



Report to: Development Services Committee

Report Date: June 28, 2011

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**SUBJECT:** Cesaroni Holdings Ltd,  
10761 Woodbine Avenue  
Lots 2, 3 and 4, Registered Plan 501  
North of Elgin Mills Road in Victoria Square  
Application for a Deeming By-law  
File No: DY 11 119623

**PREPARED BY:** Gary Sellars, Senior Planner, West District (ext. 2960)  
**REVIEWED BY:** Ron Blake, Development Manager, West District (ext. 2600)

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**RECOMMENDATION:**

That Council enact the By-law attached as Appendix "A" to deem Lots 2, 3 and 4, Registered Plan 501, 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 three parcels of land to merge, to accommodate the construction of a commercial/office building.

**BACKGROUND:**

The subject lands (0.24 ha.) are comprised of Lots 2, 3 and 4 on Registered Plan 501 located on the east side of Woodbine Avenue, north of Elgin Mills Road in the hamlet of Victoria Square (Figure 1). There is a heritage dwelling and barn on the lands. The lands are zoned General Commercial by By-law 83-73, as amended.

The Owner has submitted an application for Site Plan Approval to permit the construction of a 903m<sup>2</sup> (9,723ft<sup>2</sup>) commercial/office building on the subject lands. The heritage dwelling will be incorporated into the proposed development (Figures 4 and 5). The proposed use is permitted by the Zoning By-law; however, the three lots have to be merged into one in order for the proposal 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 2, 3 and 4, Registered Plan 501 to no longer be lots on a registered plan of subdivision. Title to the three 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:

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- 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:**

The proposed development supports the Town's Strategic Priorities, as follows:

Growth Management

This small scale commercial development in Victoria Square will include the retention, restoration and reuse of a heritage building.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

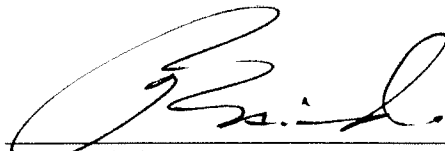
The Building and Legal Services departments have been consulted in the preparation of this report.

**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:**

Figure 1 - Location Map

Figure 2 – Zoning/Area Context

Figure 3 – Air Photo

Figure 4 – Proposed Site Plan

Figure 5 – Proposed Building Elevations

Appendix “A” – Proposed Deeming By-law