

Report to Council

Report Title:	Repeal of Deeming By-Law		
Prepared By:	Fiona Hamilton, Clerk		
Department:	Clerk's		
Date:	October 15, 2019		
Report Number:	CLK2019-31	File Number:	C11CL, C01
Attachments:	Letter re Repeal of Deeming By-law Map of Properties By-law 99-76 Acknowledgment & Direction		

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2019-31 – Repeal of Deeming By-Law, prepared by Fiona Hamilton, Clerk and in doing so approves a By-Law coming forward to repeal By-Law 99-76 which deemed lots 30 and 31 not to be whole lots on a registered plan of subdivision and further approves the Mayor and Clerk signing the attached Acknowledgement and Direction.

Report:

Background:

Staff were recently contacted by a property owner about a pending real estate transactions (the "Vendors"), which is scheduled to close on October 18, 2019. The Vendors are the owners of Lots 30 and 31 Sec M-125 (known municipally as 220 Hinks Street) in Walkerton. In 1999, a Deeming By-law was enacted that deemed lots 30 and 31 (and other lots) not be whole lots on a registered plan of subdivision such that the lots merged. Lots 30 and 31 are currently vacant land.

The Buyers for this property have requested that the Vendors convey the lots as separate parcels to allow them greater flexibility in the future. As a result, the Vendor's lawyer has requested that Council of the Municipality of Brockton consider repealing part of the Deeming By-law so that lots 30 and 31 go back to being separate parcels.

Analysis:

By-law 99-76, the Deeming By-law, effectively merged a number of parcels in this particular subdivision in Walkerton. Subsequently, other individuals have also requested (which Council granted) that parts of the Deeming By-law be repealed.

Staff have also reviewed the “as-built” drawings for this subdivision and have confirmed that both lots have sanitary sewer connections.

Staff recommend that paragraph 3 of By-law 99-76 be repealed as per the Vendors request to allow the real estate transaction to proceed as planned and to be consistent with past decisions. If passed, the next step would be to register the by-law repealing part of 99-57.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? Yes
- Do the recommendations contribute to achieving Cultural Vibrancy? Yes
- Do the recommendations contribute to achieving Economic Prosperity? Yes
- Do the recommendations contribute to Environmental Integrity? Yes
- Do the recommendations contribute to the Social Equity? Yes

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

The Municipality of Brockton will incur some legal fees associated with registering the repealing by-law. There is currently no provision in the fees and charges by-law by which to require the Vendor to pay for these legal fees. As a result, staff have also brought forward a report recommending that the 2020 Fees and Charges By-law include additional fees for similar types of application and other planning and development related matters.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Fiona Hamilton, Clerk

Reviewed By:



Sonya Watson, Chief Administrative Officer