

# Deeming By-law Information Report

Report #25-009-CD

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June 17, 2025



# Subdivisions in Cambridge

There are 43,821 properties across the City of Cambridge. In real estate terms, properties are really any land parcel that a person owns. Most of these properties, whether people know it or not, are within a plan of subdivision. We have over 700 plans of subdivision across the City.

However, many properties across the City are made of multiple lots, some whole and some part, from subdivisions. So the City is also made up even more *lots* than properties – maybe as many as 50,000 *lots*.

# Background – Legislation

**What is a lot?** The zoning by-law defines a *lot* as a parcel of land or lot or block within a registered plan of subdivision or created with the consent of the Committee of Adjustment, or any land that may be legally conveyed under the...Planning Act.

Since the 1960's, the Planning Act requires an approval from the municipality to control the division of land. Dividing land can be done through a plan of subdivision, consent or part lot control exemption. Part Lot Control prevents the subdivision of whole lots or blocks in a subdivision, unless an exemption is granted.

But there is a situation where land can be divided without municipal approval.

# Background – Legislation

Prior to the current legislation, land was divided without regular controls. A surveyor might survey a piece of land, and with little assistance, a landowner could transfer that piece of land to another person. However, this gets complicated because the lot lines in subdivisions always remain intact. Once a lot, always a lot.

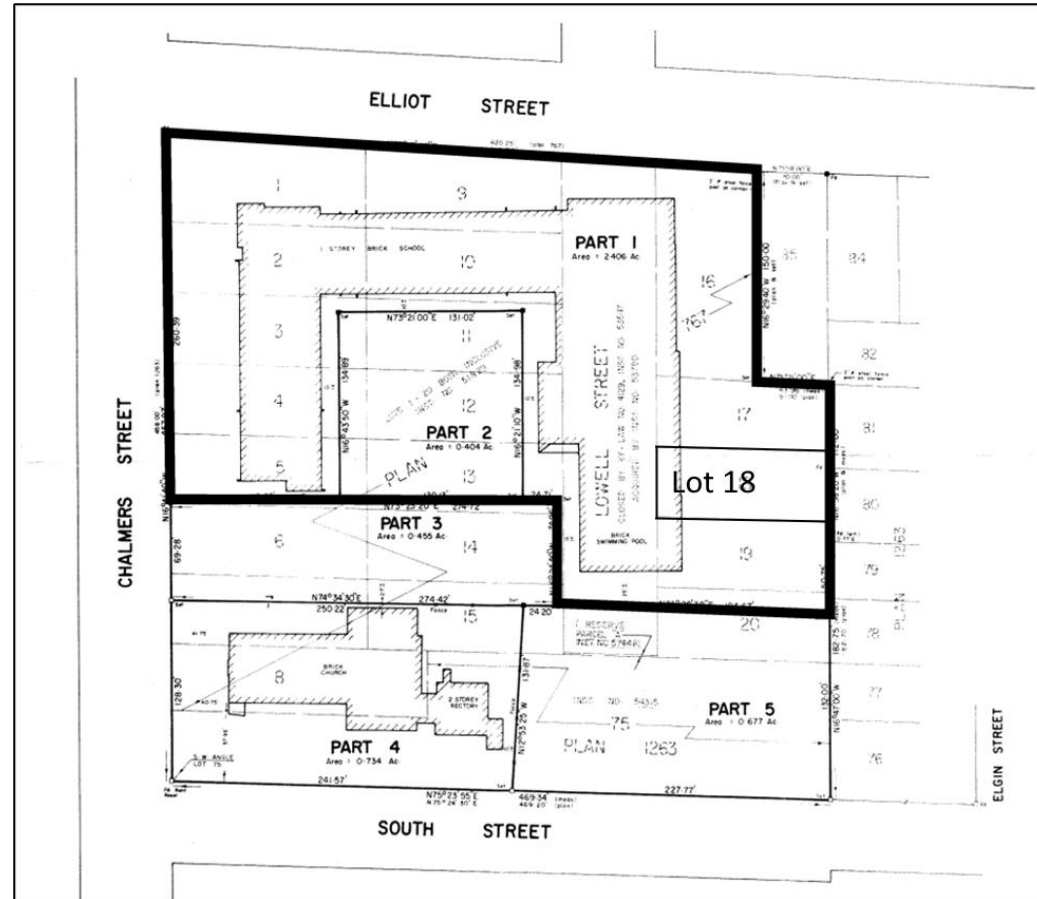
**The result?** Many properties are made of several whole lots and part lots from a subdivision. On the surface, the property looks like a whole. We now have overlapping layers of recognized legal boundaries, and they are frequently different. This can create issues for the municipality, the landowner and the community.

Some examples...

# Example 1 – Zoning & Building Issues

Current zoning allows adjoining *lots* under identical ownership and in same zone to be treated as one for the purposes of applying setbacks. Results in buildings across lot lines.

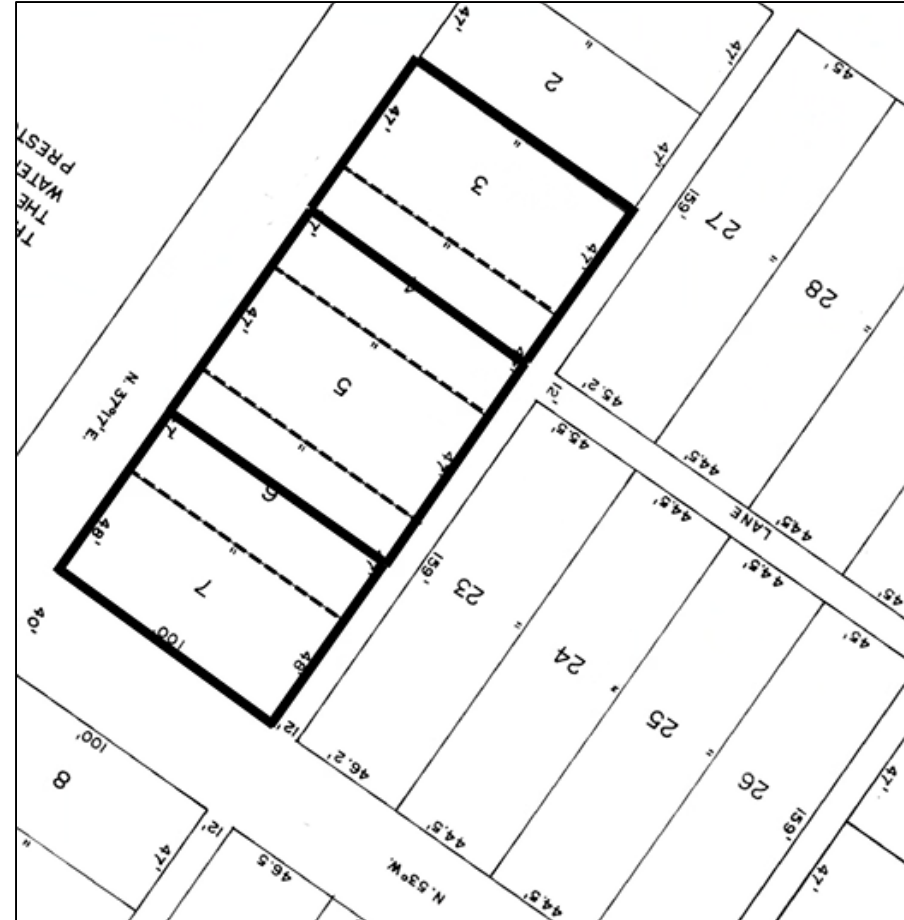
Draft zoning by-law proposes to remove this permission. Would be forced to pass a deeming by-law to consolidate lots to allow new development.



## Example 2 – Lot Creation Issues

Properties are made up of whole and part lots. Whole lots are conveyable forever, without any approvals needed. Can create new lots from part lots for example that are not desirable or compatible.

In this example, a total of 7 lots could be created from 3 properties, without any municipal approvals.



# Back to Legislation

## What is a deeming by-law and what does it do?

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.

A deeming by-law template is attached to the staff report.



# Benefits of Deeming By-laws

As shown with example 1:

- Resolves potential development and zoning issues that arises from multiple lots that can't be combined into one
- Resolves potential issues that arise from the unforeseen division of a whole development that is made up of multiple lots

As shown with example 2:

- Restores control over any future division of land within the affected areas to the municipality
- Avoids the creation of potentially undesirable new lots



# Procedure for Deeming By-laws

1. Staff to identify problematic subdivisions
2. Prepare Deeming By-law for Passing Using Strong Mayor Powers
3. Mayor Decides Whether to Pass By-law
4. If By-law Passed, Notice Issued to All Affected Property Owners
5. Owners Given 20 Days to Request to Present to Council
6. Delegate added to Council Meeting Agenda
7. Delegate Presentation Considered, Council could amend or revoke by-law.
8. If By-law remains passed, registered on title to all affected lands.
9. Separate adjacent lots under same ownership merge to one lot
10. Update to Geographic Information System

# Recommendation

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.