



**City of Kingston
Report to Council
Report Number 24-114**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: March 19, 2024
Subject: Deeming By-Law to De-register Plan of Subdivision

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

The following report outlines the purpose and effect of a recommended by-law to de-register Blocks E, EE, G, GG & GGG on Registered Plan 1592 (the “Deeming By-Law”) from the property known municipally as 33 Compton Street.

Section 50(4) of the *Planning Act* allows municipalities to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered plan of subdivision. Registered Plan 1592, that is currently registered on the title of the subject property, was registered on September 5th, 1972.

The property, owned by the City of Kingston, was recently declared surplus and approved for sale by Council as part of a first round of housing accelerator projects ([Report Number 23-043](#)). A plan of subdivision dated from 1972 is currently registered on the title of the property. The Deeming By-Law is required and recommended to remove this outdated plan of subdivision so that the property can be developed as one parcel. To streamline the review of the Deeming By-Law, which is largely administrative in nature, the recommendation before Council is for all three readings of the By-Law to occur on March 19, 2024.

March 19, 2024

Page 2 of 5

Recommendation:

That “A By-Law to Deem Part of a Subdivision Not to be a Registered Plan of Subdivision (Blocks E, EE, G, GG and GGG, Registered Plan 1592)”, attached as Exhibit A to Report Number 24-114, be presented to Council for three readings.

March 19, 2024

Page 3 of 5

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

March 19, 2024

Page 4 of 5

Options/Discussion:**Background**

As detailed through a report to Council on March 7, 2023, the subject property at 33 Compton Street was one of two City-owned properties identified for sale as part of the first round of housing accelerator projects to promote the construction of new housing developments and more specifically, to create additional affordable housing units ([Report Number 23-043](#)).

The property forms part of the area evaluated through the Rideau Heights Regeneration Strategy (“RHRS”). The RHRS calls for the subject property to be disposed of for market housing development. The utilization of the lands for market housing is to support a primary objective of the RHRS which includes introducing market housing in an area of the neighbourhood that is primarily comprised of social housing.

In 2021, the land use planning approvals were obtained for Phase 2 of the RHRS, including a draft plan of subdivision and site-specific zoning by-law amendment (File Number D35-004-2018). The draft plan of subdivision includes 33 Compton Street as one lot, and the site-specific zoning enables a range of residential dwelling types on the subject site, including ground-oriented dwellings such as townhouses.

The 1972 plan of subdivision divides the subject property in five separate parcels. The draft plan of subdivision approved for the subject property in 2021 allows for residential intensification on a single parcel, enabling a compatible built form to the surrounding area, and has been evaluated and approved under a contemporary planning policy framework.

As directed by Council on March 7, 2023, the property was listed for sale ([Report Number 23-043](#)). Staff in Business, Real Estate and Environment have identified the need for the deregistration of the 1972 plan of subdivision so that the property can be developed as one lot, as envisioned in the draft plan of subdivision approved for the property (File Number D35-004-2018).

Site Characteristics

The property is approximately 0.57 hectares in area and has frontage on Compton Street and Wilson Street. This property was the location of the former municipally owned and operated Oakwood Preschool and Childcare Centre, which closed in 2013. The building was demolished in 2015 and the property is currently vacant. The surrounding neighbourhood is made up primarily of townhouses and single detached houses.

The subject property is designated Residential in the City of Kingston Official Plan. The subject property is zoned Urban Multi-Residential 4 (URM4) with a Legacy Exception L467 associated with the zoning by-law amendment approved in August 2021 (File Number D35-004-2018). The site-specific zoning approved for the site enables a range of residential dwelling types, such as townhouses, up to a maximum height of four storeys and a maximum permitted density of 60 dwelling units per net hectare.

March 19, 2024

Page 5 of 5

Existing Policy/By-Law:

The proposed de-registration of the former plan of subdivision was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial

Planning Act
Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Notice Provisions

A Notice of Passing will be provided in accordance with Section 50(29) of the *Planning Act*.

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Amy Didrikson, Intermediate Planner, Development Approvals, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

Saru Bajwa, Land Development Manager, Business, Real Estate and Environment

Exhibits Attached:

Exhibit A A By-Law to Deem Part of a Subdivision Not to be a Registered Plan of Subdivision

By-Law Number 2024-XXX

A By-Law to Deem Part of a Subdivision not to be a Registered Plan of Subdivision (Blocks E, EE, G, GG and GGG on Registered Plan 1592)

Passed: March 19, 2024

Whereas subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*"), provides that the council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight (8) years or more, as deemed not to be a registered plan of subdivision for the purposes of subdivision control under subsection 50(3) of the *Planning Act*;

And Whereas the blocks listed below are on Registered Plan 1592, which was registered in the Land Registry Office for the Registry Division of Kingston and Frontenac on September 5th, 1972;

Therefore Be It Resolved That the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. Blocks E, EE, G, GG and GGG on Registered Plan 1592, as more particularly shown on Schedule "A" attached to this By-Law, are hereby deemed not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.
2. This By-Law shall come into force and take effect on the date that it is registered in the Land Registry Office by the Clerk of the Municipality.

Given all Three Readings and Passed: March 19, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Planning
Services

Schedule 'A' to By-Law Number

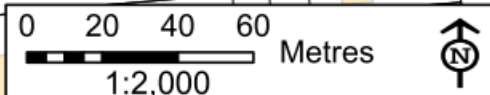
Address: 33 Compton Street

Lands Subject to the Deeming By-law

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor Clerk



Prepared By: Ichu
Date: Aug-30-2023

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the information contained in this document. ©2023 The Corporation of the City of Kingston.