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Item #	2
Report No.	32
Council - September 16/15	

## memorandum

**DATE:** SEPTEMBER 14, 2015

**TO:** HONOURABLE MAYOR BEVILACQUA AND MEMBERS OF COUNCIL

**FROM:** DAWNE JUBB, LEGAL COUNSEL  
HEATHER WILSON, INTERIM COMMISSIONER OF LEGAL & ADMINISTRATIVE SERVICES/CITY SOLICITOR

**RE:** ITEM 2, REPORT 32  
ITEM – COMMITTEE OF THE WHOLE (PUBLIC HEARING) - SEPTEMBER 16, 2015

OFFICIAL PLAN AMENDMENT FILE OP.14.008  
ZONING BY-LAW AMENDMENT FILE Z.14.029  
CENTREVILLE HOMES (MERINO) INC.  
WARD 1 – VICINITY OF KEELE STREET AND MERINO ROAD

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On September 3, 2014 Council adopted an interim control by-law (ICBL being By-law 120-2014) to prohibit, for a period of one year, any use of any property abutting Keele Street from Church Street to Fieldgate Drive, other than those uses existing on the property on September 3, 2014. This ICBL expired on September 3, 2015 and is no longer in effect.

During the discussion of the above-noted development application the question was asked whether this interim control by-law could be reinstated or a new interim control by-law passed.

The *Planning Act R.S.O.1990 c. P.13* states in Sec. 38 (7):

### Prohibition

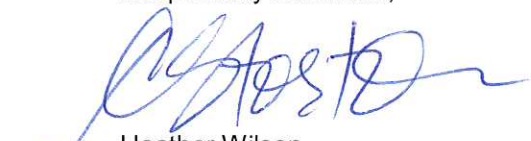
- (7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

It is therefore not possible to enact an interim control by-law which restricts uses on any property abutting Keele Street from Church Street to Fieldgate Drive until after September 2, 2018.

### Report prepared by:

Dawne Jubb, Legal Counsel

Respectfully submitted,

  
for Heather Wilson  
Interim Commissioner of Legal & Administrative Services/City Solicitor

cc Steve Kanellakos, City Manager  
John MacKenzie, Commissioner of Planning  
Jeffrey Abrams, City Clerk