



**City of Kingston  
Report to Council  
Report Number 25-023**

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**To:** Mayor and Members of Council  
**From:** Paige Agnew, Commissioner, Growth & Development Services  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** December 3, 2024  
**Subject:** Deeming By-Law to De-register Part of a Plan of Subdivision

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

The following report outlines the purpose and effect of recommended deeming by-laws to de-register Part Lot 1 & Lot 2, Plan 412; Part Lot 17, Concession 2, All as in FR174123; Lot 3, Plan 412, City of Kingston.

The subject lands, as legally described above, are municipally known as 846 Portsmouth Avenue. The owners of the subject lands, Grewal Holdings Limited, are proposing the construction of an addition to an existing automobile parts business on the lands. In order for the entirety of this land holding to be consolidated to accommodate a zoning compliant commercial building, deeming by-laws are required to de-register the subject lands from the plans of subdivision registered on title of the lands.

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 412 was registered on July 5, 1949. 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 December 3, 2024.

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**Recommendation:**

**That** “A By-Law to Deem Part of a Subdivision Not to be a Registered Plan of Subdivision (All of Lots 2 & 3, Plan 412; Part of Lot 1, Plan 412; and Part of Lot 17, Concession 2)”, attached as Exhibit A to Report Number 24-224, be presented to Council for three readings.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

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**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

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**Options/Discussion:****Background**

On May 29, 2024, Strong Bros. Ltd. initiated a pre-application on behalf of the owners of the subject property, Grewal Holdings Limited, with City staff for a proposed expansion to an existing commercial building housing an auto parts retailer on the property known municipally as 846 Portsmouth Avenue. The property is made up of several parts, described legally as Part Lot 1 & Lot 2, Plan 412; Part Lot 17, Concession 2, All as in FR174123; Lot 3, Plan 412, City of Kingston, of Block 1 on Registered Plan 412 (the “subject lands”). Through pre-application, it was identified that because the subject lands include separately conveyable parcels on a plan of subdivision over which one building is to be constructed, deeming by-laws would be required to de-register the lands from Registered Plan 412 to facilitate the consolidation of the entire land holding. This will allow the consolidated parcel to accommodate a zone complaint commercial building.

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 412 was registered on July 5, 1949. Further, Section 9.6.8 of the City of Kingston Official Plan also identifies Council’s powers to deem, by by-law, the whole, or a portion of, a plan of subdivision to no longer be a registered plan of subdivision, pursuant to the provisions of the *Planning Act*.

**Site Characteristics**

The subject lands are located in the Valleyview/Balsam Grove neighbourhood on Portsmouth Avenue in the midtown area of the city. There are single detached homes to the south and west of the site; a commercial plaza to the north; and an office to the east of the site across Portsmouth Avenue.

The subject lands are designated Arterial Commercial in the City of Kingston Official Plan and are zoned Arterial Commercial (CA) in Kingston Zoning By-Law Number 2022-62. The lands are also subject to Exception Overlay E130. A variety of commercial uses are permitted in the CA Zone, including a retail store.

**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*

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Provincial Planning Statement, 2024

**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

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Deeming By-Law for 846 Portsmouth Ave

**By-Law Number 2024-XXX**

**A By-Law to Deem Part of a Subdivision Not to be on a Registered Plan of Subdivision (Part of Lot 1, Lot 2 and Lot 3 on Registered Plan 412)**

**Passed:** December 3, 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 lots listed below are on Registered Plan 412, which was registered in the Land Registry Office for the Registry Division of Frontenac on July 5, 1949;

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

1. Part of Lot 1, Lot 2 and Lot 3 on Registered Plan 412, as more particularly shown on Schedule "A" attached to this By-Law, are hereby deemed not to be lots on 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: December 3, 2024

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**Janet Jaynes**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**



Planning  
Services

# Schedule 'A' to By-Law Number

Address: 846 Portsmouth Ave.

Lands Subject to the Deeming By-law

## Certificate of Authentication

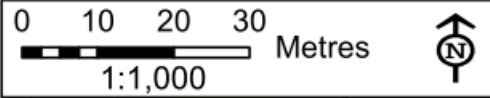
This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 202\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Prepared By: ncameron  
Prepared On: Oct-24-2024



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