

2026-04-16



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	84 & 86 Fifth Avenue
Legal Description:	Lot C (South Fifth Avenue), Registered Plan 4M-10
File No.:	D08-01-26/B-00073
Report Date:	April 16, 2026
Hearing Date:	April 22, 2026
Planner:	Nick Burnie
Official Plan Designation:	Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning By-law 2008-250:	R3Q [1474]
Zoning By-law 2026-50:	N4B [1474]H(11)

DEPARTMENT COMMENTS

The Planning, Development and Building Services 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.

ADDITIONAL COMMENTS

Planning Forestry

- There is an existing municipal tree in the Fifth Ave right-of-way that must be protected through construction of the addition, as well as replacement of the front walkways.
- A site servicing plan and a TIR, demonstrating tree protection measures to be implemented for the installation of the new walkways are requested.

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 the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, 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 an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice 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 (collector and arterial roads) and may therefore be subject to noise and other activities associated with that use.”

The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

3. If required, that the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to 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 unit owners and successors in title and shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee shall be provided written confirmation that the Agreement is satisfactory to the Manager of Development Review 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 registered on title.

4. That the Owner/Applicant(s) provide Servicing & Site plan(s) with the proposed elements/structures (driveways, parking, retaining walls, projections, services, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a Tree Information Report reflecting these changes, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate



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