



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**

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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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**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.*

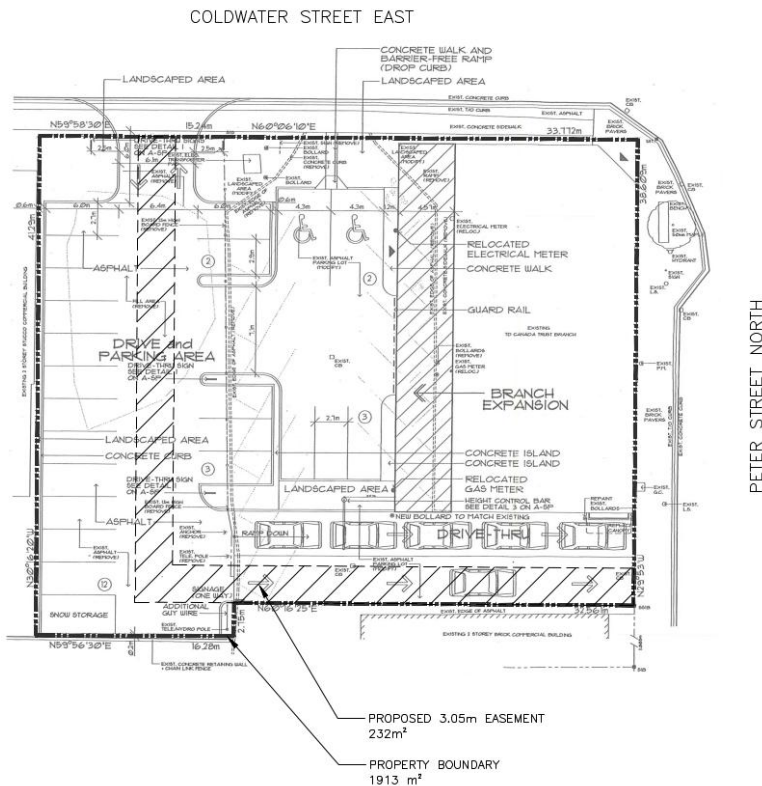
This temporary easement includes language which permits Canada Trust and RelaxMuskoka to amend this easement and transition into a permanent easement for the same purposes, subject to the condition that the area subject to easement remain ten (10) feet in width.

### 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](mailto:jlina@dillon.ca)).

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**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