



## APPLICATION FOR DEEMING BY-LAW

A 'deeming by-law' removes lands (lots or blocks) from a registered plan of subdivision, providing the plan of subdivision has been registered for more than 8 years. A deeming by-law can remove all of the lots or blocks of land within a registered plan, or only some of the lots or blocks within a plan of subdivision. The effect of a deeming by-law is to merge two or more lots or blocks of lands within a plan of subdivision into one legally conveyable lot, under common ownership. Approval of a deeming by-law consolidates individual lots into one parcel of land. Generally this is required to allow development to occur, which would otherwise be constrained by lots lines traversing a site (buildings cannot cross over lot lines).

Deeming by-laws are typically used to merge lots from very old plans of subdivision, which no longer meet current zoning standards.

### HOW TO APPLY

Prior to submitting an application to the Planning Services Department, you should consult with a Planner in the department to determine whether a deeming by-law is the appropriate mechanism to use. Once it is determined to be the appropriate mechanism, the completed application form together with appropriate fee (see Fee Schedule) and plan must be submitted to Planning Services.

### WHAT HAPPENS NEXT?

Once an application is submitted staff will review it for completeness and will circulate it to the appropriate departments for review. Once comments are received and if the application complies with the City policies the Director of Planning Services advises the City Solicitor and a by-law is presented to City Council. If the application does not comply with City policies then a report is prepared for consideration of City Council. After Council approves the deeming by-law it is registered on title.

### TIMING

Providing a complete application is submitted, a deeming by-law should be before Council for approval within four weeks.

**\*PLEASE PRINT\***

**1. Name of Owner/Applicant** \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Address \_\_\_\_\_  
(postal code)

**2. Name of Solicitor** \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Address \_\_\_\_\_  
(postal code)

**3. Name of Agent** \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Address \_\_\_\_\_  
(postal code)

**4. Ontario Land Surveyor** \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Address \_\_\_\_\_  
(postal code)

**5. Engineer** \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Address \_\_\_\_\_  
(postal code)

*(ENGINEER: Under separate letter provide a brief description of existing and/or proposed Municipal services, confirming that all service utility connections are in place to suit the new lot lines).*

6. **Site Location Address:** \_\_\_\_\_

Legal description: \_\_\_\_\_

Registered Plan No.: \_\_\_\_\_

Date Plan of Subdivision Registered (must be registered for 8 years or more) \_\_\_\_\_

Reference Plan: \_\_\_\_\_

7. **Proposal:** (Provide a brief description, including land use)

8. **Number of Lots or Part of Lots to be merged:**

\_\_\_\_\_  
\_\_\_\_\_

9. **Building Permits: If you have applied for a building permit(s).**

Please list any Building Permit numbers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **OWNER'S AUTHORIZATION & DECLARATION**

### **AUTHORIZATION**

I/We hereby authorize \_\_\_\_\_

to act on my/our behalf in the matter of this application.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
The declaration below must be signed in the presence of a commissioner for taking affidavits. This may be done when presenting your application at City Hall.

**DECLARATION**

I, \_\_\_\_\_ of the \_\_\_\_\_

of \_\_\_\_\_ in the \_\_\_\_\_ of, \_\_\_\_\_

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by the virtue of the *Canada Evidence Act*. Further, upon completion of all conveyances, I will so advise the City of St. Catharines.

Declared before me at the \_\_\_\_\_ of )  
\_\_\_\_\_)  
\_\_\_\_\_)  
in the \_\_\_\_\_) )  
of \_\_\_\_\_) )  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_)

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
A Commissioner