

2023-07-28



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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Site Address: 160 Prince Albert Street  
Legal Description: Part of Lot 859B and Lots 860 and 861 on Plan 342  
File No.: D06-01-23/B-00162  
Report Date: July 25, 2023  
Hearing Date: August 02, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Inner Urban Transect, Neighbourhood designated.  
Zoning: R3M (Residential third density zone, subzone M)

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**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

**DISCUSSION AND RATIONALE**

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

The Official Plan designates the property as Neighbourhood within the Inner Urban Transect. Urban areas are described as a range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios. Policy 2.2.1 of the Official Plan states the directions of Intensification and Diversifying Housing Options, and one of them is Provide housing options for larger households, where there needs to be opportunities in residential Neighbourhoods within a short walking distance to Hubs and Corridors to build dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots.

Policy 5.2.1 states that development shall be encouraged to move towards an urban built form pattern. These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking and cycling. Neighbourhoods are anticipated to maintain their low-rise nature unless otherwise stated in Zoning or applicable Secondary Plans.

The proposed severance will facilitate the establishment of separate ownership of each principal unit in the proposed semi-detached, permitted use in the R3M zone. The R3M zone allows a mix of residential building forms ranging from detached to Planning unit development. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide two lots with width and area that exceeds the minimum requirements by the Zoning By-law.

The Official Plan highlights the Protection of Health and Safety, in Section 10.2.1. The goal of environmental noise control is to provide guidance between land uses that are noise sensitive and land uses that are sources of noise such as roads, railways, employment areas and equipment for building facilities. Another goal of the environmental noise control is to provide for improved and more liveable and healthy environments in the planning of new neighbourhoods, in development and intensification of older neighbourhoods.

Since the subject site is within 500m of the Highway 417, a noise condition is added to this application to ensure consistency with the Official Plan.

The Department has **no concerns** with the proposed consent application because it adheres to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The size and shape of the proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

This site has already been constructed, and as such there are no tree-related concerns with the proposed severance. One new 50mm tree must be planted in the frontage of each lot to improve the streetscape and contribute to the Official Plan goal of 40% canopy cover.

## **CONDITIONS**

**If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:**

1. The Owner/Applicant(s) shall **prepare and implement a tree planting plan**, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of one new 50mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.
2. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the **party wall meets the Ontario Building Code**, O Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to

the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

3. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that **each existing parcel has its own independent storm, sanitary and water services** connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
4. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements Agreement/ at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The **Joint Use, Maintenance and Common Elements Agreement** shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.)

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

5. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be **registered on Title to deal with the covenants/notices** that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (**Highway 417**) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

*Basma Alkhatib*

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**Basma Alkhatib**

Planner I, Development Review, Central  
Planning, Real Estate and Economic  
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*Erin O'Connell*

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**Erin O'Connell, RPP, MCIP**

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Planning, Real Estate and Economic  
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