



Report to: Development Services Committee

Report Date: September 11, 2012

SUBJECT: Recommendation Report
Application by 2220922 Ontario Inc. for the enactment of a
Deeming By-law
95 Konrad Crescent
File No: DY 12 113009

PREPARED BY: Geoff Day, Senior Planner, West District (ext. 3071)

REVIEWED BY: Ron Blake, Development Manager, West District (ext. 2600)

RECOMMENDATION:

That Council enact the By-law attached as Appendix "A" to deem Lots 84 and 85, Registered Plan 65M-2481, not to be part of a registered plan of subdivision;

And that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend enactment of a Deeming By-law under Section 50 of the Planning Act to allow title to two parcels of land to merge, to accommodate the conversion of an existing two tenant industrial building to Plan of Condominium.

BACKGROUND:

The subject lands (0.6 ha.) are comprised of Lots 84 and 85 on Registered Plan 65M-2481 located on the south side of Konrad Crescent, west of Woodbine Avenue (Figure 1). There is an existing 2550 m² industrial building on the lands. The lands are zoned Industrial (M3) by By-law 28-82, as amended.

The Owner has submitted a Plan of Condominium application to permit the conversion of an existing 2 tenant industrial building to a two unit condominium building. The two lots have to be merged into one in order for the existing building to comply with the development standards of the Zoning By-law.

The Owner has applied for a by-law pursuant to Subsection 50(4) of the Planning Act to deem Lots 84 and 85 on Registered Plan 65M-2481 to no longer be lots on a registered plan of subdivision. Title to the two lots will then merge to form a single lot.

DISCUSSION:

The Planning Act requires the following steps to be taken after enactment of a deeming by-law:

- A copy of the by-law is to be lodged by the Clerk with the Ministry of Municipal Affairs and Housing;
- Notice of the by-law is to be given to the Owner within thirty (30) days of the passing thereof. The Owner may then make representations respecting the by-law to Council. In this case, the by-law is being enacted to accommodate the Owner. Staff has requested a letter from the Owner waiving their right to make representations to Council. This would allow the Town to register the by-law at the earliest possible opportunity;
- The by-law will be registered on title and the by-law will come into effect upon registration on title.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

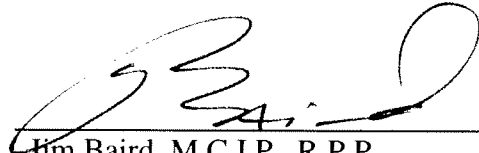
BUSINESS UNITS CONSULTED AND AFFECTED:

The Building and Legal Services departments have been consulted in the preparation of this report.

RECOMMENDED BY:



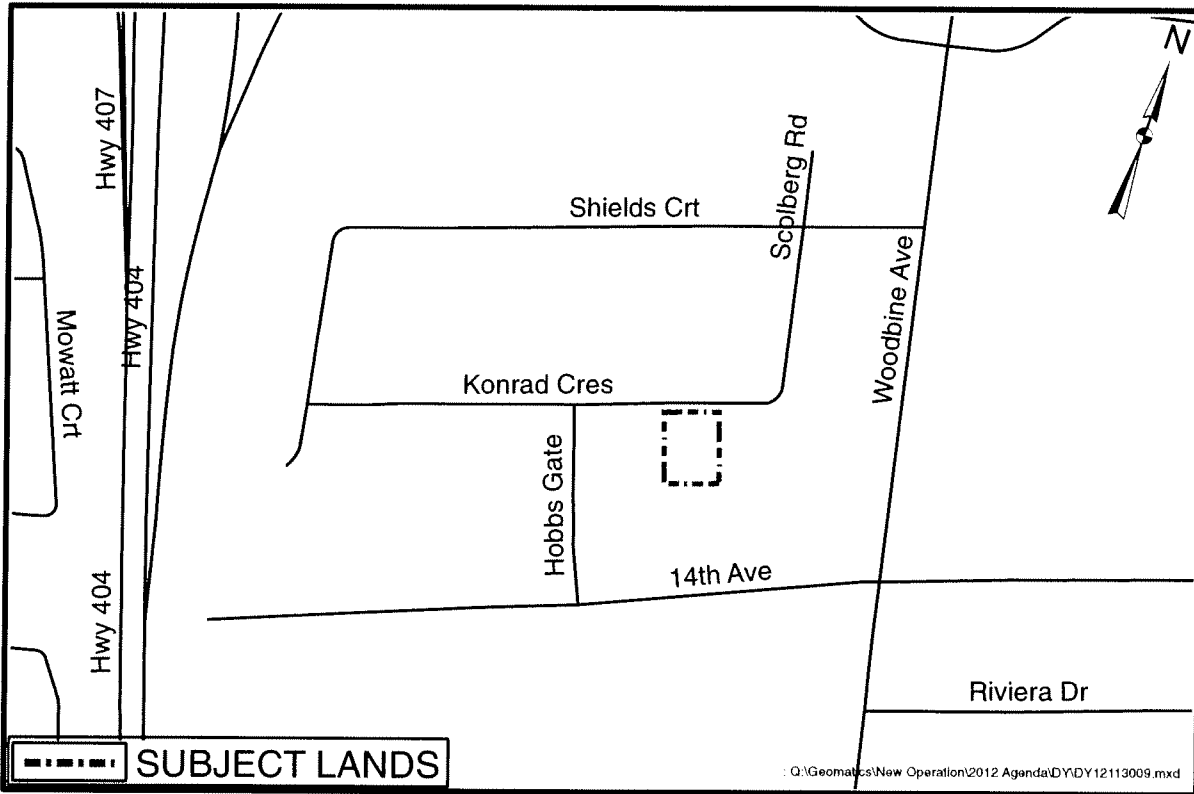
Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

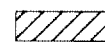
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|--------------|-------------------------|
| Figure 1 | Location Map |
| Figure 2 | Zoning/Area Context |
| Figure 3 | Air Photo |
| Appendix "A" | Proposed Deeming By-law |





AREA CONTEST / ZONING

APPLICANT: 2220922 ONTARIO INC.
95 KONRAD CRESCENT

 SUBJECT LANDS

FILE No. DY12113009(GD)

DATE: 07/18/12



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: GD

FIGURE No. 2



AIR PHOTO 2011

APPLICANT: 2220922 ONTARIO INC.
95 KONRAD CRESCENT

FILE No. DY12113009(GD)

 SUBJECT LANDS

DATE: 07/18/12



Appendix "A"

A by-law to deem certain lands not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*
(95 Konrad Crescent)

WHEREAS subsection 50(4) of the Planning Act permits a local municipality to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the Planning Act;

AND WHEREAS Lots 84 and 85, Registered Plan 65M-2481, City of Markham, Regional Municipality of York are within a plan of subdivision registered for more than eight years;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

That the following lands are designated and deemed not to be a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lots 84 and 85, Registered Plan 65M-2481
City of Markham in the Regional Municipality of York

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
____th DAY OF _____, 2012.

KINMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

WAIVER AND UNDERTAKING

TO: The Corporation of the City of Markham

RE: Lots 84 and 85, Registered Plan 65M-2481, City of Markham, Regional Municipality of York (the "Property")

WHEREAS:

- A. The undersigned is the registered owner of the Property;
- B. In order to proceed with the development of the Property, it is desirable that the Property be one lot within the meaning and intention of the *Planning Act*, the *Building Code Act*, and the General Zoning By-law of the City of Markham;
- C. The City has proposed and the owner of the Property has agreed that the appropriate mechanism to accomplish the goals set out in the recital B is to have the Council of the City of Markham enact a by-law pursuant to Section 50(4) of the *Planning Act* to designate the Property to be deemed not to be within a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act* (the "Deeming By-law");
- D. Section 50(29) of the *Planning Act* requires that the City give notice of passing of the deeming by-law to the undersigned (the "Notice of the Deeming By-law");
- E. Section 50(30) of the *Planning Act* requires that the Council of the City shall hear the undersigned if the undersigned desires to make representations respecting the amendment or repeal of the Deeming By-law (the "Hearing"); and
- F. The undersigned desires that the Deeming By-law be enacted and registered against title to the Property as soon as possible.

NOW THEREFORE in consideration of the enactment of the Deeming By-law by the Council of the City, the undersigned hereby:

1. Waives notice of the Deeming By-law.
2. Waives its right to the Hearing.
3. Undertakes to reimburse the Town for the cost of registration of the Deeming By-law against title of the property.

DATED this day of , 2012.

(2220922 Ontario Inc.)

Per: _____
Name: _____
Title: _____

And Per: _____
Name: _____
Title: _____

I/we have authority to bind the corporation