

PLANNING DEPARTMENT STAFF REPORT

TO: Mark Vermette (CAO)
Committee of Adjustment (COA)

DATE: October 7th, 2022

FROM: Kristina Grondin, Planning Coordinator

SUBJECT: Application for Consent to Sever: 341 & 343 Howey Street – Sheremeta

1. Purpose of Application

341 & 343 Howey Street (Parts 4 & 5 of 23R-4435) inadvertently merged. The purpose of the application is to sever the two Parts reverting them to individual lots.

2. Description of Property

The subject property is designated Townsite Residential and zoned Townsite Residential Density 1 (R1). Both Parts are developed with residential dwellings, accessory buildings and have separate access.

3. Aerial Photo



4. Official Plan, Zoning By-Law & Planning Act

If the application is approved, both Parts meet the requirements of the Official Plan and Zoning By-Law.

In 2021, Bill 276 amended the Planning Act by adding clause 50(3)(a.1). This clause prevents land that was previously owned by, or abutted land previously owned by, joint tenants from merging in person, as a result of the death of one of the joint tenants.

5. Notice and Circulation

Notice of the application is posted at the Municipal Office; posted on the Municipal website, mailed to property owners within 60 metres of the subject property; emailed to the Ministry of Transportation; and distributed to department heads. A copy of the notice is attached.

6. Analysis

In 1996 four (4) property owners were on title for 341 Howey Street. Over a period of time, two of the property owners passed away and their names were removed from title in March 2015. The remaining two owners were also on title for the abutting property, 343 Howey Street. In April 2015, a third name was added to the title of 341 Howey Street.

Through the process of a sale, it was identified that for a period of one (1) month, the two properties were registered the same, resulting in an inadvertent merger. The transfer that added the third person to 341 Howey Street is considered invalid, as a Consent to Sever would have been required to add her to only one of the properties.

7. Conclusion and Recommendation

The Planning Act now provides an exemption to prevent the above noted situations from occurring. Individually the properties comply with the requirements of the Official Plan and Zoning By-Law. There is a current contravention of the Zoning By-Law, which is two single detached dwellings on one property, if approved the application will rectify the contravention.

It is recommended that the Committee approves the application as presented. Please refer to the attached draft decision for precise wording of the decision.



Kristina Grondin
Planning Coordinator

Attachments:

- Notice
- Complete Application for Consent
- Draft Decision



NOTICE OF APPLICATION AND PUBLIC MEETING FOR A CONSENT TO SEVER, FILE NUMBER D10-22-01

TAKE NOTICE that the Council of The Corporation of the Municipality of Red Lake has received a complete application for the Consent to Sever described as follows:

LOCATION OF PROPERTY: 23R-4435 Parts 4 & 5 known as 341 & 343 Howey Street (Highway 618), Red Lake, refer to the location sketch.

PROPERTY DESCRIPTION: The subject property is designated Townsite Residential and zoned Townsite Residential Density 1 (R1). Parts 4 & 5 are developed with dwelling units and were inadvertently merged.

PURPOSE AND EFFECT OF APPLICATION: To receive Planning Act Consent to sever property, having the effect of creating one (1) retained lot and creating one (1) new lot, reverting to original individual lots which comply with the Zoning By-Law and Official Plan requirements.

OTHER PLANNING APPLICATIONS RELEVANT TO THE SUBJECT LOCATION: None at this time.

ADDITIONAL INFORMATION about the application is available for public inspection during regular office hours at the address shown below.

TAKE NOTICE that the application under the above file number will be heard by the Committee of Adjustment on the date, and at the time and place shown below.

PUBLIC MEETING: You are entitled to attend this public meeting in person to express your views about this application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this meeting. If you wish to make written comments on this application, they may be forwarded to the Secretary of the committee at the address below.

FAILURE TO MAKE WRITTEN SUBMISSION: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submissions to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

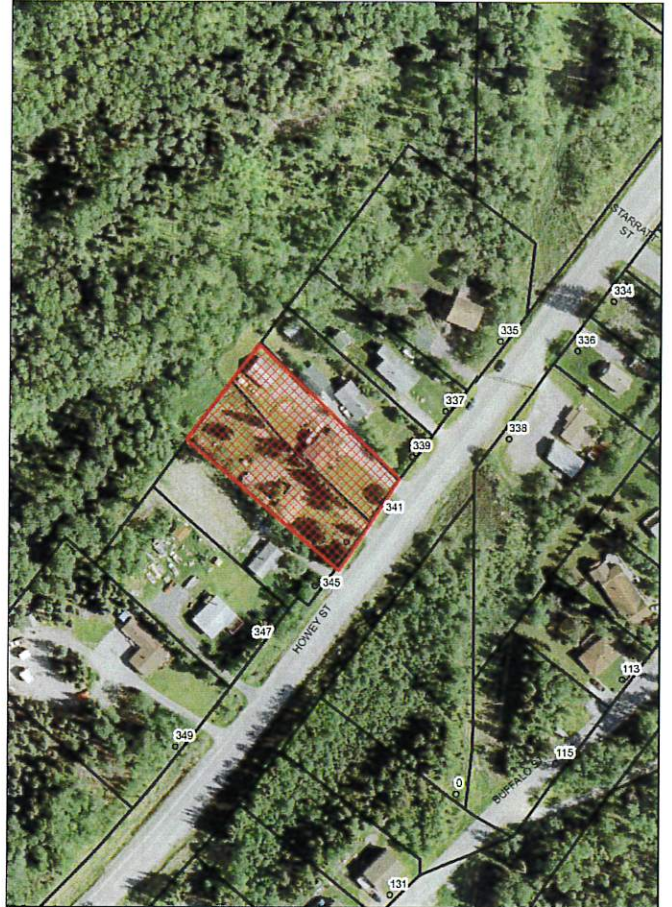
NOTICE OF DECISION: If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment at the address shown below.

DATE AND TIME OF PUBLIC MEETING: Wednesday, October 12th, 2022, at 5:15 p.m.

PUBLIC MEETING PLACE AND ADDRESS: Council Chambers of the Municipal Office, at 2 Fifth Street, Balmertown.

MAILING ADDRESS: Committee of Adjustment, P.O. Box 1000, Balmertown, ON, P0V 1C0

NOTICE DATED: Wednesday, September 28th, 2022



If you have any questions further to the application or planning process, please contact the Planning Department at (807) 735-2096 ext. 234 or by email at planning@redlake.ca



FILE NUMBER
D10-22-01

MUNICIPALITY OF RED LAKE APPLICATION FOR CONSENT

Planning Act, R.S.O. 1990, c. P.13, s.53, O. Reg. 197/96, Schedule

APPLICATION FEE ENCLOSED – \$600 FOR EACH SEVERED LOT

paid Sept 27/2022

THE INFORMATION IN THIS APPLICATION AND ALL OTHER INFORMATION, STUDIES, REPORTS AND COMMENTS RECEIVED RELATIVE TO THE PROCESSING OF THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC. THIS APPLICATION, INCLUDING INFORMATION ABOUT YOUR PROPOSAL, WILL BECOME PART OF THE PUBLIC AGENDA OF COUNCIL AND COMMITTEES. NOTICE OF THE APPLICATION MAY ALSO BE PLACED INTO THE NEWSPAPER.

NAME OF OWNER <i>Roman & Doris Sheremeta</i>		NAME OF AGENT, SOLICITOR OR PLANNING CONSULTANT (IF APPLICABLE) <i>Trevor Zlukrowsky</i>	
ADDRESS <i>343 Howey St Red Lake</i>	POSTAL BOX <i>PO Box 1245</i>	STREET ADDRESS <i>261 Howey St. Red Lake</i>	POSTAL BOX <i>PO Box 307</i>
POSTAL/ ZIP CODE <i>POV 2M0</i>	PROV./ STATE <i>ON</i>	POSTAL/ ZIP CODE <i>POV2M0</i>	PROV./ STATE <i>ON</i>
TELEPHONE <i>807-727-1914</i>		TELEPHONE <i>807 727 3200</i>	
EMAIL		EMAIL <i>trevor@tzlaw.ca</i>	

PROPERTY INFORMATION:

LEGAL DESCRIPTION OF THE SUBJECT LAND, SUCH AS MINING PLAN DESCRIPTION, REGISTERED PLAN AND LOT OR PART NUMBERS <i>Parts 4 & 5 23 R 4435 Parcels 5762 + 5763 Part Mining Claim K1424 Heyson</i>
STREET ADDRESS AND TOWN SITE NAME <i># 343 & 341 Howey Street, Red Lake, ON</i>

DIMENSIONS OF SUBJECT LAND Frontage (metres):	Depth (metres):	Area (hectares):
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OFFICIAL PLAN LAND USE DESIGNATION - HAS A SITE SPECIFIC DESIGNATION BEEN APPLIED, AND IF SO, WHAT LAND USES ARE PERMITTED? <i>Townsite Residential</i>
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CURRENT ZONING WITHIN THE ZONING BY-LAW – HAS A SITE SPECIFIC ZONING BEEN APPLIED, AND IF SO, WHAT LAND USES ARE PERMITTED? <i>R1- Townsite Residential Density</i>
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DATE SUBJECT LAND WAS ACQUIRED ON: <i>Part 5, (341 Howey) March 6/1996 / Part 4 (343 Howey) July 28 2006</i>
ARE THE MINERAL RIGHTS CROWN OR PATENTED? <i>Patented</i>
ARE THERE ANY RESERVATIONS ON THE PATENT OR TITLE OF THE SUBJECT LOCATION? <i>NO</i>
IF FRONTED BY WATER, IS THE SHORELINE RESERVE PATENTED OR CROWN LAND? IF CROWN, HOW WIDE IS THE RESERVATION? <i>N/A</i>

WHAT IS THE EXISTING USE OF THE PROPERTY? WHAT IS THE LENGTH OF TIME THIS USE HAS OCCURRED?

Residential - 40+ years

EXISTING USE OF ABUTTING PROPERTIES

Residential

PROPOSAL INFORMATION:

WHAT IS THE TYPE AND PURPOSE OF THE PROPOSED TRANSACTION? (FOR EXAMPLE, A TRANSFER FOR THE CREATION OF A NEW LOT, A LOT ADDITION, AN EASEMENT, A CHARGE, A LEASE OR A CORRECTION OF TITLE).

To separate the 2 lots, which were previously unmerged, but due to the death of Amalia Sheremeta, and a technicality in Section 50 of the Planning Act, have now merged together

IF KNOWN, WHAT IS THE NAME OF THE PERSON(S), OR CORPORATION TO WHOM THE LAND OR AN INTEREST IN THE LAND IS TO BE TRANSFERRED, CHARGED OR LEASED?

Lot 341 is to be listed for sale, the current Tenants, Michael Vlassoff and Carol Arnold have offered to buy 341 Howey St

DOES ANY OTHER PARTY HAVE INTEREST IN THE PROPERTY, SUCH AS CHARGE, RESTRICTIVE COVENANT, MORTGAGE, OR EASEMENT? PLEASE PROVIDE A DESCRIPTION OF EACH AND ITS EFFECT:

NO

PLEASE PROVIDE THE NAMES AND ADDRESSES FOR THESE PARTIES:

N/A

DESCRIPTION OF LAND INTENDED TO BE SEVERED (PROPOSED LOT(S)), AND LAND INTENDED TO BE RETAINED:

NUMBER OF NEW LOTS PROPOSED NOT INCLUDING ONE RETAINED (MAXIMUM OF TWO NEW LOTS PERMITTED: 1

1. PROPOSED LOT NUMBER ONE: 341 Howey Street, Red Lake, ON

FRONTAGE _____ METRES DEPTH _____ METRES AREA _____ HECTARES

WHAT ARE THE EXISTING AND PROPOSED USES AT THIS LOCATION? Existing and proposed use is residential in accordance with current zoning R1.

WHAT ARE THE EXISTING AND PROPOSED BUILDINGS AND STRUCTURES AT THIS LOCATION? new Current house and outbuildings, no proposed buildings.

ACCESS - Access to the subject land will be by:

- Provincial Highway Hwy 618
- Year round maintained Municipal road
- Private road
- Seasonally maintained Municipal road
- Right-of-way
- Water

WATER ACCESS – Where access to the subject land is by water only: *N/A*

Docking facilities (specify)..... distance from subject land distance from nearest public road	Parking facilities (specify)..... distance from subject land distance from nearest public road
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POTABLE WATER is or will be provided to the subject land by:

Publicly-owned/operated piped water system Lake or other water body

Privately-owned/operated individual well Other means (specify)

Privately-owned/operated communal well

SEWAGE DISPOSAL is or will be provided to the subject land by:

Publicly-owned/operated sewage system Pit privy

Privately-owned/operated individual septic system Other means (specify)

*Privately-owned/operated communal septic system

2. PROPOSED LOT NUMBER TWO: *N/A*

FRONTAGE _____ METRES DEPTH _____ METRES AREA _____ HECTARES

WHAT ARE THE EXISTING AND PROPOSED USES AT THIS LOCATION? _____

WHAT ARE THE EXISTING AND PROPOSED BUILDINGS AND STRUCTURES AT THIS LOCATION? _____

ACCESS – Access to the subject land will be by:

Provincial Highway Municipal road – maintained seasonally

Municipal road – maintained year round Right-of-way

Private road Water

WATER ACCESS – Where access to the subject land is by water only: *N/A*

Docking facilities (specify)..... distance from subject land distance from nearest public road	Parking facilities (specify)..... distance from subject land distance from nearest public road
--	--

POTABLE WATER is or will be provided to the subject land by:

Publicly-owned/operated piped water system Lake or other water body

Privately-owned/operated individual well Other means (specify)

Privately-owned/operated communal well

SEWAGE DISPOSAL is or will be provided to the subject land by:

Publicly-owned/operated sewage system Pit privy

*Privately-owned/operated individual septic system Other means (specify)

Privately-owned/operated communal septic system

3. RETAINED LOT: 343 Howey Street, Red Lake, ON

FRONTAGE _____ METRES DEPTH _____ METRES AREA _____ HECTARES

WHAT ARE THE EXISTING AND PROPOSED USES AT THIS LOCATION? existing and proposed use is residential in accordance with current zoning R1

WHAT ARE THE EXISTING AND PROPOSED BUILDINGS AND STRUCTURES AT THIS LOCATION? current house and outbuildings, no proposed ^{new} buildings

ACCESS – Access to the subject land will be by:

Provincial Highway Highway 618 Municipal road – maintained seasonally

Municipal road – maintained year round Right-of-way

Private road Water

WATER ACCESS – Where access to the subject land is by water only: N/A

Docking facilities (specify)..... distance from subject land distance from nearest public road	Parking facilities (specify)..... distance from subject land distance from nearest public road
--	--

POTABLE WATER is or will be provided to the subject land by:

Publicly-owned/operated piped water system Lake or other water body

Privately-owned/operated individual well Other means (specify)

Privately-owned/operated communal well

SEWAGE DISPOSAL is or will be provided to the subject land by:

Publicly-owned/operated sewage system Pit privy

*Privately-owned/operated individual septic system Other means (specify)

Privately-owned/operated communal septic system

*Properties to be serviced by private sewage systems will require a preliminary soils inspection. It is the responsibility of the applicant to arrange an inspection with the Northwestern Health Unit.

If the requested amendment would permit development on privately owned and operated individual or communal sewage system, and more than 4500 litres of effluent would be produced per day as a result of the proposed development, a servicing options report and a hydrogeological report must be provided.

OTHER APPLICATIONS – if known, indicate if any of the subject land has or will be the subject of an application under the Act for:

approval of an Official Plan Amendment (under section 22) File Status

If Yes please describe in detail: _____

approval of a Zoning By-Law Amendment (under section 34) File Status

If Yes please describe in detail: _____

approval of a plan of subdivision (under section 51) File Status

If Yes please describe in detail: _____

minor variance (under section 45) File Status

If Yes please describe in detail: _____

Are you aware of any *Planning Act* Applications within currently being proposed for any properties within 120 metres of the subject property?

NO

HAS ANY LAND BEEN SEVERED FROM THE PARCEL ORIGINALLY ACQUIRED BY THE OWNER OF THE SUBJECT LAND? YES NO

IF YES, PLEASE PROVIDE THE FILE NUMBER, DATE OF TRANSFER, NAME OF TRANSFEREE AND THE USES OF THE SEVERED LAND:

STORM DRAINAGE is or will be provided to the subject land by:

Sewers Ditches Swales Other means (specify)

What is the expected type and volume of waste to be produced on the subject lands? How will this waste be managed or treated?

Grey water (sinks) as a result of indoor plumbing _____

Black water (toilet) as a result of indoor plumbing _____

Food wastes _____

Recyclable household wastes (plastic, glass, aluminum) _____

Building hardware wastes (treated wood, shingles, metal) _____

↳ all unchanged for past 40+ years of residential use.

CHECK AS APPLICABLE:

Does the Owner own any adjoining property?

Yes

No

If Yes please describe in detail: _____

Is there any reason to believe that the site may be environmentally contaminated?

Yes

No

If Yes please describe in detail: _____

Has an industrial or commercial use been on or adjacent to the property?

Yes

No

If Yes please describe in detail: _____

Has lot grading been changed by adding or removing earth or other material?

Yes

No

If Yes please describe in detail: _____

Has the Ministry of the Environment or any other ministry advised the owners that the property is or may be contaminated?

Yes

No

If Yes please describe in detail: _____

Are there any known Natural Heritage values existing on the site?

Yes

No

If Yes please describe in detail: _____

Is the proposed Application for Consent consistent with the Provincial Policy Statement issued under subsection 3(1) of the Planning Act? (The 2005 Provincial Policy Statement can be found on the website of the Ministry of Municipal Affairs and Housing at www.mah.gov.on.ca/Page215.aspx)

Yes, consistent.

Land within the Municipality of Red Lake is designated under a Provincial Plan being the Northern Growth Plan that took effect in March 2011. Does this application conform or not conflict with the plan?

Yes, conforms

Is there any other information that you think may be useful to the Municipality in reviewing this Application for Consent? If so, explain below or attach a separate page with this information.

These properties merged upon the death of Roman's mother, Amalia Shereveta, on December 16, 2014, because the Planning Act was out dated. The Planning Act has since been updated

and this technical merger would NOT be an issue today, these particular mergers have been eliminated by Bill 213 and Bill 276, both being passed in recent years. 6

AUTHORIZATION OF THE OWNER FOR AN AGENT TO MAKE APPLICATION

I/We the undersigned, being the owner of the subject land, hereby authorize Trevor Zhukrowsky to be the applicant in the submission of this application. This application has been submitted with my/our full knowledge and endorsement.

[Signature]
Signature of 1st Owner or Signing Officer

[Signature]
Signature of Witness

[Signature]
Signature of 2nd Owner or Signing Officer

Sept 23/2022
Date

AFFIDAVIT OR SWORN DECLARATION FOR THE PRESCRIBED INFORMATION

I/We, Roman Sheremet & Doris Sheremet of the Town of Red Lake (Municipality/ City) in the Province of Ontario (Province)

solemnly declare that the statements and any maps or plans submitted with this application are true, and I/We 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 virtue and provided by me are true and I make this solemn of the Canada Evidence Act.

Sworn (or declared) before me at the Town of Red Lake

in the Province of Ontario

This 23rd day of September, 2022.

[Signature]
Commissioner for Taking Affidavits

[Signature]
1st Owner/ Signing officer/ Authorized Agent

[Signature]
2nd Owner/ Signing officer/ Authorized Agent

Affix commissioner stamp here:
TREVOR ZHUKROVSKY
Barrister, Solicitor & Notary Public
P.O. Box 307
Red Lake, ON P0V 2M0

This section for Red Lake Municipal office use only:
Date complete application received: _____

341 Howley St.



ServiceOntario

LAND
REGISTRY
OFFICE #23

42010-0073 (LT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 1 OF 1
PREPARED FOR trevor202
ON 2022/06/08 AT 11:13:08

PROPERTY DESCRIPTION: PCL 5763 SEC DPF SHO; PT MINING CLAIM K1424 HEYSON PT 5 23R4435; RED LAKE

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2005/03/21

OWNERS' NAMES
SHEREMETA, ROMAN
SHEREMETA, DORIS
SHEREMETA, SAMANTHA

CAPACITY SHARE
JTEN
JTEN
JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2005/03/18 **						
23R4435	1978/12/11	PLAN REFERENCE				
L17244978	1996/03/06	TRANSFER		*** COMPLETELY DELETED ***	SHEREMETA, ROMAN SHEREMETA, DORIS SZEREMETA, ROMAN SHEREMETA, AMALIA	C
REMARKS: AMENDED UNDER L17264753						
K164970	2015/03/06	APL OF SURV-LAND		*** COMPLETELY DELETED *** SHEREMETA, AMALIA	SHEREMETA, DORIS SHEREMETA, ROMAN	
K165391	2015/04/07	TRANSFER		SHEREMETA, DORIS SHEREMETA, ROMAN	SHEREMETA, ROMAN SHEREMETA, DORIS SHEREMETA, SAMANTHA	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

3413 Henney St.



Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #23

42010-0072 (LT)

PAGE 1 OF 1
PREPARED FOR LEGVOT202
ON 2022/06/08 AT 11:20:30

PROPERTY DESCRIPTION: PCL 5762 SEC DPF SRO; PT MINING CLAIM K1424 HEYSON PT 4 23R4435; RED LAKE

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

FIN CREATION DATE:
2005/03/21

OWNER'S NAMES
SHEREMETA, ROMAN
SHEREMETA, DORIS

CAPACITY SHARE
JTEN
JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT	INCLUDES ALL	DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **				
23R4435	1978/12/11	PLAN REFERENCE				C
KHS601	2006/07/28	TRANSFER	\$1	LOLA, BARBARA	SHEREMETA, ROMAN SHEREMETA, DORIS	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



PIN 42010-0073

PIN 42010-0072

335

337

338

339

341

343

345

347

349

HOWEY ST

BUFFALO ST



**MUNICIPALITY OF RED LAKE
COMMITTEE OF ADJUSTMENT
DECISION – APPLICATION FOR CONSENT**

FILE NO: D10-22-01
APPLICANT: Roman & Doris Sheremeta
DATE: October 12th, 2022

DESCRIPTION OF APPLICATION:

To sever property and create one (1) legally transferable lot, and retain one (1) lot.

PROPERTY TO BE SEVERED:

Parts 4 & 5 of Plan 23R-4435 known as 341 & 343 Howey Street, Red Lake

MOVED BY: _____ **SECONDED BY:** _____

DECISION: _____

THIS DECISION:

IF APPROVED: Is subject to the conditions set out on Page 2 of this decision.

IF REFUSED: Is for the reasons set out here below of this decision.

REASONS FOR DECISION IF REFUSED

CONCURRING MEMBERS

Gary Ripley, Chair

Brenda Cooke, Member

Paul Damsma, Member

Enid Carlson, Member

Jerret Landry, Member

Allistair McRae, Member

I HEREBY CERTIFY this to be a true copy of the decision of the Municipality of Red Lake Committee of Adjustment made on October 12th, 2022, for the subject application for consent.

Secretary-Treasurer



**MUNICIPALITY OF RED LAKE
COMMITTEE OF ADJUSTMENT
DECISION – APPLICATION FOR CONSENT**

FILE NO: D10-22-01
APPLICANT: Roman & Doris Sheremeta
DATE: October 12th, 2022

EFFECT OF APPLICATION:

To sever property and create one (1) legally transferable lot, and retain one (1) lot.

THIS PROVISIONAL CONSENT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. **All** conditions must be fulfilled **within one year** of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. *Section 53(41), the Planning Act, R.S.O. 1990.*
2. That the subject property be severed creating two lots, identified as Parts 4 & 5 of Plan 23R-4435.
3. That the Secretary-Treasurer be provided with the Transfers / Documents in Preparation forms, and advised of how the conditions have been satisfied.