

**To:** COUNCIL

**Meeting Date:** 6/17/2025

**Subject:** Deeming By-law Information Report

**Submitted By:** Laura Dewar, Manager of Site Development & Special Projects

**Prepared By:** Edmund Carlson, Planner

**Report No.:** 25-069-CD

**File No.:** N/A

**Wards Affected:** All Wards

### **RECOMMENDATION(S):**

THAT Deeming By-law Report 25-069-CD be received for information;

AND THAT Council direct staff to initiate a regular program of City-Initiated Deeming By-laws on an ongoing basis for housekeeping purposes.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

This report introduces Council to the planning tool of deeming by-laws under Section 50(4) of the Planning Act.

#### **Key Findings**

- There are over 700 registered subdivisions across Cambridge, and over 300 were created prior to amalgamation in 1973. Of the thousands of properties within pre-amalgamation subdivisions, their current property boundaries often do not align with the original underlying subdivision plans. As a result, new lots can be created from properties without any approval process.
- For subdivisions which have been registered for at least 8 years, the Planning Act gives municipalities the authority to pass a by-law to remove land from the subdivision.
- Once a “deeming bylaw” is passed and registered, it causes adjacent whole or partial lots/blocks within a subdivision, which are held under the same ownership, to merge into one single legal parcel. These parcels can then only be subdivided through an approval process defined by the Planning Act (i.e. consent, condominium, subdivision or part lot control exemption).

- Deeming By-laws are therefore a useful means of resolving differences between current legal property lines and pre-existing property lines created by registered plans of subdivision. This ensures new lots are only created through a formal approval process, with consideration for neighbourhood impacts, current legislation and development standards.
- Planning Staff will bring future deeming by-laws for approval under Strong Mayor Powers beginning in Q3 2025.

## Financial Implications

Deeming by-laws require mail notification to the registered owners of all properties effected, at a cost of approximately \$1.00 per notice. The deeming by-law must also be registered on title at a cost of approximately \$200 per effected lot. Staff resources are needed to administer the approval process, prepare the deeming by-law, and modify the City's Geographic Information System (GIS) mapping to remove old subdivisions and reflect changes to property lines.

Applicant-initiated deeming by-laws are a service the City can provide, and an application fee will be proposed as part of the 2026 Budget and associated Fees and Charges By-Law.

## STRATEGIC ALIGNMENT:

☐ Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**OR**

☒ Core Service

**Program:** Land Use Planning

**Core Service:** Community Development

Deeming by-laws are one of many planning actions the City can initiate, or the City can receive as a request from a private landowner. Both are required to follow the process defined by the Planning Act. The intent of a deeming by-law is to secure the current property fabric of our older established neighbourhoods, remove confusing land division rights from old subdivisions which may not reflect current development standards or

result in undesirable or undevelopable lots, and ensure the division of lands in these older neighbourhoods is subject to a proper approval process under applicable legislation.

## **BACKGROUND:**

Under Section 50 of the Planning Act, landowners cannot subdivide their land without approval from the municipality, an authority known as “part lot control” which came into effect in the 1960’s. Prior to this legislation, lands could be transferred from one ownership to another without formal approval processes. Surveys and references plans were typically used to complete these transactions.

Under current Planning Act legislation, a Plan of Subdivision may be created with the approval of the municipality, to subdivide lands into separate lots and blocks. Once a subdivision is created, the Planning Act does not allow changes to the lots and blocks. Even where adjacent whole or partial lots and blocks are acquired by the same landowner and appear to merge into one lot, the underlying subdivision lots/blocks remain intact.

The City’s zoning by-law allows adjacent lots with identical zoning, held under the same ownership, to be developed as if they were a single lot. In this case, buildings can cross property lines and setbacks are only applied to perimeter lot lines.

Other approval processes, such as part lot control exemption, consent, and plans of condominium, also result in land division and the transfer of land ownership, however any underlying lots and block of a pre-existing subdivision continue to exist. Any whole lot or block within that pre-existing subdivision, despite further division of land, can still be transferred to another landowner at any time without an approval process. The result is layers of land division and potential lot configurations, which can result in the creation of undevelopable or undesirable parcels of land and can disrupt the fabric of established neighbourhoods.

## **Deeming By-law Authority**

Section 50(4) of the Planning Act allows a municipality to pass a by-law to deem any plan of subdivision, or part thereof, that has been registered for eight years or more, to be no longer registered for the purposes of dividing land.

A “deeming by-law” causes adjacent whole or partial lots/blocks within a subdivision, which are held under the same ownership, to merge into one single legal parcel. These parcels can then only be subdivided through an approval process defined by the

Planning Act (i.e. consent, condominium, subdivision or part lot control exemption). This restores municipal control over any future division of the affected lands.

Once Council passes a deeming by-law, a notice must be given within 30 days to each landowner of an affected property. Within 20 days of the mailing, landowners may request to appear before Council to present any objection to the deeming by-law. Council may reverse their decision to approve a deeming by-law in whole or in part. To bring a deeming by-law into full effect, it must be registered on title to the affected properties by the municipality.

### **ANALYSIS:**

As one of the oldest urban settlements in Ontario, the bulk of Cambridge's residential housing stock is defined on legacy plans of subdivision which remain in force and effect despite dating from prior to the establishment of part lot control.

Deeming by-laws have rarely been passed in Cambridge, the most recent being in 2012. However, they are a useful means of resolving differences between current legal properties lines and pre-existing property lines created by registered plans of subdivision. There are over 700 registered subdivisions across Cambridge, and approximately 300 were registered prior to amalgamation in 1973. Most of these very old subdivisions were not subject to any modern approval process and have no registered subdivision agreements.

Prior to part-lot control legislation in the 1960's (now Section 50 of the Planning Act), lands could be conveyed from one person to another at will, through no approval process, and despite discrepancies with any prior approved subdivision for the lands. This means there are thousands of properties within subdivisions older than 1970 which do not match the underlying registered plan of subdivision. Any part of these properties which are a whole lot/ block in a registered subdivision can be conveyed to another landowner to become a new lot, outside of any approval process.

An example of this is given below in Image 1. The heavy black line is the current property boundary of 25 Chalmers Street South, owned by the City of Cambridge. This property is within a Subdivision created in 1952. It is comprised of 12 whole lots and 3 partial lots. At any time, the City could convey any of these whole lots to another landowner, which can be problematic. For example, if Lot 18 was conveyed to another landowner, it would be landlocked – with no street frontage. It originally fronted Lowell Street which was later closed by by-law.

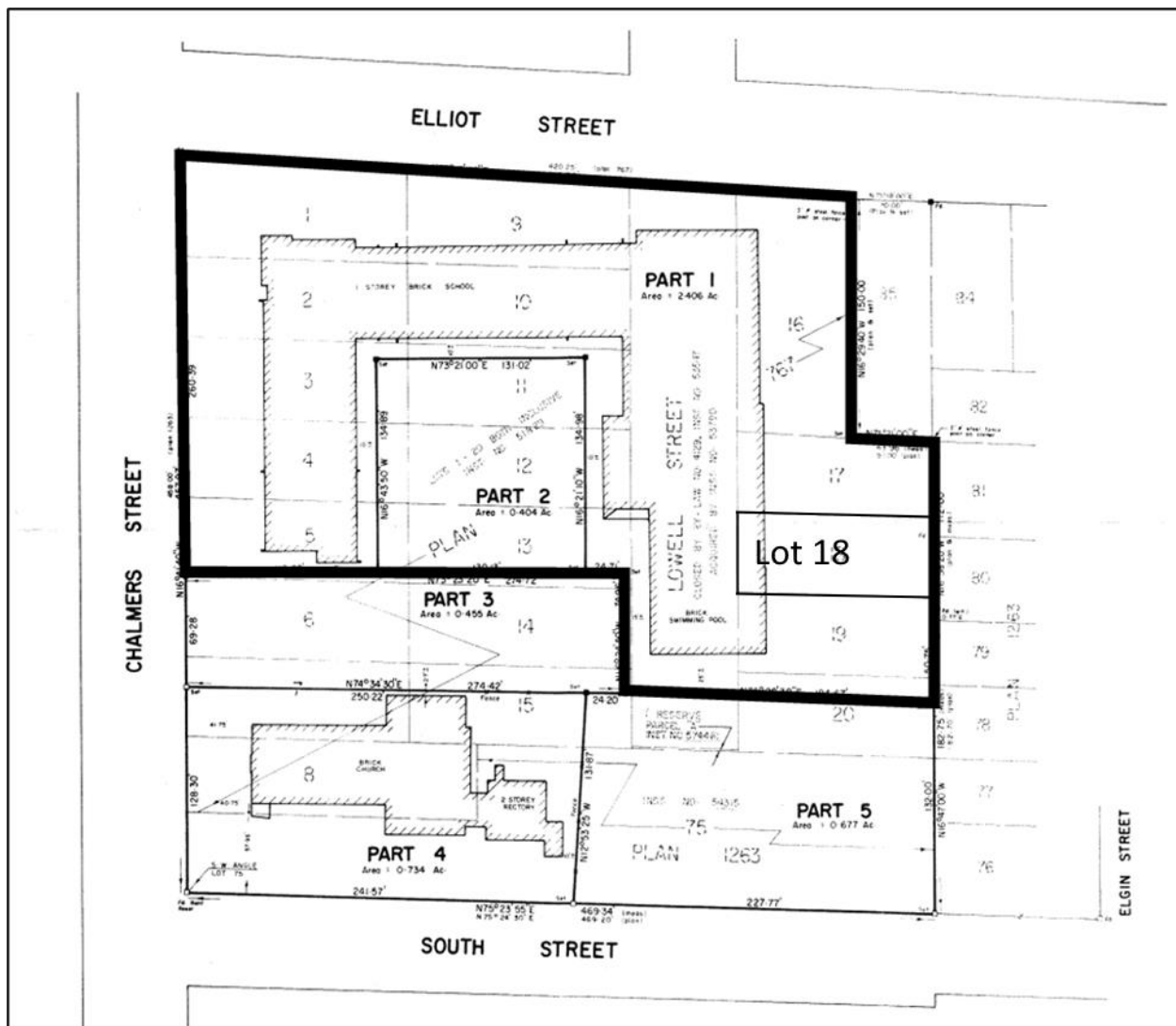
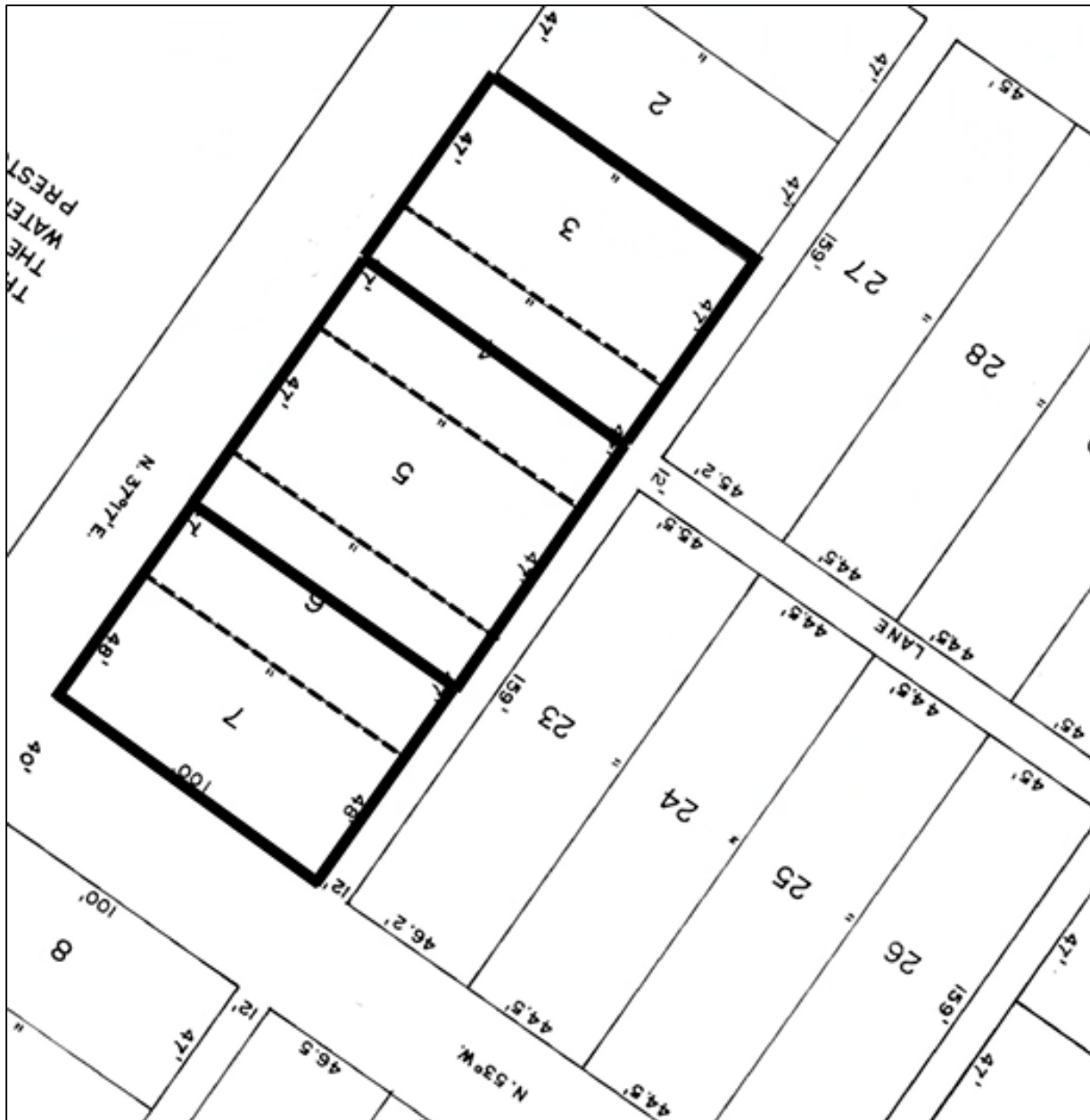


Image 1: 25 Chalmers Street South

A second example is given below in Image 2. The heavy black line is the current property boundary of 3 private properties in the City of Cambridge. Each property is comprised of one whole lot, and one or more partial lots from a Subdivision created in 1911. At any time, the owners could convey their whole lot (lot 3, lot 5 and lot 7) to another landowner, which would create 2 or 3 separate properties. The partial lots become legal lots that are only 5 metres in width and are not considered to be desirable or developable.



**Image 2: Properties comprised of whole and partial lots in a subdivision**

There are thousands of legal properties across Cambridge which have similar conditions - they are comprised of a combination of whole and/or partial lots and blocks within an underlying subdivision. As the above examples show, without a deeming by-law, a property owner can transfer land to another owner without any approval process resulting in new parcels being created that are not appropriate for or able to be developed, or may be undesirable for the neighbourhood.

#### **EXISTING POLICY / BY-LAW(S):**

There is no existing policy/by-law.

#### **FINANCIAL IMPACT:**

If Council directs staff to bring forward City-initiated deeming by-laws on an ongoing basis for housekeeping purposes, there are nominal associated costs which will be covered by Planning & Legal operating budgets. An application fee will be proposed as part of the 2026 Budget and associated Fees and Charges By-Law.

#### **PUBLIC VALUE:**

##### **Sustainability:**

Outdated subdivisions cannot be relied upon to account for municipal drinking water and sanitary sewer requirements, among other things. This project will support sustainability by ensuring that subdivision of land in the City of Cambridge is subject to proper review based on current sustainability standards.

##### **Leadership:**

Removing lots from legacy plans of subdivision will ensure that resident's expectation of municipal regulation, consultation and review are upheld.

#### **ADVISORY COMMITTEE INPUT:**

##### **Advisory Committees Consulted:**

Not Applicable.

#### **PUBLIC INPUT:**

There was no external consultation undertaken.

#### **CONCLUSION:**

Planning Staff intend to bring forward a deeming by-law for approval under Strong Mayor Powers in Q3 2025, with further deeming by-laws being brought forward for older

or problematic subdivisions as a housekeeping effort on a go forward basis, using the deeming by-law template in Appendix A.

**REPORT IMPACTS:**

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **Yes**

**APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 25-069-CD Appendix A – Deeming By-law Template