

REPORT TO: Committee of Adjustment

DATE OF MEETING: July 15, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: July 3, 2025

REPORT NO.: DSD-2025-301

SUBJECT: Consent Application B2025-021 – 546 Courtland Ave. E.

RECOMMENDATION:

That Consent Application B2025-021 requesting consent to sever a triangular-shaped parcel of land having a width of 8.1 metres, a depth of 3, metres and an area of 11.9 square metres, from the property municipally addressed as 546 Courtland Avenue East, to be conveyed as a lot addition to the property municipally addressed as 265 Bedford Road, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
5. That the Owner's Solicitor shall provide a Solicitor's Undertaking to register an

Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

- 6. That prior to final approval the Owner submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to facilitate a transfer of land from a residential lot to the adjacent residential lot, both containing existing detached dwellings.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north side of Courtland Avenue East near the intersection of Bedford Road.

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's Official Plan.

The property is zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051.

The purpose of the application is to facilitate the conveyance of a portion of the rear yard of an existing residential detached dwelling at 546 Courtland Avenue East to the abutting property at 265 Bedford Road.



Figure 1: Location of Subject Property



Figure 2: View of 546 Courtland Ave. E.



Figure 3: View of Rear Yard of 546 Courtland Ave. E. (Existing Fence shown is proposed new property line)

REPORT:

Planning Comments:

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Provincial Planning Statement (PPS 2024)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject application does not propose any development, rather it is an adjustment of lot lines. Planning Staff is of the opinion that the application is consistent with the PPS.

Regional Official Plan (ROP):

Regional policies in the ROP require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. Planning staff are of the opinion that the application conforms to the Regional Official Plan.

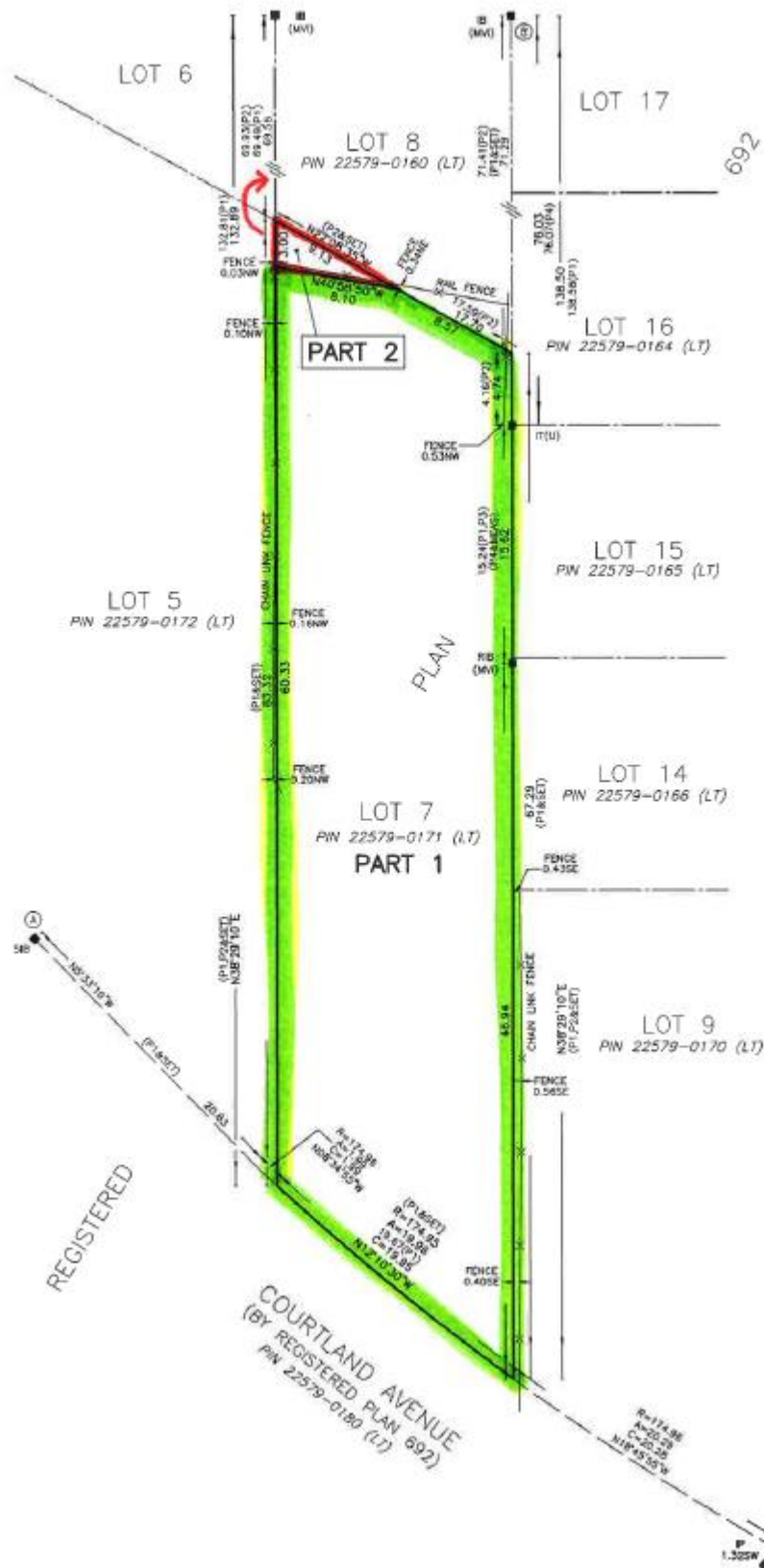


Figure 4: Severance Sketch illustrating the Proposed Lot Addition (JD Barnes Limited)

City's Official Plan (2014)

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's Official Plan.

Section 17.E.20.4 of the Official Plan states the following:

"17.E.20.4. Consents may be permitted for the creation of a new lot, boundary adjustments, rights of-way, easements, long-term leases and to convey additional lands to an abutting lot provided an undersized lot is not created."

The retained lands will meet the minimum lot size requirements for a detached dwelling in the Zoning By-law and contains sufficient lot size to be developed should an application be received. No undersized lots will be created as a result of the proposed lot addition/boundary adjustment. The proposed consent application conforms to the Official Plan in the opinion of Planning Staff.

Zoning By-law 2019-051

The property is zoned 'Low Rise Growth Zone (SGA-1)' in Zoning By-law 2019-051. The purpose of this zone is to create opportunities for missing middle housing and compatible non-residential uses in low-rise forms up to 11 metres in height. Lots in the general vicinity are of similar size and the lot addition does not have any adverse impacts on the existing neighbourhood, nor does it prohibit development opportunities in the future.

Planning Conclusions/Comments:

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the proposed lot addition is desirable and appropriate. The uses of both the severed and retained parcels are in conformity with the City's Official Plan and Zoning By-law. Planning staff is of the opinion that the size, dimension and shapes of the retained lands and the lands proposed to receive the lot addition are suitable for the use of the lands and compatible with the surrounding community lotting pattern/fabric. The lot addition will be conveyed to lands with frontage onto an established public street and are serviced with municipal services. Staff are further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Planning Statement, and is good planning and in the public interest.

Environmental Planning Comments:

No natural heritage concerns.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Engineering has no concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns, no requirements.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The purpose of the application is to sever a triangular parcel of land as a lot addition to the abutting landowner to the north at 265 Bedford Ave. The severed parcel has a width of 8.1m, depth of 3.0m and an area of 11.9 sq m. The retained lands will have an area of 999.4 sq m.

Regional Fee:

Regional staff have not received the required consent review fee for this application, \$350.00.

General Comments:

Regional Staff has no objections to the proposed consent application subject to the following condition:

1. That prior to final approval, the owner/applicant submits the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the

Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*