

2024-08-15



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

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 819 Bank Street & 99 Fifth Avenue  
Legal Description: Lots 36 & 37 (North Fifth Avenue), Lots 18, 19, 20, and 21 (East Bank Street), Registered Plan 34756 and Lots 36 & 37 (South Fourth Avenue) Registered Plan 35085  
File No.: D08-01-24/B-00127  
Report Date: August 15, 2024  
Hearing Date: August 21, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Mainstreet Corridor  
Zoning: TM[2506] S387 (Traditional Mainstreet, Exception 2506, Schedule 387)

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **requests an adjournment** of the application to allow the applicant time to request an additional easement to address the balcony projections.

**DISCUSSION AND RATIONALE**

The subject site is located within the Inner Urban Transect and designated Mainstreet Corridor on Schedules A and B2 of the Official Plan, and zoned Traditional Mainstreet with a site-specific exception and schedule to reflect the existing redevelopment, constructed in 2022. This area is intended for mid- to high-density, mixed-use development to provide residents with a full range of services to support the growth of 15-minute neighbourhoods.

With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent to establish separate lots for the commercial and residential portions of the building and easements for underground parking and garbage room.

**CONDITIONS**

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Development and Building Services 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 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 Development Review Manager of the All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Development Review Manager of the All Wards Branch within Planning, Development and Building Services Department, or their designate, or is satisfactory to City Legal Services, as well as a copy of the Agreement and confirmation that it has been or will be registered on title.



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Services Department

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