



**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: October 10, 2024  
Hearing Date: October 16, 2024  
Planner: Penelope Horn  
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 **has no concerns with** the application. On August 21, 2024, an adjournment was granted to allow the applicant time to request an additional easement to address the balcony projections.

**DISCUSSION AND RATIONALE**

The existing building was constructed in 2022. Given the OP designation and zoning, 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, balcony projections and a 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 of the All Wards Branch, 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 with 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) provide a servicing plan or other evidence, to the satisfaction of the Development Review Manager of the All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) must obtain Ontario Ministry of the Environment and Conservation and Parks (Environmental Compliance Approval – ECA), must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services, and must register a Joint Use and Maintenance Agreement, between the Owners of the services, on the title of the property, all at their own costs.



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Penelope Horn  
Planner, Development Review All Wards  
Planning, Development and Building  
Services Department



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Wards  
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