

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: February 17, 2026

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

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 28, 2026

REPORT NO.: DSD-2026-057

SUBJECT: Consent Application B2026-001 - 153-155 Fifth Avenue

RECOMMENDATION:

That Consent Application B2026-001 for 153-155 Fifth Avenue requesting consent to sever a parcel of land, 155 Fifth Avenue, having a lot width of 7.6 metres, a lot depth of 34.4, metres and a lot area of 262.16 square metres, **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 Owner provide a Reference Plan and a Building Location Survey, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation and setbacks, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals. Failure to comply with the Zoning By-law may result in additional Committee of Adjustment Applications at the Owner's expense.

5. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
6. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.
7. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.
8. That the Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering as a storm service is not available to the subject property.
9. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
10. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
11. That the Owner pay to the City of Kitchener a cash-in-lieu contribution for park land dedication of 11,862.00.
12. That the Owner pay to the Region of Waterloo the Regional Consent Review Fee of \$350.00 per application to the satisfaction of the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a Consent Application to sever a new Semi-Detached Duplex Dwelling into two lots so that each unit may be dealt with independently
- The key finding of this report is that the Consent Application is consistent with the Provincial Planning Statement, the Region of Waterloo Official Plan, City Official Plan and is good planning and in the public interest.
- 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 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 in the Vanier Neighborhood south of Kingsway Drive near to the intersection of Stirling Avenue South and west of Fairway Road South.



Figure 1: Location Map

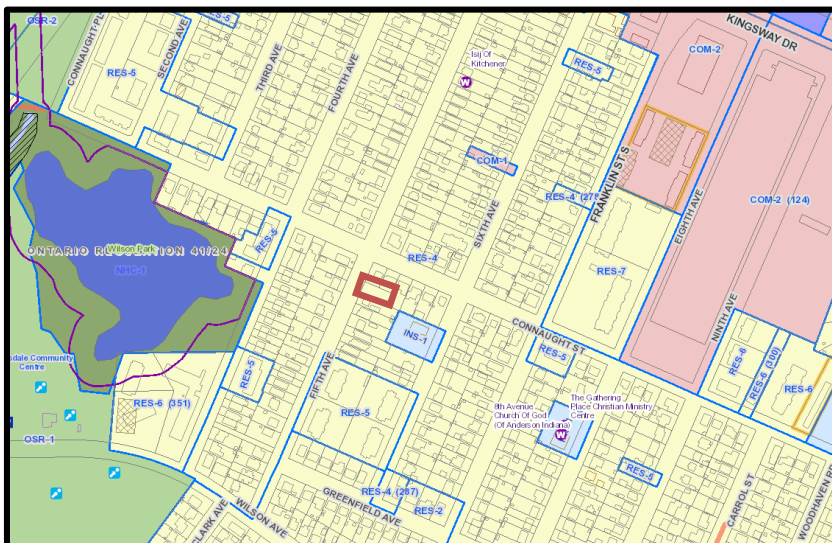


Figure 2: Zoning Map

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The subject lot was created through two previous severances: the severance of 151 Fifth Avenue in 2018 and the severance of 285 Connaught Street in 2020. Following these severances, the property remained vacant until 2025, when an application was submitted for the construction of a new Semi-Detached Duplex Dwelling.

A Building Permit has been issued for the Semi-Detached Duplex Dwelling and construction is currently underway. The foundation has been poured, the backfilling is completed; and the framing construction is underway.

It is noted that although the foundation has been poured, and the proposed setbacks of the Semi-Detached Duplex Dwelling were based on an original survey of the property, a Reference Plan and Building Location Survey were not provided and submitted with the Consent Application. Typically, best practices dictate that prior to the Consent of a property proposed to contain an attached dwelling, the foundation is to be set and surveyed so as to accurately capture the new lot line as constructed. The Applicant is submitting this application with confidence that the foundation will coincide with the proposed lot dimensions and setbacks, no maintenance easements are necessary and is proceeding with the application at this time 'at their own risk'. The following condition is recommended to be added to as follows:

“That the Owner provide a Reference Plan and a Building Location Survey, prepared by an Ontario Land Surveyor, to confirm the boundaries of the new lots and that the location of the foundation and setbacks, with respect to the proposed new lot lines, conforms with the Zoning By-law to the satisfaction of the Manager, Development Approvals. Failure to comply with the Zoning By-law may result in additional Committee of Adjustment Applications at the Owner’s expense.”

Should the common wall of the foundation not be located on the common lot line, or the lot widths and/or setbacks of the building/dwelling do not meet zoning requirements, the Applicant will be required to rectify and/or submit Committee of Adjustment Applications to resolve the errors and/or deficiencies at their own expense.

The purpose of the current application is to request consent to sever the lot in order to create two separate parcels, allowing each half of the semi-detached duplex dwelling to be on its own lot and to function independently.

The proposed severed lot would have a lot width of 7.6 metres, a lot depth of 34.4 metres, and a total area of 262.1 square metres. The retained lot would have the same dimensions and area, as the division is proposed through the centre of the newly constructed Semi-Detached Duplex Dwelling. The entire semi-detached duplex is being constructed on the existing lot, and each dwelling unit has been designed to correspond to one of the newly proposed lots.

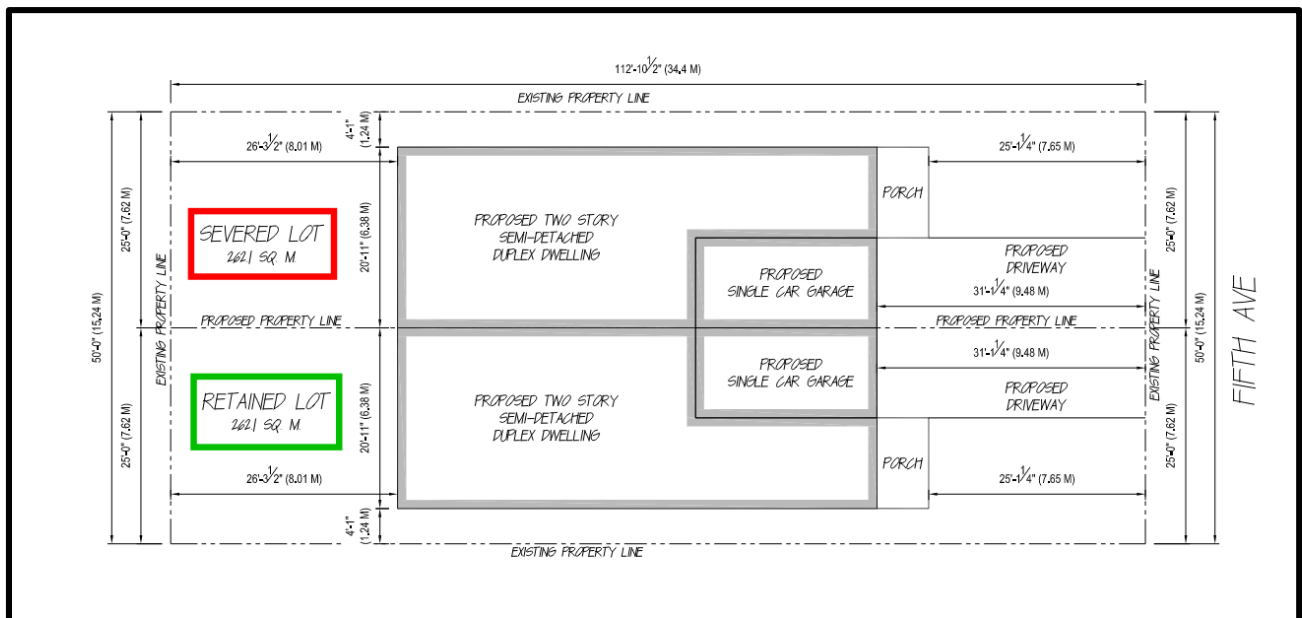


Figure 3: Sketch for Severance - Proposed Lot Fabric

The Development and Housing Approvals Staff visited the site on January 29, 2026.



Figure 4: Photo of Front View of Semi-Detached Duplex Under Construction

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. Section 2.2.1 of the PPS promotes

providing an appropriate range and mix of housing options and densities to meet projected needs of current and future residents, and sets out a policy framework for sustainable healthy, liveable, and safe communities. The PPS promotes all housing options required to meet the social, health, economic and well being requirements of current and future residents, and all types of residential intensification while promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities. It also supports the use of active transportation and requiring transit supportive development.

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of two new lots for the new semi-detached duplex dwelling that are compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. Therefore, Staff are of the opinion that this proposal is consistent with the PPS.

Regional Official Plan (ROP):

The Region of Waterloo is an upper-tier municipality without planning responsibilities. The More Homes Built Faster Act, 2022, amended the Planning Act by transferring planning responsibilities from upper-tier governments across the Province, including the Region of Waterloo to local municipalities. The Region is responsible for commenting on the infrastructure and service delivery that the Region of Waterloo delivers to the community, such as Public Health and Paramedic Services, Affordable Housing, source water protection, water and wastewater infrastructure, transit and transportation, waste management, and the Region of Waterloo International Airport. As a result, the Region no longer has a ROP as it is now an Official Plan for area municipalities who are responsible for implementation of the ROP until it is repealed through a future Area Municipal planning exercise.

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated 'Built-Up Area' in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require 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 severance application conforms to the Regional Official Plan.

City's Official Plan (2014)

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

“17.E.20.5 Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration;
- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

The proposed lot width and lot area of the proposed severed and retained lots meet the minimum ‘RES-4’ zone lot width and lot area requirements. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding neighbourhood which is developed with low rise residential uses with lot sizes that vary in width, depth, and area. The subject lands front onto a public street and full services are available. There are no natural heritage features that would be impacted by the proposed Consent Application.

Planning staff is of the opinion that the proposed consent conforms with the City of Kitchener Official Plan.

Zoning By-law 2019-051

The property is zoned ‘Low Rise Residential Four Zone (RES-4)’ in Zoning By-law 2019-051. The ‘RES-4’ zone permits a range of low-rise residential dwelling types including single detached, semi-detached and multiple dwellings. The whole of the Semi-Detached Duplex Dwelling meets the ‘RES-4’ Zone requirements, and each half of the Semi-Detached Duplex Dwelling will comply as well.

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 creation of the severed lots are desirable and appropriate. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding community. There are existing schools within the neighbourhood. Staff is

further of the opinion that the proposal is consistent with the Provincial Policy Statement the Region of Waterloo Official Plan, City Official Plan and is good planning and in the public interest.

Environmental Planning Comments:

No natural heritage comments or concerns.

Heritage Planning Comments:

No heritage comments or concerns.

Building Services Comments:

The Building Division has no objections to the proposed consent.

Engineering Services Comments:

The Region is currently updating the Water Supply Strategy. Through this work, concerns have been identified regarding water servicing capacity within the Mannheim Service Area. Regional staff are currently undertaking work to better understand the magnitude of the concerns and to be able to provide you with comments relating to the availability of sufficient water capacity to service the development. The Region of Waterloo is responsible for water treatment and supply and provides treated drinking water to the area municipalities, and the City then distributes this water to residents through the City's water distribution system.

The City of Kitchener is responsible for, and legally obligated to, accept and review all development applications within prescribed timeframes, as outlined by legislation. The City will continue to receive and evaluate development proposals through normal channels while a plan of action is developed to address the Region's water supply and capacity issue. The City will leverage all the tools available through the Planning Act – like the use of a holding provision – to support reasonable and responsible development in Kitchener. Off-site work permits may be required as a condition of a development approval to facilitate work in the City's right-of-way for future utility connections (water, wastewater).

Notwithstanding this approval under the Planning Act, at this time, staff are not entering into any off-site works permits as they relate to water services connections.

The Region of Waterloo has committed to updating the community as more information becomes available. You can stay informed on this issue by going to the Region's website at www.regionofwaterloo.ca/watercapacity.

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to PM (katie.wood@kitchener.ca).
- A storm service is not available to the property. The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building. A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new municipal infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.

Parks Planning/Forestry Comments:

Cash-in-lieu of park land dedication will be required at the time of severance for the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is **\$11,862.00**. Park Dedication is calculated at 5% of the new development lot only, with a land valuation calculated by the lineal frontage of 7.62 m and a land value of \$36,080 per frontage meter, which equals \$13,746.00. In this case, a per dwelling unit cap of \$11,862.00 has been applied.

Please note that there are multiple existing City-owned street trees within the right-of-way on Fifth Avenue. The trees could be impacted by proposed construction activities. **It is expected that all City owned tree assets will be fully protected to City standards** throughout demolition and construction as per [Chapter 690 of the current Property Maintenance By-law](#).

Transportation (Planning) Services Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The owner/applicant is proposing consent to sever to create a new residential lot. The severance will facilitate the redevelopment of a currently vacant lot with a semi-detached duplex, each containing an additional dwelling unit for a total of 4 units. The subject lands are currently connected to municipal water and waste services, with access to a local road. Minor variance applications are not required to facilitate the consent.

The proposed lot configurations are as follows:

Severed – 262.1 square metres (lot area) with 7.6 metre frontage

Retained – 262.1 square metres (lot area) with 7.6 metre frontage

The subject lands are located in the Urban Area and Built-Up Area in the Regional Official Plan (ROP); designated Low-Rise Residential in the City of Kitchener Official Plan; and zoned 'RES-4'.

The Region is in the process of updating its Water Supply Strategy. Through this work, concerns have been identified regarding water servicing capacity within the Mannheim Service Area, in which these lands are located. Regional staff are working expeditiously to

evaluate the situation and understand the magnitude of the concerns to be able to provide comments relating to water servicing capacity.

Notwithstanding the above, Regional staff are aware that this development has obtained a building permit and is currently under construction. As a result, Regional staff understand that the purpose of the consent is to sever the existing lot along the common lot line (shared wall of the new structure) and offer the following comments and condition for the City's consideration.

Threats Inventory Database (Advisory)

The following information from the Region's Threat Inventory Database (TID) is provided until such time as access is transferred to the City of Kitchener. The TID identifies no known, high, medium or low on or adjacent to the subject property.

Hydrogeology & Source Water Protection Plan (Advisory)

The subject lands are located in a Source Protection Plan Area where restrictions or prohibitions apply in accordance with Part IV of the Clean Water Act. As such a Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a formal application for consent, which has been provided with the application. Regional staff acknowledge that the Section 59 Notice provided is valid, and have no further concerns related to Clean Water Act requirements.

Waste Management (Advisory)

The dwelling units to be created by this application would be eligible to receive curbside waste collection provided by the Region as both lots feature a driveway fronting onto a municipal roadway. Service would be initiated once construction has been completed and properties are occupied. Until that time, the homebuilder is responsible for collecting and disposing of all waste generated at these properties.

Fees

Regional staff are not in receipt of the required consent review fee of \$350 for consent application. The outstanding fee(s) will be required as a condition of consent approval if not received by the Region prior to the Decision of the Committee of Adjustment. The applicant is advised to contact pwalter@regionofwaterloo.ca to complete payment.

Regional staff have no objection to application, subject to the following condition(s):

1. That the applicant submit the regional consent review fee of \$350.00 per application to the satisfaction of the Region of Waterloo.

General Comments

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to the consent application noted above. Should you require Regional staff in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Grand River Conservation Authority Comments:

GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, permission from GRCA is not required.

Six Nations of the Grand River Elected Council (SNGREC) Comments:

No comments.

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 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*
- *B2018-030*
- *DSD-2020-096 - B2020-025*