



**Date:** Wednesday, March 12, 2025  
**From:** Rebecca Elphick, Consultant Planner  
**Subject:** **Deeming Bylaw and Quit Claim for Marietta Heidolph**  
**Report** DEV2025-019

This document and its attachments are public and available in an accessible format upon request.

## Recommendation

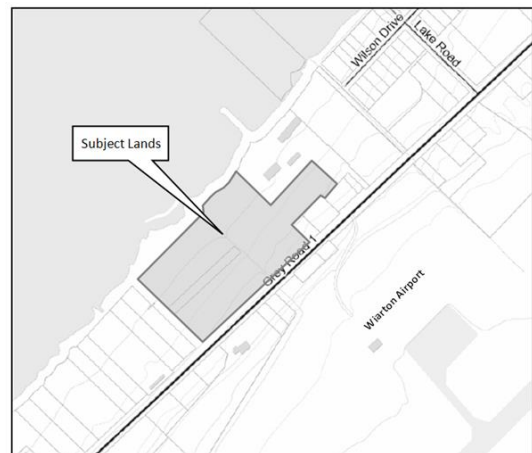
It has been demonstrated that the proposed application is consistent with the Provincial Planning Statement, 2024, conforms with the Niagara Escarpment Plan, conforms with the County Official Plan, and complies with the general intent and purpose of the Township's Zoning By-law 2020-020.

As such, it is recommended that:

1. Council directs Township staff to proceed with a quit claim which delivers a transfer for nominal consideration to the owner in respect of Louise Street, as described in Plan 180 and identified by PIN 37023-0312 (LT).
2. Council passes a bylaw deeming Plan 180 to not be a registered plan of subdivision for the purpose of Sections 50(3) and in accordance with Section 50(4) of the Planning Act.

## Application Summary

**Owner:** Marietta Heidolph  
**Agent:** Paul Tobia, Weston Consulting  
**Civic Address:** 501241 Grey Road 1, Georgian Bluffs  
**Legal Description:** LT 1 - 25 PL 180 KEPPEL:  
50 FT RD PL 181 KEPPEL:  
PT LT 1 - 7 PL 181  
KEPPEL: PT LT 3 JONES  
RANGE KEPPEL: PT  
ALLEY PL 181 KEPPEL AS





# Georgian Bluffs

DEEPLY ROOTED. SUSTAINABLY GROWING.

IN R368329, R385905, R553798, R553800 & R553818 EXCEPT PT  
116R2740, PL 803 & PT 316R9455; GEORGIAN BLUFFS

ARN: 420362000618000

Application B05-24 was submitted to the Township in late December 2023 and proposes to sever an area of approximately 4.16 hectares for residential use and further proposes to retain an area of approximately 6.96 hectares for continued residential use. The lands proposed to be severed are vacant and the lands proposed to be retained are developed with a single-detached dwelling and accessory structures. At this time, no new buildings or structures are proposed on the lands to be retained and the lands to be severed and proposed for future residential use, though no new buildings or structures are proposed at this time.

As noted in Report DEV2024-068, the subject lands are located in Plan 180, which was deposited on title to the subject lands in 1903 and continues to appear as a registered plan of subdivision on title to the property.

Application B05-24 was previously heard before the Committee of Adjustment at a public hearing held on December 10, 2024. At this public hearing, agents for the applicant, Michael Pizzimenti and Michael Vani from Weston Consulting, attended virtually to provide an overview of the application and to note de-registration of the plan of subdivision (Plan 180) prior to proceeding with the proposed severance. Members of the Committee requested additional information regarding the process involved with de-registration of the plan of subdivision (Plan 180) and for additional clarification regarding certain conditions of approval recommended by the Township. Member Ron Glenn moved to defer Application B05-24 to June 2025 to allow for additional details to be provided, which was seconded by Member Cathy Moore Coburn and approved by the Committee.

Prior to the Committee of Adjustment further considering Application B05-24, a deeming bylaw is first required, given that the subject lands are within a registered plan of subdivision, being Plan 180, in accordance with the requirements of the *Planning Act*.

Furthermore, Plan 180 contemplates two public roads, being Winter Street and Louise Street, which were historically conveyed to the “public authority having jurisdiction.” While Winter Street is currently operating as a public road allowance, Louise Street has been historically treated as a private road under the Heidolph’s care for many years, despite these lands being dedicated to the “public authority having jurisdiction” at the time of the plan’s registration. A quit claim is proposed by the applicant to formally recognize the Heidolph’s historic maintenance and use of Louise Street as a private road.

It is recommended that the Quit Claim process occur before Plan 180 is deemed to no longer be a plan of subdivision.

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Roll # 420362000618000

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With this application, the applicant has provided the following supporting documentation:

- Proposed Severance Plan (Weston Consulting, Nov 03, 2023);
- Legal Survey (Gordon W. Harwood Ltd., 2014);
- Parcel Register for Property Identifier 37023-0325 (LT) (Land Registry Office, October 3, 2023);
- Parcel Register for Property Identifier 37023-0312 (LT) (Land Registry Office, October 3, 2023);

In addition to the above, the applicant further provided a copy of the interim tax bills paid to the Township in April 2023, a copy of the water billing charges paid to the Township in July 2023, and a legal opinion provided by Aird & Berlis LLP which outlines the proposed approach and rationale within the context of the subdivision control requirements of the *Planning Act*.

This report provides background information regarding the above noted legal processes and a recommendation for Council's consideration of the deeming bylaw and quit claim required before the proposed severance can proceed.

## **Background**

### Subdivision Controls and Approval in the Province of Ontario

In considering an application for land severance, the Township's Committee of Adjustment must evaluate the merits of each proposal against criteria such as:

- the proposal's conformity with the Official Plan for the County of Grey (the County Official Plan) and the Official Plan for the Township of Georgian Bluffs (the Township Official Plan);
- compatibility with neighbouring uses of land;
- suitability of the land for the proposed purpose (e.g., the size and shape of the lot(s) being created);
- adequacy of vehicular access, water supply, and sewage disposal; and,
- the need to ensure protection from certain development constraints (e.g., ensuring protection from natural or human-made hazards).

In considering a consent application, the decision granted by the Township's Committee of Adjustment must be consistent with policy statements issued under the Act (i.e., the Provincial Planning Statement) and conform or not conflict with any applicable provincial plan.



The other means of subdividing land within Ontario is through approval of a plan of subdivision. Subdivision approval ensures that the land is suitable for its proposed new use, the proposal conforms to provincial legislation and policies, as well as official plans and zoning in place in the municipality, and that the development is appropriate for the community facilities and services that are available within the community. Once finalized and approved, a registered plan of subdivision is a legal document which shows the exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built, the location and width of streets, and the sites of any schools, public facilities, or parks. A registered plan of subdivision creates new, separate parcels of land which can be legally used for the sale of individual lots.

Where lands are described within a registered plan of subdivision, these lands **cannot** be further subdivided through a consent application (i.e., an application to sever land), unless the lands have been “deemed” not to be part of the registered plan of subdivision (i.e., through a deeming by-law passed by Council).

## **Policies Affecting the Proposal**

### Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* (the Act) is provincial legislation that sets out the ground rules for land use planning in Ontario. The Act describes how land uses may be controlled and who may control them. The Act provides the basis for considering provincial interests, establishing a streamlined planning process which emphasizes local autonomy in decision-making, and dividing land into separate lots for sale or development through a plan of subdivision or a land severance, among other matters.

Part VI of the Act addresses the subdivision of land, which includes Section 50(3) (subdivision control), 50(4) (designation of plans of subdivision not deemed registered), and 50(5) (part lot control).

Section 50(4) of the Act provides that:

*The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).*

Since the subject lands are within a registered plan of subdivision (i.e., Plan 180), a deeming bylaw is required to first “deem” the lands not part of the plan of subdivision before the Township can consider Application B05-24 to further subdivide the lands.



Without a deeming bylaw in full force and effect, the lots cannot be further subdivided without contravening the part lot control provisions of the Act.

Based on our review, we recommend that Council adopt a deeming bylaw to deem the subject lands not part of Plan 180, such that the subject lands can be further subdivided through a severance application (i.e., Application B05-24) provided the Township's Committee of Adjustment sees it fit.

## Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) is issued under Section 3 of the *Planning Act* and provides planning direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

In respect of the exercise of any authority that affects a planning matter, Section 3 of the Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The PPS is intended to be read in its entirety and the relevant policies applied to each situation.

Section 2.6 of the PPS includes policies which address rural lands in municipalities and outlines several permitted uses which include, among others, residential development including lot creation where site conditions are suitable for the provision of appropriate sewage and water services. Policies within this section of the PPS further promote development that can be sustained by rural service levels and require that development must be appropriate to the infrastructure which is planned or available (i.e., avoiding the need for the uneconomical expansion of this infrastructure).

The proposed lot creation and future residential development of the subject lands is consistent with the policy direction for rural lands in the PPS, given that the subject lands front on and have access to a road allowance that is maintained for year-round use. Furthermore, the subject lands are serviced by an existing private individual on-site well and septic system which service the existing single-detached dwelling on the lands to be retained. Although the applicant contemplates future residential use of the lands to be severed, no new buildings or structures are proposed at this time.

The deeming bylaw and quit claim are required for the proposed lot creation and associated residential development to occur on the subject lands, as is permitted by the PPS on rural lands in a municipality.



Based on the above, and subject to further consideration of the proposed lot creation before the Township's Committee of Adjustment, we recommend that the proposal to deem the subject lands as not part of Plan 180 is consistent with the PPS.

## Niagara Escarpment Plan

As noted in Report DEV2024-068, the subject lands are designated as 'Escarpment Recreation Area' and 'Escarpment Protection Area' within the Niagara Escarpment Plan (NEP), though outside of the 'Development Control Area' of the NEP.

As such, decision-making regarding the subdivision of the subject lands rests with the Township's Council and Committee of Adjustment.

For an in-depth review of the policies of the NEP affecting the subject lands, refer to Report DEV2024-068.

## Official Plan for the County of Grey

The subject lands are designated as 'Escarpment Recreation Area' as per Schedule A to the County Official Plan.

For an in-depth review of the policies of the County Official Plan affecting the subject lands, refer to Report DEV2024-068.

## Zoning By-law for the Township of Georgian Bluffs

The subject lands are identified as being within the Niagara Escarpment Plan Area in the Township's Zoning By-law. As such, the local provisions of the Township's Zoning By-law do not apply.

## **Relevant Consultation**

Notice of Complete Application and Public Meeting was circulated to commenting agencies and neighbouring property owners on January 21, 2024. Additional notice was also posted on the subject lands to notify neighbouring property owners of the public hearing scheduled for December 10, 2024 before the Committee of Adjustment.

For an in-depth review of the comments received prior to the December 10, 2024 public hearing, refer to Report DEV2024-068.

As of the report submission deadline, no additional comments have been received from commenting agencies nor neighbouring property owners.



## Conclusion & Recommendation

It has been demonstrated that the proposed application is consistent with the Provincial Planning Statement, 2024, conforms with the Niagara Escarpment Plan, conforms with the County Official Plan, and complies with the general intent and purpose of the Township's Zoning By-law 2020-020.

As such, it is recommended that:

1. Council directs Township staff to proceed with a quit claim which delivers a transfer for nominal consideration to the owner in respect of Louise Street, as described in Plan 180 and identified by PIN 37023-0312 (LT).
2. Council passes a bylaw deeming Plan 180 to not be a registered plan of subdivision for the purpose of Sections 50(3) and in accordance with Section 50(4) of the Planning Act.

Should Council decide to pass the deeming bylaw, next steps include notifying the landowner of this decision and registering the adopted bylaw with the Land Registry Office (LRO). Once the deeming bylaw has been certified and the subject lands are deemed not to form part of Plan 180, Township staff can advance Application B05-24 before the Committee of Adjustment for their consideration, including any conditions of approval deemed appropriate by Township staff and/or the Committee of Adjustment.

Please note that the deeming bylaw is not effective until it has been registered at the Land Registry Office.

Should you have any questions or would like any additional information, please contact the undersigned.

Prepared by:

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Rebecca Elphick, M.Pl., MCIP, RPP

Reviewed by:

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David Welwood, MES (Pl.), MCIP, RPP

Report # DEV2025-019

Roll # 420362000618000



# Georgian Bluffs

DEEPLY ROOTED. SUSTAINABLY GROWING.

Respectfully Submitted:

Original signed by Michael Benner

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Michael Benner, MCIP, RPP





## Report Approval Details

Document Title:	DEV2025-019 Report for Deeming Bylaw and Quit Claim (Heidolph).docx
Attachments:	<ul style="list-style-type: none"><li>- Original Plan of Subdivision (Plan 180).pdf</li><li>- Survey(61264272.1).PDF</li><li>- Proposed Severance Sketch.pdf</li><li>- DEV2024-068 B05-24 Heidolph.pdf</li></ul>
Final Approval Date:	Mar 4, 2025

This report and all of its attachments were approved and signed as outlined below:

Niall Lobley, Chief Administrative Officer