

2023-06-16



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

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

---

Site Address: 572-574 Foxview Place  
Legal Description: Lot 5, West Foxview Place (Formerly Anne Street),  
Registered Plan 22  
File No.: D08-01-22/B-00191  
Report Date: June 14, 2023  
Hearing Date: June 21, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood  
Zoning: R2D (Residential second density, Subzone D)

---

**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 an Evolving 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. This will provide more choices for housing with three or more bedrooms within the developed built-up portions of the urban area. Smaller dwelling units in the form of one- and two-bedroom apartments will continue to be located adjacent to transit stations, within commercial clusters, along corridors with transit stops and commercial services and within Neighbourhoods.

The severance will facilitate the establishment of separate ownership of each principal unit in the Semi-detached, a permitted use in the R2D zone. The R2D zone allows a mix of residential building forms ranging from detached to Long Semi-detached dwellings. This zone requires a minimum lot area of 270 square meters and a minimum lot width of nine metres for a Semi-detached dwelling. The proposed severance will provide two lots with width and area that exceeds the minimum requirements by the Zoning By-law.

The proposed consent application aligns with the existing multi-family dwelling, adhering 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 land's use, and they will front onto an established municipal road with municipal services.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

There are no protected tree impacts associated with this severance application.

### **Right of Way Management**

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application, as it is simply to establish separate ownership for each half of an existing semi-detached dwelling. Also, there are no requested changes to the private approach/driveway.

### **Transportation Engineering**

## **CONDITIONS**

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

1. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, that both severed and retained parcels **have their own independent water, sanitary and storm connection as appropriate**, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
2. That the Owner(s) enter into a **Joint Use, Maintenance and Common Elements** 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.*

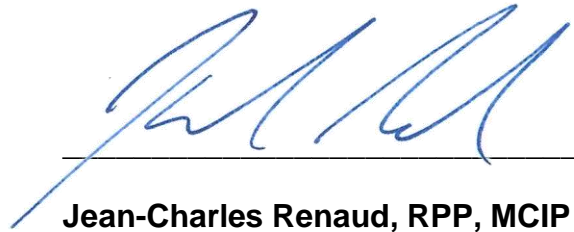
The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. 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.

3. 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.



---

**Basma Alkhatib**  
Planner I, Development Review, Central  
Planning, Real Estate and Economic  
Development Department



---

**Jean-Charles Renaud, RPP, MCIP**  
Planner III, Development Review, Central  
Planning, Real Estate and Economic  
Development Department