



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. B18/25**

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 PT LOTS 12 AND 17 PLAN 108, PARTS 4 AND 5 51R-32897 and known municipally as **42 Penetang Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Civil Construction and Environmental Engineering c/o A K M Saiduz Zaman on behalf of Vintage Developments Partner c/o Zahid Mizan** 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 an easement over 42 Penetang Street in favour of 40 Penetang Street for the purpose of mutual access, servicing, drainage, and the shared storage of waste, recycling and organics.

The proposed easement will have an area of approximately 113.59 square metres.

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

1. That Minor Variance Application A30/25 be approved.
2. That Minor Variance Application A31/25 be approved.
3. In accordance with Map 5 of the Official Plan an ultimate right of way of 24 metres has been identified for Penetang Street. To this regard a 2.0 metre dedication is required along the entire frontage of Penetang Street.
4. 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, as per By-law 2014-115, Schedule 'A' as part of this application, to the satisfaction of the City of Barrie.
5. 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.
6. 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](#).
7. That all taxes, local improvements, and/or other charges, both current and in arrears, be paid to the satisfaction of the City Treasurer.
8. 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.
9. 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.
10. 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 June 2025.

DATE OF MAILING: June 30, 2025

LAST DAY OF APPEAL: JULY 20, 2025

DECISION SIGNATURE PAGE

FILE NO.: B18/25
LOCATION: 42 Penetang Street

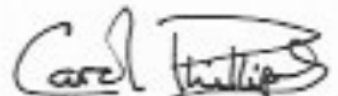
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on June 24, 2025.



Graydon Ebert, Acting Chair



Andrea Butcher-Milne, 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 **July 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 \(gov.on.ca\)](http://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.