

**Municipality Of Chatham-Kent**  
**Community Development**  
**Planning Services**

**To:** Mayor and Members of Council

**From:** Ryan Jacques, MCIP, RPP  
Director, Planning Services

**Date:** March 22, 2021

**Subject:** Application for Deeming By-law  
PL202100068 – Thompson’s Orchards Ltd. and Donald & Janet Thompson  
8826 Talbot Trail, Community of Harwich (South Kent)

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**Recommendation**

It is recommended that:

1. Deeming By-law application D-14 HA/15/21/T, to deem the subject lands, Lots 1 & 11, Plan 882, in the Community of Harwich, not to be on a Plan of Subdivision, be approved, and the by-law be adopted.

**Background**

The subject lands are located on the east side of Talbot Trail, between Eriean Road and Gore Road, in the Community of Harwich (Roll Nos. 3650 140 010 40300 & 40310).

The subject lands are comprised of the following two (2) parcels:

Lot 1 – 8826 Talbot Trail: the property is approximately 2,370 sq. m (25,515 sq. ft.) in area and is currently vacant. The property is designated Suburban Residential in the Chatham-Kent Official Plan and zoned Rural Residential (RR). Lot 1 contains an existing easement to allow passage of any farm related operations in favour of Lot 11.

Lot 11 - Talbot Trail: the property is approximately 10,745 sq. m (115,660 sq. ft.) in area and contains a pond. The property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1).

A key map showing the location of the subject lands is attached as Appendix A. A site photo is attached as Appendix B.

Both parcels are owned by the applicant under different holdings. Lot 11 does not

currently have frontage on an improved public road. As a result, the applicant is not able to obtain a building permit on this parcel. Therefore, the applicant is proposing to consolidate both parcels under common ownership to provide legal frontage on an improved public highway. Following this process, the applicant will proceed to complete construction of a new agricultural bunkhouse on the lands described as Lot 11, Plan 882.

Each parcel is a full lot on a plan of subdivision. In this scenario, each lot is required to be deemed not to be on a Plan of Subdivision, in order for both parcels to become a single parcel. Deeming each lot will prevent them from being conveyed separately in the future.

The applicant controls three properties abutting Lot 11. All of which could be utilized to provide frontage for Lot 11. Lot 1 is the preferred property to provide frontage because the access laneway is already located on Lot 1, and it is the most efficient property to provide services and utilities over for the benefit of the Lot 11 lands.

### **Comments**

#### **Provincial Policy Statement**

The application does not raise any issues of provincial interest.

#### **Official Plan**

The Municipality may pass a by-law under the provisions of the Planning Act deeming old plans registered for eight years or more not to be registered. In this scenario, it is required to deem the subject property not to be registered, thereby merging it together with the abutting lands to be conveyed and dealt with as one parcel.

#### **Zoning By-law**

The subject lands is comprised of two full lots on a registered Plan of Subdivision, legally described as Lots 1 & Lot 11 on Plan 882. As a result, the lands are conveyable freely without requiring further Planning Act approval. The applicant is proposing to consolidate these lands as one property. The purpose of legally consolidating the lands is to provide frontage on an improved public road. The zoning by-law requires a lot to have frontage in order for development to occur, which includes the issuance of a building permit. Consolidation of the lands will allow a building permit for an agricultural bunkhouse to be obtained on Lot 11, which does not currently have frontage on a public road. Lot 11 currently has access rights over Lot 1 by means of a permanent easement.

To achieve property consolidation it is necessary that the each lot be deemed by by-law not to be on a Plan of Subdivision in order for it and the abutting lands become a single legal parcel. Once the each lot is deemed, it can no longer be conveyed separately without Planning Act Consent.

There is no zoning change as a result of this proposal. Lot 1 will continue to be zoned Rural Residential (RR), and Lot 11 will continue to be zoned Agricultural (A1).

## **Conclusion**

The proposed deeming by-law has been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan, and will be in full conformity, if approved. Therefore, the application is being recommended for approval.

## **Areas of Strategic Focus and Critical Success Factors**

The recommendation in this report supports the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendation in this report supports the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

## **Consultation**

There was no consultation required as part of this application.

**Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:

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Greg Houston, CPT  
Planner II, Planning Services

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Ryan Jacques, MCIP, RPP  
Director, Planning Services

Reviewed by:

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Bruce McAllister, MCIP, RPP  
General Manager,  
Community Development

Attachments: Appendix A – Key Map  
Appendix B – Site Photo  
By-law to deem a Lot to not be on a Plan of Subdivision

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Orchards Ltd Report.docx

Appendix A – Key Map



Appendix B – Site Photo



Looking southeast at the subject property (8826 Talbot Trail).

By-law Number -2021

of The Corporation of the Municipality of Chatham-Kent

A By-law to Deem Certain Parts of a Registered Plan Not to be Registered

(Thompson Orchards Ltd. And Donald & Janet Thompson)

CityView # PL202100068

Whereas Subsection 50(4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes a municipality to designate any plan of subdivision or part thereof that has been registered for eight years or more as not being a registered plan of subdivision for subdivision control purposes;

And Whereas it is deemed expedient to so designate the lands herein referred in order to adequately control the development of the said lands;

Now therefore be it and it is hereby enacted as By-law Number \_\_\_\_\_ of the Corporation of the Municipality of Chatham-Kent:

1. Those parts of a plan of subdivision described as follows are hereby designated as parts of said plan, which shall be deemed not to be parts of a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lot 1, Plan 882

Lot 11, Plan 882

This By-law shall come into force and effect in accordance with the provisions of Subsection 50(27) of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time this 12th day of April, 2021.

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Mayor – Darrin Canniff

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Clerk – Judy Smith