



**Committee of Adjustment
Summary of Comments for June 17, 2026
For Application B05-26
39 Peter Street North and 31 Coldwater Street East**

The below summary of comments provides information and any requested conditions of approval from circulated Departments and external agencies.

CITY OF ORILLIA

TO: Committee of Adjustment – Hearing of June 17, 2026
FROM: Planning Division
DATE: June 2, 2026
FILE NO: Application for Severance B05-26 (Easement)
OWNER/APPLICANT: Canada Trust Company
AGENT: Dillon Consulting Limited (Justin Lima)
SUBJECT PROPERTY: **39 Peter Street North & 31 Coldwater Street East**

Recommendation:

THAT the Committee of Adjustment grants provisional approval to Application B05-26, subject to the conditions attached in Schedule “A”, for the following reasons:

1. The proposed Consent to grant an Easement is for legal purposes and does not offend any provincial or municipal planning policies.
2. The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan and satisfies the requirements of all commenting agencies.

Purpose:

The purpose of this report is to provide the Committee of Adjustment with information related to Consent Application B05-26 with respect to the properties municipally known as 39 Peter Street North and 31 Coldwater Street East.

The application requests the granting of an easement for pedestrian and vehicular access over a portion of the properties known municipally as 39 Peter Street North and 31 Coldwater Street East (the “Servient Tenement”) in favour of the property known municipally as 27 Peter Street North (the “Dominant Tenement”) (refer to Schedule “B” for sketch and Schedule “C” for explanatory letter). The primary purpose of the proposed easement is to allow access to the parking area and entrance at the rear of 27 Peter Street North, with a secondary purpose of allowing access to the north and west sides of the building for maintenance purposes. It should be noted that the easement would not include the right to park on the easement lands.

Background and Key Facts:

- The subject property (Servient Tenement) is:
 - Located within the “Downtown Area – Downtown Shoulder” designation of the City of Orillia Official Plan.
 - Zoned “Downtown Shoulder One” (DS1) under Zoning By-law 2014-44.
 - Located within the “Downtown Area Overlay Zone” in Zoning By-law 2014-44.
- Additional Background:
 - The properties municipally known as 39 Peter Street North and 31 Coldwater Street East are separate properties which have not merged.
 - The subject properties support a commercial building currently used as a Toronto-Dominion Bank with associated parking and drive-through automated teller machine.
 - The properties have 30.1 m (99 ft) frontage on Peter Street North and a total of approximately 49 m (160 ft) flankage on Coldwater Street East.
 - There have been several previous easement agreements for access purposes between these properties, the most recent being an Easement Agreement between The Canada Trust Company and RelaxMuskoka Cottages Inc. dated August 18, 2025. The latter Easement Agreement grants a Temporary Easement for the same purposes as the proposed Permanent Easement and indicates within the agreement that Canada Trust will apply to the Committee of Adjustment for Consent to grant a Permanent Easement.
 - Title to the properties indicates the existence of various rights and easements, the nature of which is not apparent without access to the various registered documents. In order to complete due diligence, it is recommended that a condition be imposed requiring the owner/applicant to supply the City with written confirmation from an Ontario solicitor in good standing that the proposed grant of a Permanent Easement as proposed under this application does not interfere or conflict with the rights granted under any existing registered instruments or easements.
 - Staff note that the existing Easement Agreement between the parties contains a clause stating that the Permanent Easement may be relocated at the discretion of Canada Trust if the properties at 39 Peter Street North and/or 31 Coldwater Street East are redeveloped. Should the redevelopment involve relocation of the easement (after final consent has been issued) outside of the boundaries of the legal description in the easement, the owner/applicant must

understand that a new application for Consent will be required. Staff recommend a condition requiring the owner/applicant to deliver a signed acknowledgement to this effect.



Figure 1 – Location Map of Subject Property

Surrounding lands:

North	Coldwater Street East
East	Peter Street North
South	Commercial Building (27 Peter Street North – the Dominant Tenement)
West	Commercial Building (27 Coldwater Street East)



Figure 2 – Proposed Easement (Conceptual Only – Not to Scale)

Analysis:

There is a two-way access point on Coldwater Road East (Figure 3) which accesses the parking lot as well as the drive-through ATM. This is the same access point proposed to be used in connection with the easement.

Egress only is available onto Peter Street North (Figure 4).



Figure 3 – Access to/from Coldwater Street East (Google Streetview, September 2023)



Figure 4 – Egress to Peter Street North (One-Way Only) (Google Streetview, September 2023)

Consistent with the Provincial Planning Statement 2024:

- Yes
- No
- Defer

Consistent with the Lake Simcoe Protection Plan (LSPP):

- Yes
- No
- Defer

The Provincial Planning Statement, 2024, is silent regarding access easements between private landowners. While the subject properties are located within the Lake Simcoe Watershed Boundary, the Lake Simcoe Protection Plan also does not contain policies around access easements between private landowners.

Staff are satisfied that the application does not offend the provisions of the PPS, 2024 or the Lake Simcoe Protection Plan.

Consistent with the City's Official Plan:

- Yes
- No
- Defer

The City's Official Plan is silent on easements for access purposes between private landowners. Section 7 of the Official Plan "Lot Creation by Consent", however, indicates that consents for "technical or legal reasons" may be permitted provided that the lots comply with, or can be brought into compliance with, the City's Zoning By-law. Although no lots are being created in this application, generally this can be extrapolated apply to the creation of easements by consent. Discussion regarding compliance with the Zoning By-law is in the following section, however, this consent certainly falls within the realm of a consent for legal or technical reasons as it simply looks to formalize a temporary easement situation.

Provided that the recommended conditions proposed by staff are implemented, staff is of the opinion that the proposed development generally conforms to the intent and purpose of the Official Plan.

Conforms with the City's Zoning By-law:

- Yes
- No
- Defer

As this application does not involve the creation of new lots, discussion is limited to whether the physical configuration and uses of the subject properties complies with the provisions of the City's Zoning By-law.

The lot known municipally as 39 Peter Street North complies with the Lot Frontage and Lot Area requirements in the Downtown Shoulder One (DS1) Zone. While some of the Required Yards in the DS1 Zone may not be met, Section 5.19 b) i) of the Zoning By-law indicates that "Legally Existing Non-Complying Buildings shall be deemed to comply with this By-law". The property supports a "Financial Institution" as defined in the Zoning By-law, which technically is not itself a permitted use in the DS1 Zone, however, "Existing Uses" is a permitted use in the Zone, with "Existing Uses" being defined as uses that were legally in place at the time of enactment of the Zoning By-law (June 2, 2014).

The lot known municipally as 31 Coldwater Street East also meets the frontage and area requirements in the DS1 Zone. This property currently supports a Parking Lot, which again is not specifically a permitted use in the DS1 Zone, but is permitted as an "Existing Use".

Staff are satisfied that the subject properties comply with the provisions of the Zoning By-law.

Conforms to Section 2, 51(24) and 53(12) of the *Planning Act*:

- Yes
- No
- Defer

The discussion of matters of provincial interest or compliance with subsections 51(24) as referenced through subsection 53(12) is not relevant to this application for creation of an easement.


Staff are satisfied that the proposed consent does not offend any provisions of the *Planning Act*.

CONCLUSION:


The proposed Consent to grant an Easement is for legal purposes and does not offend any provincial or municipal planning policies.

Staff recommend approval of this application subject to the Conditions set out in Schedule "A" to this report.

Prepared by:


Susan Votour, CPT
Intermediate Planner

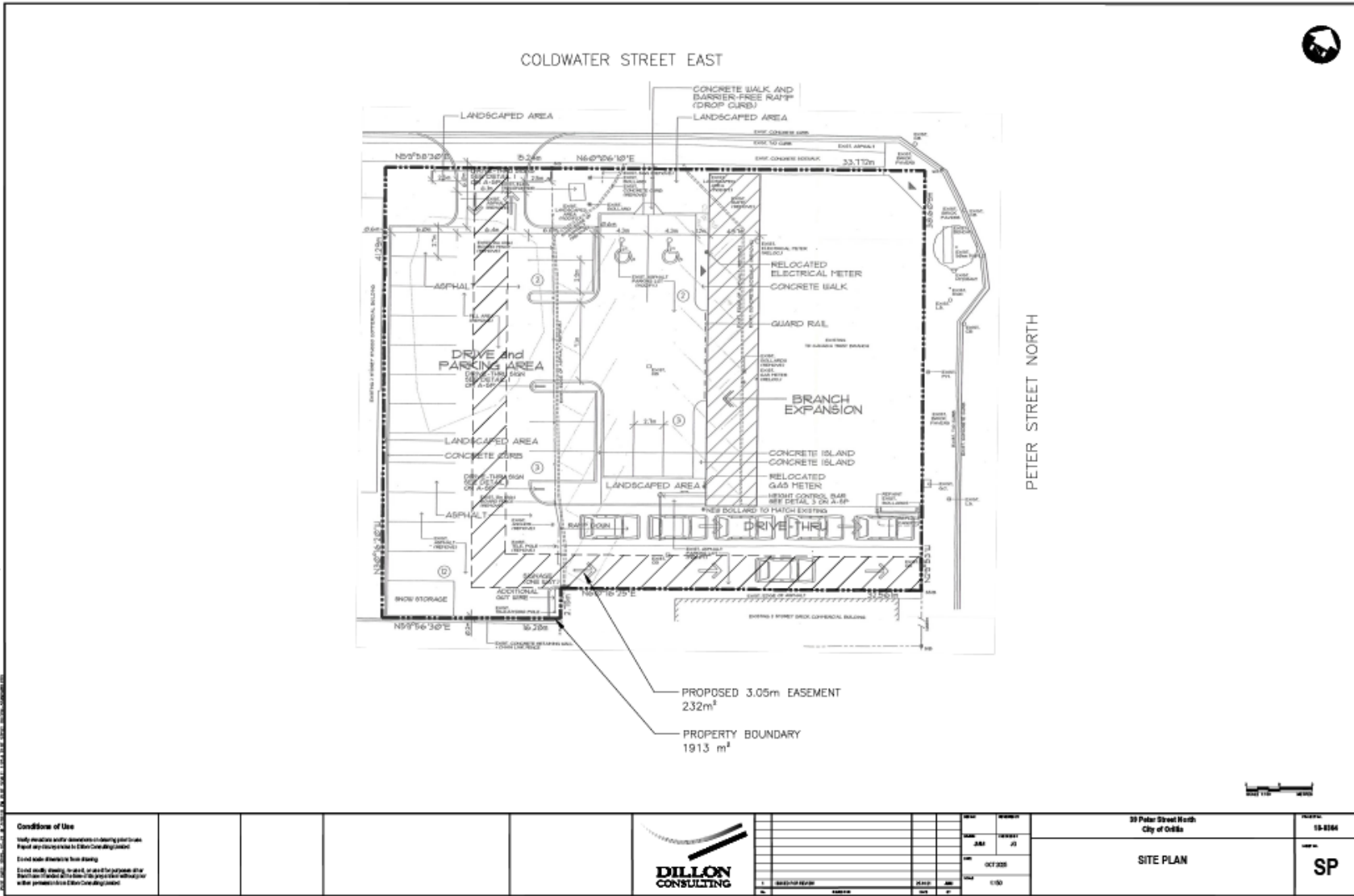
Reviewed by:


Jill Lewis, MCIP, RPP
Senior Planner

SCHEDULE "A" – PROPOSED CONDITIONS OF PROVISIONAL APPROVAL

1. That the Owner/Applicant arrange for all taxes, local improvements, and/or other charges, both current and in arrears be paid prior to issuing of the Certificate of Consent, for the calendar year to the satisfaction of the Treasurer/Chief Financial Officer;
2. The applicant/owner shall submit to the Secretary-Treasurer of the Committee of Adjustment a draft reference plan of survey which sets out the lands which are the subject of the proposed easement for review. Once duly deposited with the Office of the Land Registrar, an electronic copy is to be provided;
3. The applicant/owner shall submit to the Secretary-Treasurer of the Committee of Adjustment a draft Transfer for review. (Upon registration, a final copy of the Transfer shall be provided to the City);
4. The applicant/owner shall submit payment of the document review fee as required under the City's fees by-law;
5. The applicant/owner shall provide the Secretary-Treasurer of the Committee of Adjustment with confirmation in writing from an Ontario solicitor in good standing with the Law Society of Upper Canada that the proposed easement does not conflict with or interfere with the rights of any parties under any other registered instruments or easements previously registered on title to the Servient Tenement.
6. The applicant/owner shall provide the Secretary-Treasurer of the Committee of Adjustment with a written acknowledgement that any relocation of the easement that is required in conjunction with future redevelopment of the subject properties at 39 Peter Street North and/or 31 Coldwater Street East will require a new application for Consent if the location or dimensions of the easement change from what is described in the reference plan required under Condition #2 herein.

SCHEDULE "B" – SKETCH PROVIDED WITH APPLICATION



DILLON CONSULTING ENGINEERS LTD. 1000 WEST 10TH AVENUE, SUITE 100, EDMONTON, ALBERTA T6C 0E8
 TEL: 780-443-1111 FAX: 780-443-1112
 WWW.DILLONCONSULTING.COM

Condition of Use Verify conditions and/or assumptions in drawing prior to use. Report any discrepancies to Dillon Consulting Limited. Do not make alterations to this drawing. Do not modify drawing, in whole or in part, or use it for purposes other than those intended without the prior written approval of Dillon Consulting Limited.



PROJECT NO. SHEET NO. DATE SCALE	1000 1000 2023 1:100
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39 Peter Street North City of Odessa	15-0364
SITE PLAN	SP



SCHEDULE “C” – EXPLANATORY LETTER PROVIDED BY AGENT



April 22, 2026

Committee of Adjustment
City of Orillia
50 Andrew St S, Suite 300
Orillia, ON
L3V 7T5

Attention: Committee of Adjustment Members

***Application for Consent – Easement Agreement
39 Peter Street North & 31 Coldwater Street East***

Dillon Consulting Limited (“Dillon”) has been retained and authorized by the Canada Trust Company (the “Landowner”) to facilitate the Consent process under the *Planning Act, R.S.O. 1990* to transition the existing access easement between 39 Peter Street North & 31 Coldwater Street East (the “Subject Property” or “Serviant Lands”) and 27 Peter Street North (the “Dominant Lands”) into a permanent easement for pedestrian and vehicular access.

Dillon is pleased to provide the enclosed Consent application submission in relation to the proposed access easement. This letter summarizes the nature of the application, details the history of the existing easement, and justifies the proposed easement.

Property Description and Surrounding Land Uses

The Subject Property is municipally addressed as 39 Peter Street North and 31 Coldwater Street East in the City of Orillia (shown in **Figure 1**, below) and is currently occupied by the Toronto Dominion Bank (“TD Bank”), including the associated parking area and automatic teller machine drive through lane.

The Subject Property is bounded by Coldwater Street East to the north, Peter Street North to the east, a parking lot to the west, and a neighbouring commercial property to the south (the Dominant Lands).

The Subject Property includes a two-way vehicle ingress/egress point from Coldwater Street East and an egress-only point to Peter Street North. The current site configuration and TD Bank operations include a drive through automatic teller machine. The exit to the drive through lane utilizes the egress-only point on Peter Street North.

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Counterpoint
Land Development
by Dillon
Consulting
Limited

Figure 1: Aerial View of the Serviant Lands and Dominant Lands



Source: Google Maps, annotated by Dillon Consulting Limited.

The Subject Property neighbours the Dominant Lands which are addressed 27 Peter Street North. The Dominant Lands are currently occupied by the former fire hall and utilized for commercial purposes by RelaxMuskoka Cottages Inc. (“RelaxMuskoka”). An existing private temporary, easement between the Serviant Lands and Dominant Lands permits the ingress and egress of employees, agents, and customers of RelaxMuskoka through a defined area of TD Bank’s parking lot and drive. Parking for RelaxMuskoka is not permitted on the Serviant Lands as part of the existing easement agreement.

The immediate surrounding land uses of both the Serviant Lands and Dominant Lands are varied, and are as follows:

- **North:** Office and Parking Lot
- **South:** Commercial and Institutional (Post Office)
- **East:** Place of Worship, Cemetery, and Commercial
- **West:** Parking Lot

The relevant planning policies applicable to the Subject Property are as follows:

- **County of Simcoe Official Plan:** Not subject to this plan
- **City of Orillia Official Plan:** Downtown Shoulder
- **City of Orillia Zoning By-law 2014-44:** Downtown Shoulder One (DS1)

Consent and Easement History

Prior to RelaxMuskoka obtaining ownership to the Dominant Lands, the Canada Trust Company (“Canada Trust”, owner of the Serviant Lands) entered into a joint maintenance and right-of-way agreement with the previous owners (Instrument No. RO1451696) between the two properties. This agreement permitted certain rights of ingress and egress over the Serviant Lands.

Following the ownership of the Dominant Lands being obtained by RelaxMuskoka, Canada Trust and Relax Muskoka entered into a temporary easement on August 18, 2025 to replace the previous easement between the former landowner of the Dominant Lands.

This easement grants RelaxMuskoka a temporary right for pedestrian and vehicular ingress and egress across the Serviant Lands for employees, agents, customers, tenants, invitees, and licensees, including to permit maintenance of the building on the RelaxMuskoka property. Parking is not permitted under the temporary easement. The area of the Serviant Lands subject to this easement is shown in Figure 2 below.

Figure 2: Area Subject to Easement



Source: Easement Agreement, August 18, 2025.

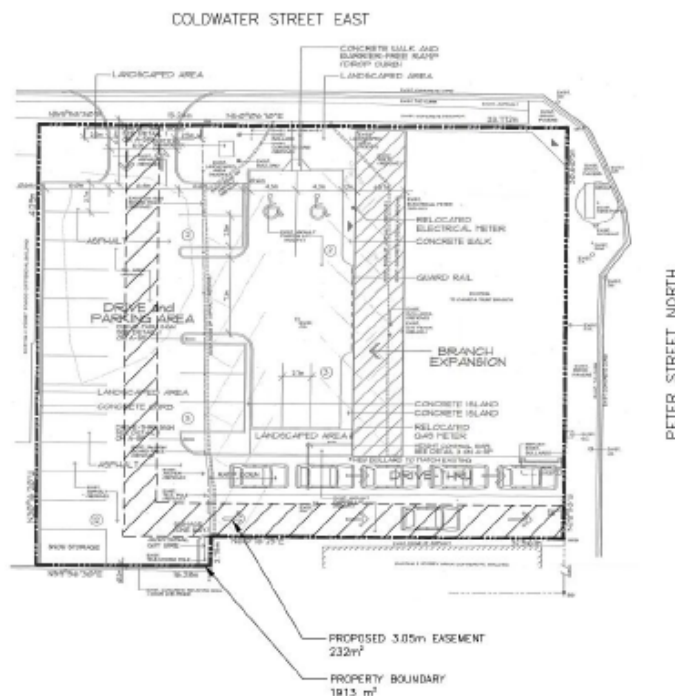
This temporary easement includes language which permits Canada Trust and RelaxMuskoka to amend this easement and transition into a permanent easement for the same purposes, subject to the condition that the area subject to easement remain ten (10) feet in width.

Description and Purpose of the Application

The existing temporary easement which exists between Canada Trust and RelaxMuskoka permits both parties to enter into a permanent easement between the two properties which retains the intent of the existing ingress and egress permissions.

The proposed easement, by way of Consent, seeks to create a permanent easement between the Servient and Dominant Lands and ensure the continued mutual use of the easement area. The site plan shown in Figure 3 below details the easement area on the Serviant Lands which is 10 feet (3.05 metres) in width, in accordance with the language included in the current temporary easement agreement.

Figure 3: Proposed Easement Area on the Serviant Lands



Source: Dillon Consulting Limited

There is no new development, curb cuts, on-site or off-site alteration, or any other intent to modify the existing access configuration of either property included as part of this proposed Consent. The current conditions and land uses of both properties is intended to remain as-is.

Alignment with Relevant Planning Policies

Planning Act

Under Subsection 3(5) of the *Planning Act*, all decisions rendered by the Committee of Adjustment must be consistent with the Provincial Planning Statement, 2024 and must conform with all provincial plans that may apply to the subject lands.

A completed application form, site plan drawing, and cover letter have been submitted to the City of Orillia for review, as outlined in Section 51(17) of the *Planning Act*. Discussions with staff at the City of Orillia's Development Services Department have confirmed that the provided materials are sufficient to process the application, and that a plan of survey and draft reference plan can be submitted at the time of condition clearance.

Additionally, the criteria of Section 51(24) of the *Planning Act* are not applicable to the proposed easement since there is no new subdivision of land, no new development, or no alterations to the boundaries of the subject site and/or leased area.

The proposed Consent is consistent with provisions of the *Planning Act* since the existing use and applicable land use designations which currently exist on the properties are planned to remain and be continuously operated as-is.

City of Orillia Official Plan

The Subject Property is currently designated as Downtown Shoulder in the City of Orillia's Official Plan. While the Downtown Shoulder designation does not currently permit financial institutions, the Subject Property was developed prior to the establishment of the current Official Plan in 2011.

The original construction date of the Subject Property cannot be confirmed, although a building extension was approved by the City of Orillia in July 2007. At this time, the in-effect Official Plan was the former City of Orillia Official Plan (1999). Under this plan, the Subject Property was designated as Downtown District, which was generally permissive of financial institutional uses.

As such, the existing TD Bank is a legally non-conforming use on the Subject Property.



City of Orillia Zoning By-law

The Subject Property is currently zoned as Downtown Shoulder One (DS1), which does not permit financial institutions. While the DS1 Zone does not currently permit financial institutions, the Subject Property was developed prior to the adoption of Zoning By-law 2014-44 in 2014.

At the time of the most recent building extension to support the continued use of the Subject Property for banking purposes in July 2007, the in-effect zoning by-law was Zoning By-law 2005-72. Under this plan, the Subject Property was zoned as General Commercial (C1), which was permissive of banks or financial institution uses.

As such, the existing TD Bank is a legally non-conforming use on the Subject Property.

Application for Consent

This letter and associated submission materials constitute an application for Consent in support of the proposed easement. There is no site alteration; modification to the existing structure, drive-through lanes, parking or landscaping; or new development proposed as part of this application for Consent.

The application materials submitted as part of this application include:

- Application Form – April 2026
- Site Plan – October 2025

Closing

On behalf of the Landowner, we trust that this submission is to the satisfaction of the City of Orillia. Should you have any questions or wish to discuss this application, please contact Justin Lima by phone (416-229-4647 x2005) or by email (jlina@dillon.ca).

39 Peter St. N & 31 Coldwater St. E – Consent Application
Page 7
April 22, 2026

COUNTERPOINT | **DILLON**
LAND DEVELOPMENT BY | CONSULTING

Sincerely,

DILLON CONSULTING LIMITED



Justin Lima, M.PL.
Planner

cc: Joseph Guzzi – Dillon Consulting Limited

Our file: 18-8304



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	June 10, 2026
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Tracy Blanchard, Development Coordinator
SUBJECT ADDRESS:	39 Peter St N & 31 Coldwater St E
SUBJECT FILE #:	B05-26

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval, rather additional information regarding requested conditions of approval):

- No comments

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of the Building Division).

- No conditions

External Agency Comments

None Received

Public Comments Received

None Received