



The Corporation of the Township of McGarry

A G E N D A
SPECIAL COUNCIL MEETING
IN MEETING ROOM AT THE COMMUNITY CENTRE
WEDNESDAY, NOVEMBER 20 2024, AT 5:30 P.M.

IN PERSON OR PHONE ATTENDANCE

PARTICIPATION PAR TÉLÉPHONE OU EN PERSONNE

SPECIAL COUNCIL MEETING
Wednesday, November 20 · 5:30 pm
Dial: (CA) +1 226-318-9593
PIN: 770 884 086#

DUE TO THE INTERNET SPEED, WE ARE UNABLE TO ALLOW VIDEO LINK TO THE PUBLIC AS THIS WILL CREATE TECHNICAL DIFFICULTIES.

A TELEPHONE LINK IS AVAILABLE FOR THE PUBLIC TO JOIN THE MEETING.

WE ARE UNABLE TO GUARANTY THAT THE TELEPHONE LINK WILL WORK BUT IF WE EXPERIENCE TECNICAL DIFFICULTIES WE WILL DO OUR BEST TO RECTIFY THEM AS FAST AS POSSIBLE.

SOME TECHNICAL DIFFICULTIES MAY BE OUT OF OUR CONTROL AND MAY NOT BE RECTIFIED IN TIME FOR OUR MEETINGS. THIS COULD RESULT IN THE RECORDING NOT BEING ACCESSIBLE ONLINE.

WE THANK YOU FOR YOUR UNDERSTANDING.

VEUILLEZ NOTER QU'EN RAISON DE LA VITESSE D'INTERNET, NOUS NE SOMMES PAS EN MESURE D'AUTORISER LA LIAISON VIDÉO AU PUBLIC, CAR CELA CRÉERA DES DIFFICULTÉS TECHNIQUES.

UN LIEN TÉLÉPHONIQUE EST MIS À LA DISPOSITION DU PUBLIC POUR PARTICIPER À LA RÉUNION.

NOUS SOMMES INCAPABLES DE GARANTIR QUE LES LIAISONS TÉLÉPHONIQUES FONCTIONNERONT, MAIS SI NOUS RENCONTRONS DES DIFFICULTÉS TECHIQUES, NOUS FERONS DE NOTRE MIEUX POUR LES CORRIGER LE PLUS RAPIDEMENT POSSIBLE.

CERTAINES DIFFICULTÉS TECHNIQUES SONT HORS DE NOTRE CONTRÔLE ET PEUT NE PAS ÊTRE RECTIFIÉE À TEMPS POUR NOS RÉUNIONS. CELA POURRAIT EMPÊCHER L'ACCÈS À L'ENREGISTREMENT EN LIGNE.

NOUS VOUS REMERCIONS DE VOTRE COMPRÉHENSION.



**The Corporation of the Township of McGarry
A G E N D A
SPECIAL COUNCIL MEETING
IN THE MEETING ROOM AT THE COMMUNITY CENTRE
WEDNESDAY, NOVEMBER 20, 2024, AT 5:30 P.M.**

1. **Opening of Special Meeting by the Head of Council / Ouverture de la réunion par le Maire**
2. **Roll Call / Appel nominal**

<u>Attendance:</u>	<u>Present</u>	<u>Absent</u>
Mayor Bonita Culhane	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Louanne Caza	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Elaine Fic	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Annie Keft	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Francine Plante	<input type="checkbox"/>	<input type="checkbox"/>

3. **Adoption of the Agenda and Addendum / Adoption de l'ordre du jour et de l'addenda.**
4. **Disclosure of Pecuniary Interest / Déclaration d'intérêts pécuniaires.**
5. **Deputation, Delegation, and Petitions / Députations, Délégations et Pétitions : None**
6. **Correspondence, Information / Correspondance, Information: None**
7. **New Business / Nouvelles affaires:**
 - a) Opening of bids received from the advertised Tax Sale.
8. **Passing of By-Laws / Adoption de règlements:**

By-Law 2024-60 – Being a By-Law to designate any plan of subdivision or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered subdivision 5 and 7 Webster Street, 5458-000-001-13100-0000 and 5458-000-001-13300-0000.
9. **Closed Meeting / Réunion à huis clos: None**
10. **Confirmation By-Law / Confirmation des règlements municipaux.**
11. **Adjournment / Clôture de l'assemblée.**



Date: November 15, 2024
To: Karine Pelletier, Clerk-Treasurer
Township of McGarry
Re: Deeming By-law Application for Daryl and Sharon Baynton, 5 & 7 Webster Street

Subject Property: 5 and 7 Webster Street; PLAN M126T LOT 131 PCL;10623CST; LOT 132 PCL;10780 CST
Purpose: The applicant is requesting to deem two subdivision lots in order to allow the lots to merge so a garage can be built.
Recommendation: It is recommended that the application be approved and a deeming by-law be passed for the subject properties.

Background Information

Section 50 of the Planning Act regulates the division of land, and the policies have legal implications when land is being transferred. This section sets out that whole lots on a plan of subdivision are separately transferrable regardless of the ownership of adjacent lands. Section 50(4) provides municipal councils with the authority to pass by-laws to designate any land within a plan of subdivision to be not lands on a plan of subdivision for the purposes of the Planning Act, provided that the plan of subdivision has been registered for eight years or more and, in accordance with Section 50(28), the by-law is registered on title to the appropriate PINs. Section 50(4) states:

The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Generally speaking, deeming subdivision lots has minimal impact on servicing and infrastructure considerations and deeming is therefore not subject to the same processes and review as other Planning matters (eg. public notification and public meetings are not required).

Analysis

Daryl and Sharon Baynton own the properties at 5 and 7 Webster Street, which are lots 131 and 132 on Plan M126TIM. Both lots measure 40 feet x 110 feet, for a total of 8,800 square feet. There is an existing single detached dwelling on 7 Webster Street (lot 131). The applicant is requesting the deeming by-law in order to allow for the construction of a garage on the property. A garage is an accessory building, and if it were to be constructed without the lots having been deemed, it would result in an accessory building being located on a lot without a main use, or that crosses the property line of a vacant lot, and the adjacent lot could legally be sold resulting in an encroachment issue.

The property is designated Residential Area in the Township of McGarry Official Plan and is zoned General Residential (R1) in the Township of McGarry Zoning By-law 2011-08. Permitted uses include a single detached dwelling, a semi-detached dwelling, a duplex dwelling, a converted dwelling, a group home, and uses normally incidental and accessory to the permitted main uses. A garage is considered an appropriate accessory building to the existing residential use of the property.



Recommendation

Based on the above information, it is recommended that the deeming by-law be approved as requested.

Respectfully submitted by:

Jennifer Pye

Jennifer Pye, MCIP, RPP
Planner
Temiskaming Municipal Services Association



THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NO. 2024-60

**BEING A BY-LAW TO DESIGNATE ANY PLAN OF SUBDIVISION, OR PART THEREOF, THAT HAS BEEN REGISTERED FOR EIGHT YEARS OR MORE, WHICH SHALL BE DEEMED AS NOT A REGISTERED PLAN OF SUBDIVISION
5 AND 7 WEBSTER STREET
5458-000-001-131.00 AND 5458-000-001-133.00**

WHEREAS Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13, as amended authorizes the Council of a municipality to designated by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

AND WHEREAS the property owner has requested that the following properties be merged on title:

- PLAN M126T LOT 131 PCL;10632CST
- PLAN M126T LOT 132 PCL;10780 CST

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MCGARRY HEREBY ENACTS AS FOLLOWS:

1. THAT the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990. c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. THAT the lands are described as
 - a. PLAN M126T LOT 131 PCL;10632CST
 - b. PLAN M126T LOT 132 PCL;10780 CST
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Township at the Land Registry Office in Haileybury, Ontario. The costs of the registration will be the responsibility of the owner.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to the Clerk of the Corporation of the Township of McGarry that the person desires to make representations respecting the amendment or repeal of the by-law.
6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of the Municipality at the Land Registry Office in Haileybury, Ontario. The costs of the registration will be the responsibility of the owner.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.

9. THAT the Clerk of the Corporation of the Township of McGarry is hereby authorized to make any minor modifications or corrections or an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or correction do not alter the intent of the By-law.

BY-LAW READ A FIRST AND SECOND TIME ON NOVEMBER 20, 2024.

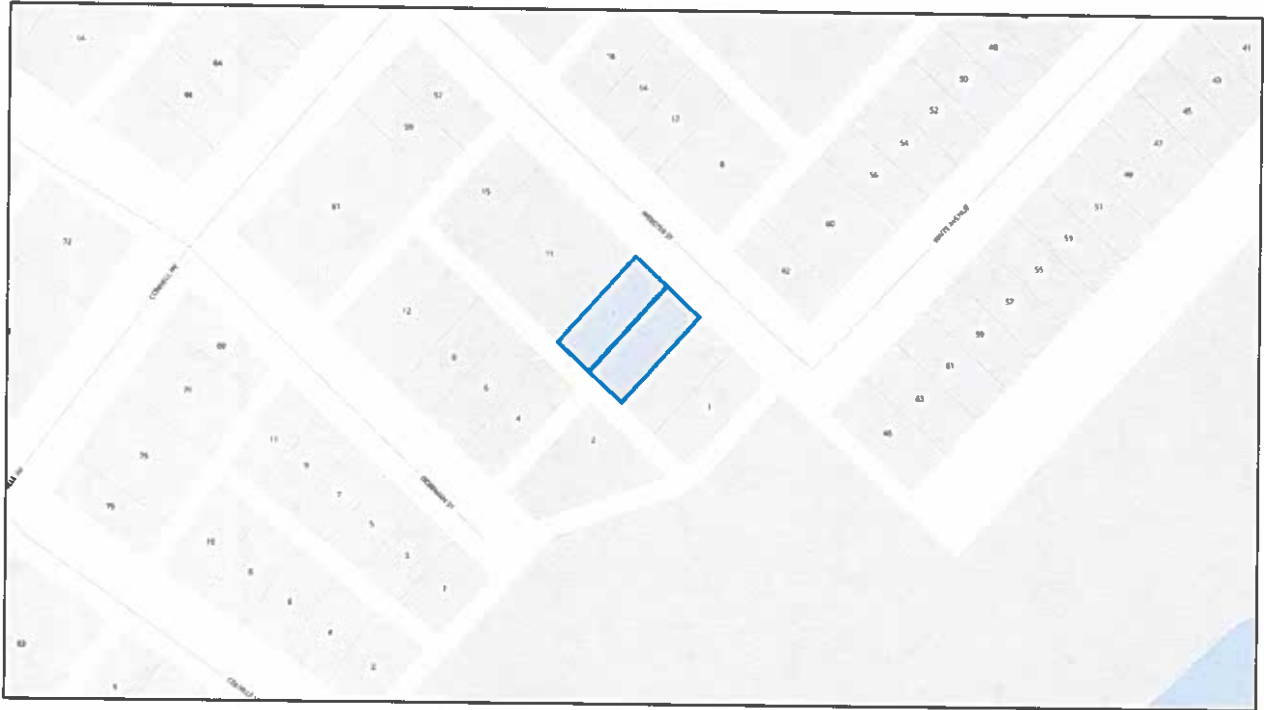
BY-LAW READ A THIRD AND FINALLY PASSED NOVEMBER 20, 2024.

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

MAYOR

CLERK-TREASURER

Schedule "A" to By-law 2024-60
Township of McGarry



5 and 7 Webster Street

