



TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services  
Valerie Shuttleworth, Director of Planning and Urban Design

PREPARED  
BY: Ron Blake, Senior Project Coordinator, West District Team

DATE: January 17, 2006

Re: **Proposed Deeming By-law  
Rodeo Fine Homes Inc.  
Block 26 Plan 65M-2108  
South side of McKelvey Drive West of Aileen Rd.  
File ZA 05 027735**

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**RECOMMENDATION:**

That Council enact a by-law to deem Block 26 Plan 65M-2108 not to be part of a registered plan of subdivision, to allow title to this block to merge with Part 1 Plan 65R-28396, located immediately to the east, to accommodate a proposed single detached dwelling on both parcels;

And that staff take appropriate action as required under Section 50 of the *Planning Act*.

**BACKGROUND:**

The applicant (Rodeo Fine Homes Inc.) is seeking a building permit to construct a single detached dwelling located on both Block 26 Plan 65M-2108 and on Part 1 Plan 65R-28396, the adjacent parcel to the east. These parcels are located on the south side of McKelvey Drive with frontage on both McKelvey and John St., west of Aileen Road (Figure 1). These two parcels must be combined and merged into a single property, under one ownership, prior to the issuance of a building permit. Rodeo Fine Homes Inc., the owner of Part 1 Plan 65R-28396, has entered into an agreement of purchase and sale with the Owner of Block 26 (Bairnbriar Holdings) and intends to complete the purchase of Block 26 in the near future. However, since Block 26 is a full lot or block on a plan of subdivision, title to the parcels will not merge into one lot unless Block 26 is deemed to no longer be a block in a plan of subdivision.

Staff propose that Council enact a by-law under the *Planning Act* to deem Block 26, Plan 65M-2108 to no longer be a block on a registered plan of subdivision. Block 26 and Part 1, Plan 65R-28396 will then form a single parcel when the title of Block 26 is conveyed to Rodeo Fine Homes, the owner of Part 1. Any future division of these lands

would then require a consent to sever. This will enable the Owner to construct the proposed dwelling on a single parcel of land. The Owner concurs with this course of action. A copy of the draft By-law is attached as Appendix A.



#### **DISCUSSION:**

Merging the title of the two properties, in order to create a single parcel, can be accomplished by Council enacting a by-law pursuant to Subsection 50(4) of the *Planning Act*, which would deem Block 26, Plan 65M-2108 to no longer be a block on a registered plan of subdivision. The *Planning Act* requires the following steps to be taken after the by-law is enacted:

- 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 prospective Owner (Rodeo Fine Homes). The current owner has prepared a letter endorsing this application and waiving his right to make representations to Council (See Appendix B). 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.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

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

	
Valerie Shuttleworth, M.C.I.P., R.P.P. Director of Planning & Urban Design	Jim Baird, M.C.I.P., R.P.P. Commissioner of Development Services

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#### **ATTACHMENTS:**

Figure 1 – Location Map  
Figure 2 – Survey

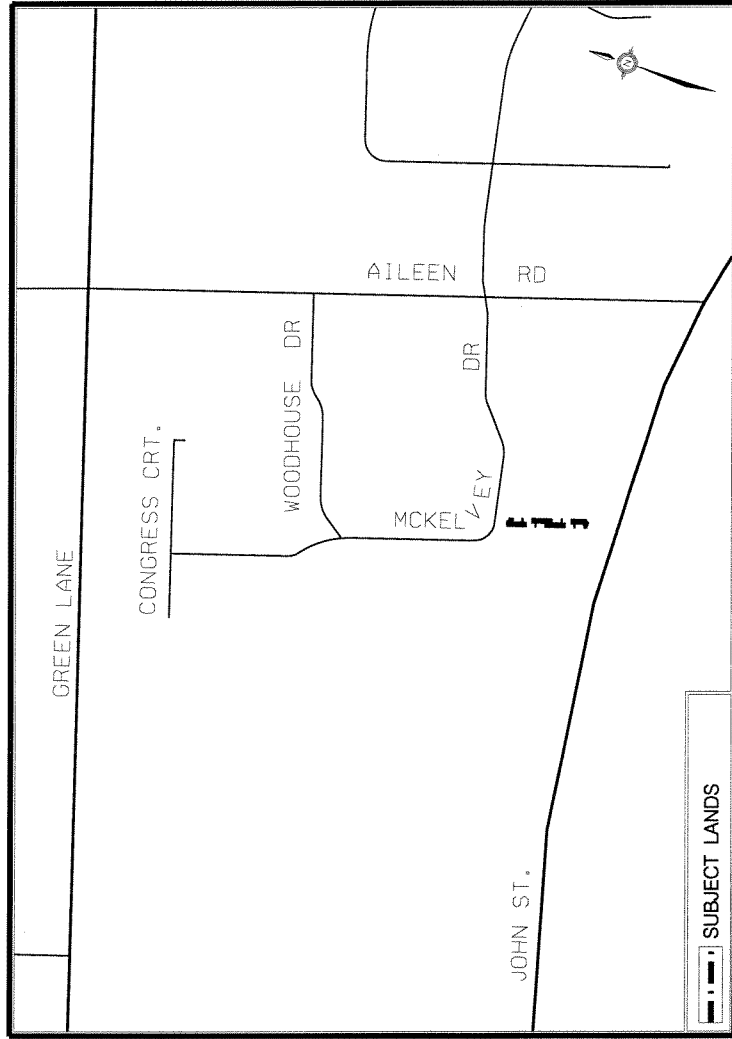
#### **APPENDICES:**

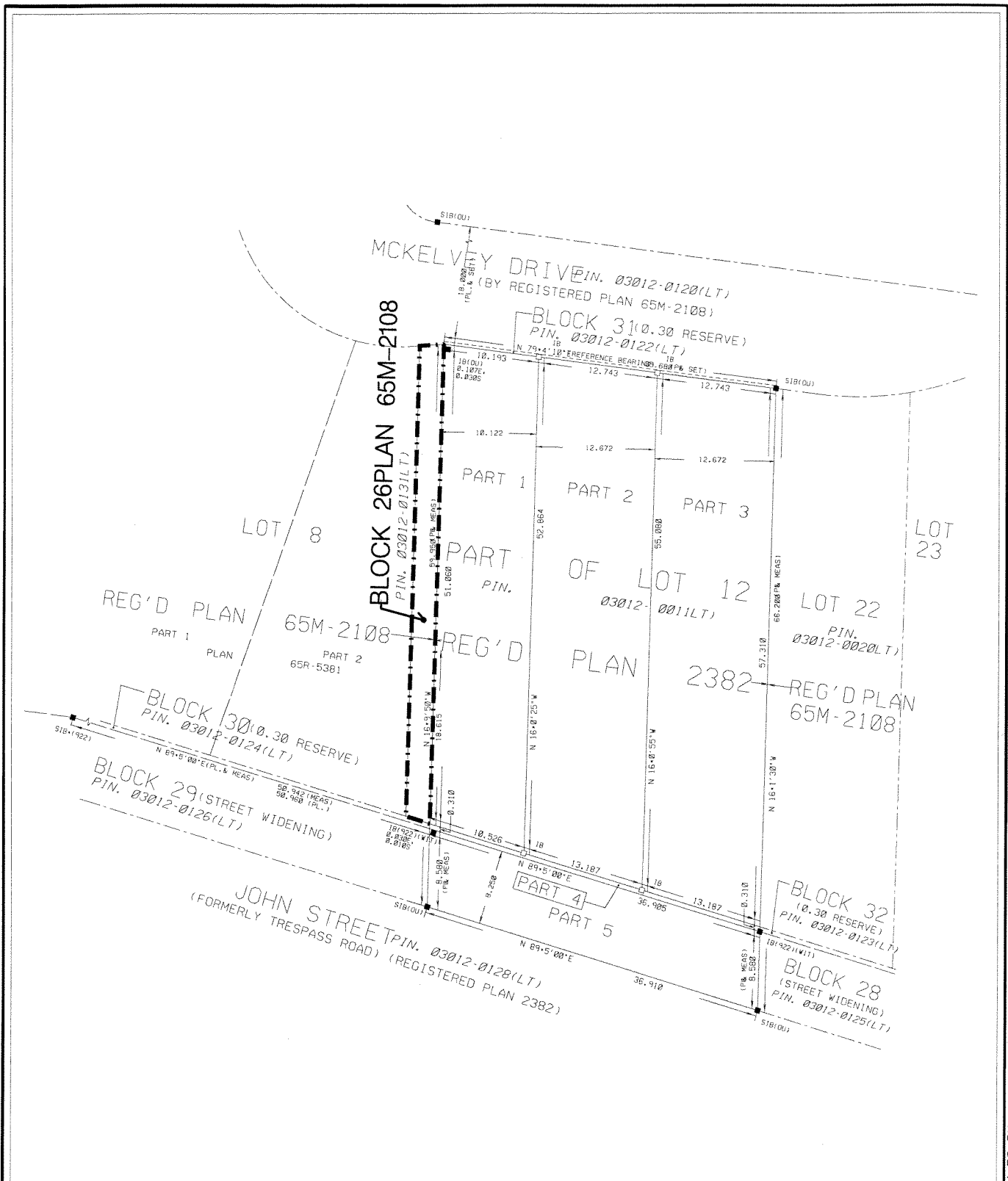
Appendix 1 – Draft Deeming By-law  
Appendix 2 – Letter from Owner

## FIGURE 1 – LOCATION MAP

APPLICANT: Maria Gatzios  
Bousefields Inc.  
3 Church Street  
Suite 200,  
Toronto ON M5E 1M2  
Tel: 416-947-9744  
Fax: 416-947-0781

LOCATION MAP:





# SITE PLAN

APPLICANT: RODEO FINE HOMES INC.  
378 JOHN STREET

FILE No: ZA04024598(RB)

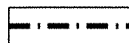


DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: RB

SCALE 1:



SUBJECT LANDS

DATE: 05/12/22

FIGURE No.2



**2005-**

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*

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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 Block 26, Plan 65M-2108, Town of Markham, Regional Municipality of York is within a plan of subdivision registered for more than eight years;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN 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*:

Block 26, Plan 65M-2108  
Town of Markham, Regional Municipality of York

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS    DAY            OF  
....., 2005.

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
MAYOR





BAIRNERIAR/HOLDING INC.  
1315 LAWRENCE AVE. E. STE. 306  
BURLINGTON, ONT. M3A 3R3  
JANUARY 12, 2006

Town of Markham  
Development Services Commission  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

ATTN: Mr. Ron Blake

Regarding: DEEMING TO NOT BE PART OF A SUBDIVISION  
BLOCK 26 ON PLAN 65M-2108

Dear Mr. Blake:

The owner hereby confirms that it authorized Maria Gatzlos of Bousfields Inc. to file a deeming request to exclude the above-noted block from the plan of subdivision, by letter dated December 16, 2005 to your attention.

The owner also hereby authorizes the Town of Markham to deem block 26 on plan 65M-2108 to not be part of a registered plan of subdivision for the purposes of s. 50 (3) of the Planning Act, pursuant to s. 50 (4) thereof.

The owner also agrees to waive our right to make representation to Council on this matter (for appeal purposes).

I trust this is satisfactory.



FOR SIGNATURE BY BAIRNERIAR

COPY TO: Ms. Maria Gatzlos, Bousfields Inc.