

## Staff Recommendation Report

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**To:** Melissa Markham, Director of Planning Services

**From:** April Best-Sararas, Planner

**Date:** May 28, 2021

**Subject:** Consent Application B 13/21 LOB (Prittie), 11 Bay Street & 13 Bay Street, Baysville, Roll Nos. 040-008-01000 & 040-008-01100

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### Report Highlights

- to re-create two lots, for residential purposes, with frontage and access on Bay Street and Spruce Street, year-round maintained (Township) roads
- the lots previously existed as conveyable parcels and inadvertently merged in title under applicable sections of the Planning Act
- as the parcels inadvertently merged, the property was not purchased as one parcel, both the severed and retained lots meet the minimum lot area and frontage requirements of the C2 Zone on municipal services, it is known that the lots were previously registered separately, and both lots are currently developed with existing driveways with no development proposed as part of this application, the criteria of Section J.52 of the Official Plan for the re-creation of lots has been met
- as this application is consistent with the 2020 Provincial Policy Statement and generally conforms to the District and Township Official Plans, and this application does not propose the creation of a new lot, but proposes to re-create two parcels of land that inadvertently merged in title, and which will maintain the previously existing road frontage and lot area, staff has no concerns with the approval of this application, subject to the conditions outlined in this report

### Recommendation

**WHEREAS** the Director of Planning Services of the Corporation of the Township of Lake of Bays hereby receives the staff report “Consent Application B 13/21 LOB (Prittie), 11 Bay Street & 13 Bay Street, Baysville, Roll Nos. 040-008-01000 & 040-008-01100” dated May 28, 2021.

**BE IT RESOLVED THAT** Consent Application B 13/21 LOB (Prittie), to re-create two lots, for residential purposes, with frontage and access on Bay Street and Spruce Street, year-

round maintained (Township) roads, be **APPROVED** subject to the Provisional Decision attached as Appendix “B”.

## Origin

This application was received from Shirley & Robert Prittie, landowners.

## Application

The purpose of this application is to re-create two lots, for residential purposes, with frontage and access on Bay Street and Spruce Street, year-round maintained (Township) roads. The lots previously existed as conveyable parcels and inadvertently merged in title under applicable sections of the Planning Act.

The lot configurations proposed are as follows:

	Lot Area (approx.)		Frontage on Bay Street (approx.)		Frontage on Spruce Street (approx.)	
	ha	ac	m	ft.	m	ft.
<b>Severed Lands</b>	0.10	0.25	24.69	81	40.84	134
<b>Retained Lands</b>	0.15	0.37	36.58	120	N/A	N/A

## Analysis

Property Information	
Official Plan Designation	Community of Baysville
Zone	Community Service Commercial “(C2)” Zone
Access	Bay Street & Spruce Street - municipally maintained year-round roads
Road Frontage	40.84 metres (134 ft.) on Bay Street 61.3 metres (201 ft.) on Spruce Street
Lot Area	0.25 ha (0.62 acres)
Existing Buildings and Structures	<ul style="list-style-type: none"> <li>The severed lot contains a dwelling with attached porch</li> <li>The retained lot contains a dwelling with attached porch and entry</li> </ul>

Site Characteristics and Surrounding Uses	<ul style="list-style-type: none"> <li>• The properties are level, with some mature trees and shrubs</li> <li>• Existing development is oriented towards the street</li> </ul>
Natural Constraints: <i>Values obtained from Official Plan Schedules &amp; District of Muskoka Web Map</i>	<ul style="list-style-type: none"> <li>• Secondary Aggregate Deposit</li> </ul>
Previous/Current Files:	<ul style="list-style-type: none"> <li>• None</li> </ul>

### Appropriateness of the Application

- the applicants are proposing to re-create two lots, for residential purposes, with frontage and access on Bay Street and Spruce Street, year-round maintained (Township) roads. The lots previously existed as conveyable parcels and inadvertently merged in title under applicable sections of the Planning Act
- the applicants have advised that the purpose of the severance is to provide one of the properties to one of the owner's children, and that the applicant's lawyer informed them that the two properties (being 11 & 13 Bay Street) had inadvertently merged on title as they are both under the same ownership
- therefore, prior to the conveyance of the property located at 13 Bay Street, the subject Consent Application is required to legally re-create the two lots
- a transfer deed from 1985 illustrates that the proposed severed lot (being the north half of Lots 58 & 59 on Plan 2 in the Village of Baysville) was conveyed to Robert Prittie, and a transfer deed from 1987 illustrates that the proposed retained lot (being the south half of Lots 58 & 59 on Plan 2 and the whole of Lots 40 & 41 on Plan 2 in the Village of Baysville) was under separate ownership than the proposed severed lot and was conveyed to Shirley Prittie
- Section J.52 of the Official Plan states that where abutting lots have previously existed as conveyable parcels and have inadvertently merged in title, the re-creation of the original lots may be considered, provided that: a) the parcels have inadvertently merged; b) the property has not been purchased as one parcel; c) evidence is produced which indicates that the lots were previously registered separately; d) the minimum lot requirements cannot be achieved through other methods; e) the re-creation of the parcel would not be in conflict with the environmental policies of the plan particularly that respecting water quality; f) the proposed lots can properly accommodate development; g) there is safe and adequate access to the proposed lots; and h) the proposed lots and uses are compatible with the surrounding lots and uses.
- as the parcels inadvertently merged, the property was not purchased as one parcel, both the severed and retained lots meet the minimum lot area and frontage requirements of the C2 Zone on municipal services, it is known that the lots were

previously registered separately, and both lots are currently developed with existing driveways with no development proposed as part of this application, the criteria of Section J.52 for the re-creation of lots has been met

- as this application is consistent with the 2020 Provincial Policy Statement and generally conforms to the District and Township Official Plans, and this application does not propose the creation of a new lot, but proposes to re-create two parcels of land that inadvertently merged in title, and which will maintain the previously existing road frontage and lot area, staff has no concerns with the approval of this application, subject to the conditions outlined in this report

### Public/Agency Comments:

Clerk's Department	<ul style="list-style-type: none"><li>• No concerns. There does not appear to be an OSRA associated with the subject lands.</li></ul>
Building Department	<ul style="list-style-type: none"><li>• No concerns.</li></ul>
Public Works Department	<ul style="list-style-type: none"><li>• No concerns as of the date of this report.</li></ul>
Fire Department	<ul style="list-style-type: none"><li>• No concerns.</li></ul>
District of Muskoka Planning	<ul style="list-style-type: none"><li>• No objection.</li></ul>
Hydro One	<ul style="list-style-type: none"><li>• No comments or concerns.</li></ul>

### Alternatives

Upon review of the proposal, the Director of Planning Services of the Corporation of the Township of Lake of Bays may choose one of the following options:

- Deny the application;
- Defer the application; or
- Approve the application (refer to recommendation).

### Linkage to the Community-Based Strategic Plan

- Engage and communicate openly with the community;
- Develop long-term land and community plans that are balanced and adaptive;
- Protect, preserve and promote our healthy natural environment.

**Date of Report: May 28, 2021**

## **Approvals**

**Prepared by:**

**April Best-Sararas**, MCIP, RPP  
Planner

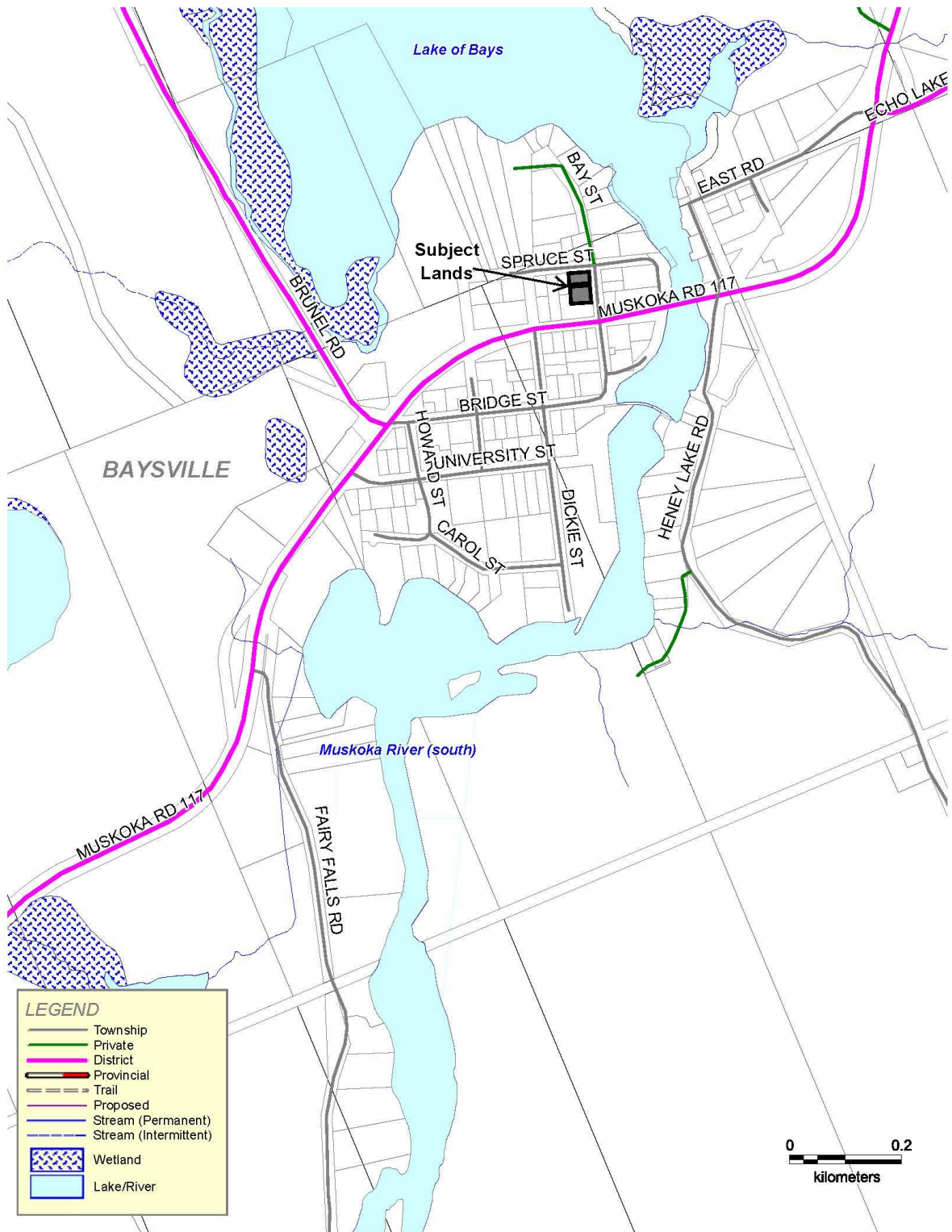
## **Attachments**

- Appendix “A” – Location Map
- Appendix “B” – Provisional Decision for B 13/21 LOB

## **References**

- 2020 Provincial Policy Statement
- Township of Lake of Bays Official Plan, as adopted on January 12, 2016 by By-laws 2016-005 & 2016-049
- By-law 04-181, being the Comprehensive Zoning By-law
- Muskoka Web Map
- Archived documents in Laserfiche

## Appendix "A" Location Map



## Appendix “B”

### **PROVISIONAL DECISION**

[The Planning Act, R.S.O. 1990, Chapter 13, Section 45(8)]

Files: **B 13/21 LOB**

Applicant(s): **Shirley & Robert Prittie**

Application for Consent for: **Lot Re-creation**

Location: **Part of Lot 16, Concession 7, McLean**

Parent Roll Nos.: **040-008-01000 & 040-008-01100**

Date of Decision: **May 28, 2021**

Upon application for consent for the lands described in the above noted file, the decision of the Director of Planning Services of the Corporation of the Township of Lake of Bays is as follows:

**THAT Consent will be GRANTED provided:**

- (1) That a “Transfer in Preparation” and a “Long Form Certificate” for the severed lands, or a “Validation Certificate” for the re-created lots, be provided to the Director of Planning Services.

**REASONS:**

1. The Director of Planning Services is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will serve to re-create two lots, for residential purposes, with frontage and access on Bay Street and Spruce Street, year-round maintained (Township) roads.

**SCHEDULE "A"**  
**CONSENT APPLICATION B 13/21 LOB (Prittie)**  
**Part of Lot 16, Concession 7, McLean**  
**11 & 13 Bay Street, Baysville, Roll Nos. 040-008-01000 & 040-008-01100**

