



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. B24/24**

IN THE MATTER OF the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

AND IN THE MATTER OF the premises described as PART BLK A PLAN 1374 PART 1 51R5459 and known municipally as **399 Tollendal Mill Road** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Jimmy Dean Van Greunen** for consent under Section 53 of the *Planning Act*, R.S.O. 1990, c. P.13, so as to permit the conveyance of land for residential purposes.

This application, if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot.

The severed lands propose to have a lot area of 531.7 square metres and a proposed lot frontage of 20 metres on Tyndale Road.

The retained lands propose to have a lot area of 945 square metres and a proposed lot frontage of 30.25 metres on Tollendal Mill Road.

DECISION: That provisional consent be **GRANTED** subject to the following condition(s):

1. That Application No. B24/24 and A56/24 be approved concurrently.
2. A 5 metre by 7 metre daylighting triangle shall be dedicated at the intersection of Tyndale Road and Tollendal Mill Road.
3. A 3.0 metre dedication is required along the entire frontage of Tyndale Road.
4. A 1.0 metre dedication is required along the entire frontage of Tollendal Mill Road.
5. The Owner is to provide a cash contribution in the amount of \$400 to the Municipal Street Tree Planting Program through Development Services - Parks Planning.
6. The vegetation present on and surrounding the subject site is identified as part of a woodlot (contiguous tree canopy cover), equal to or greater than 0.20 hectares/0.5 acres. A Tree Removal Permit shall be required as part of this application.
7. The Owner shall be required to provide a Tree Preservation Plan, Inventory and Canopy Survey, including boundary trees and trees impacted on private property, signed and stamped by a qualified Landscape Architect or Registered Professional Forester, as per By-law 2014-115, Schedule 'A'.
8. Where trees, owned or partially owned by adjacent landowners, may be negatively impacted (damaged or harmed), it is the sole liability of the applicant. No works, such as building, servicing, and grading, are permitted to be undertaken within the canopy limit without written authorization from the adjacent landowner(s).
9. Should the Owner propose harm and/or destruction of trees to facilitate the future development, ecological offsetting compensation is required as per Section 1.5, Schedule E of the Fees By-law, as per the City's Ecological Offsetting Policy.
10. That all taxes, local improvements, and/or other charges, both current and in arrears, be paid to the satisfaction of the City Treasurer.
11. That the owner/applicant agrees to have his/her Ontario Land Surveyor provide to the City an updated reference plan, to the satisfaction of the Secretary-Treasurer.
12. That a copy of the draft transfer/deed for the severed lot are submitted to the Secretary Treasurer, along with a registered copy of the survey plan.

No written or oral submissions were received regarding this application for Committee's consideration.

Pursuant to Subsection 41 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, all conditions imposed must be fulfilled within two years from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

REASONS:

1. The proposal does not conflict with the intent and purpose of the City of Barrie Official Plan.
2. The Committee considers the proposal to be consistent with the development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

DECISION DATED AT THE CITY OF BARRIE this 24th day of September 2024.

DATE OF MAILING: September 30, 2024

LAST DAY OF APPEAL: OCTOBER 20, 2024

DECISION SIGNATURE PAGE

FILE NO.: B24/24
LOCATION: 399 Tollendal Mill Road

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on September 24, 2024.



Steve Trotter, Chair



Jay Dolan, Member



Andrea Butcher-Milne, Member



Graydon Ebert, Member



Carol Phillips, Member

I, Janice Sadgrove, Secretary-Treasurer of the Committee of Adjustment for the City of Barrie do hereby certify that this is a true copy of the decision of the Committee of Adjustment handed down at a Public Hearing.



Janice Sadgrove
Secretary-Treasurer

Appealing to The Ontario Land Tribunal

The Planning Act, R.S.O. 1990, as amended, Section 45(12)

The applicant, the Minister or a specified person or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

Should you decide to appeal this decision to the Ontario Land Tribunal (OLT), a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the OLT website at <https://olt.gov.on.ca/appeals-process/forms>.

Please fill out the A1 Appeal Form and follow the instructions as provided by the OLT and submit your appeal to the City of Barrie, Committee of Adjustment on or before the appeal date noted above. You must enclose the Consent/Minor Variance appeal fee of \$400.00 and a fee of \$25 for each subsequent appeal on related applications, paid by certified cheque or money order made payable to the 'ONTARIO MINISTER OF FINANCE'. Appeals are to be sent by **REGISTERED MAIL** or delivered personally to:

The City of Barrie Committee of Adjustment
P.O. Box 400, 70 Collier Street
Barrie, Ontario
L4M 4T5

Note: In accordance with Section 45(12) of the *Planning Act* third party appeals by persons or individuals are not permitted. When no appeal is lodged within twenty days after the giving of notice, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

For more information on the appeal process to the Ontario Land Tribunal (OLT), please contact: [Appeals Process - Tribunals Ontario - Environment & Land Division \(gov.on.ca\)](#) or (416) 212-6349 / 1-866-448-2248.

You may view the Decision and Minutes of the Hearing at www.barrie.ca/cofa.

Additional information regarding this Decision is available by contacting us via email at CofA@barrie.ca or calling Service Barrie at 705-726-4242.