



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. B7/25**

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

AND IN THE MATTER OF the premises legally described as Part Lot 1 W/S Mary Street Plan 17 AKA Plan 121 and known municipally as **82 Mary Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by Benson Properties Inc. c/o Oksana Vialykh for consent under Section 53 of the *Planning Act*, R.S.O. 1990, c. P.13, so as to permit the conveyance of land.

This application, if granted by the Committee of Adjustment, will serve to reestablish a boundary (lot line).

The severed lands (84 Mary Street) propose to have a lot area of 608.27 square metres and a proposed lot frontage of 15.09 metres on Mary Street.

The retained lands (82 Mary Street) propose to have a lot area of 610.97 square metres and a proposed lot frontage of 15.09 metres on Mary Street.

DECISION: That provisional consent be **GRANTED** subject to the following conditions:

1. The Owner shall confirm that available fire flows are adequate for the proposed development through submission of a fire flow analysis prepared by a professional engineer, to the satisfaction of the Development Services Department and Fire and Emergency Department.
2. The Owner is to provide a cash contribution in the amount of \$400 per new lot to the Municipal Street Tree Planting Program through Development Services - Parks Planning.
3. The Owner shall be required to provide a Tree Inventory, Assessment, Canopy Survey and Preservation Plan, including boundary trees and trees impacted on private property, signed and stamped by a qualified Landscape Architect or Registered Professional Forester, to the satisfaction of the City of Barrie.
4. No works, such as building, servicing, and grading, are permitted to be undertaken within the canopy limit of trees owned or partially owned by adjacent landowners without written authorization from the adjacent landowner(s) under the Ontario Forestry Act. Copies of Letters of Authorization shall be provided to the City. Where trees, owned or partially owned by adjacent landowners, may be negatively impacted (damaged or harmed), it is the sole liability of the applicant.
5. 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](#).
6. That all taxes, local improvements, and/or other charges, both current and in arrears, be paid to the satisfaction of the City Treasurer.
7. If applicable, the Owner/Applicant shall be responsible for covering the costs associated with assigning municipal addresses to severed and/or retained lot(s), in accordance with City of Barrie Fees by-law 2024-024, or any successor thereto.
8. 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.
9. 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 25th day of March 2025.

DATE OF MAILING: March 26, 2025

LAST DAY OF APPEAL: **APRIL 15, 2025**

DECISION SIGNATURE PAGE

FILE NO.: B7/25
LOCATION: 82 Mary Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on March 25, 2025.


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 a notice of appeal with the City Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting [City of Barrie] as the Approval Authority or by mail [City of Barrie, Committee of Adjustment, P.O. Box 400, 70 Collier Street, Barrie, Ontario L4M 4T5], no later than 4:30 p.m. on or before **April 15, 2025**. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$1,100 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to OLT.submissions@barrie.ca.

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.