal description of the subject properties shall be reviewed to ensure the lots are registered in identical ownership and the lots to be deemed are complete lots in a plan of subdivision that has been registered for a period longer than eight years.
- The owner is responsible to provide to the City copies of Title Searches, at the owner’s expense, to the municipality, of all lots that are to be merged through the deeming by-law process.

Report and By-law

- Planning staff draft a report and the by-law to deem the lots not to be in a registered plan of subdivision.
- The report and by-law are presented to Council for consideration.

Notification of Landowner(s)

- No notice or public meeting is required before Council passes a deeming by-law but Council shall give notice of the passing of the by-law within thirty (30) days to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies.

Notice and Registration

Following the passing of the by-law:

- The Clerks Department will send notice and a copy of the by-law to the property owners of the subject land within thirty (30) days of the by-law passing and instruct them that they have twenty (20) days from the date of mailing to make representation to Council respecting the amendment or repealing of the by-law.
- When twenty (20) days have expired, the Clerks Department will send the owner(s) three (3) certified copies of the by-law and request that they sign and return all three copies to the Clerks Department.
- At the expense of the owner(s), the Clerks Department will have the by-law registered on title at the Land Registry Office.
- The Clerks Department will then send a certified copy or duplicate of the by-law to the Municipal Property Assessment Corporation (MPAC) and the applicant.

Hearing by Council

- Council shall hear in person or by an agent of any person to whom a notice of passing about a deeming by-law, who within twenty (20) days of the mailing of the notice gives notices to the Clerk of the municipality, that the person desires to make representation respecting the amendment or repeal of the by-law.

Date By-law is Effective

- The deeming by-law is not in effect until it has been registered at the Land Registry Office.