

Allison Penner
Deputy Clerk
City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4



Telephone: 519-376-4440 ext. 1235
Facsimile: 519-371-0511
Email: apenner@owensound.ca
Website: www.owensound.ca

March 28, 2025

Dear Jugraj Kang,

Re: Notice of Decision File No. **B03-2025**

I am enclosing herewith a copy of the Decision of the Director of Community Services for the City of Owen Sound respecting the above noted application. If there are additional registered owners of this property, please provide them with a copy of this letter.

Within 20 days after the Notice of Decision is given, an appeal to the Ontario Land Tribunal in respect of the decision of the Director of Community Services may be made by the applicant, the Minister, or a specified person or public body that has an interest in the matter by filing a notice of appeal with the Secretary-Treasurer of the Committee of Adjustment at the address noted below.

A notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal in the form of a certified cheque or money order payable to the Minister of Finance.

The last date for filing a notice of appeal is April 17, 2025 **by 4:30 p.m.**

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>.

If no notice of appeal is filed within 20 days after the giving of notice, the decision becomes final and notice to that effect will be issued to the applicant by the Secretary-Treasurer.

Warning: Conditions must be fulfilled within two years from the date of the giving of the Notice of Decision, failing which this application shall be deemed to be refused. Section 53(41) of the *Planning Act*, R.S.O., 1990, c. P. 13.

The last day for fulfilling conditions is March 28, 2027 **by 4:30 p.m.**

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Deputy Clerk
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Important Information:

Conditions of Approval: It is the applicant's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the decision and the last day for fulfilling conditions (by 4:30 p.m.). Please contact the Planning Division to assist you with fulfilling these conditions.

No extension to the last day for fulfilling conditions is permissible.

Notice of Changes to the Provisional Consent: The Committee of Adjustment may change the conditions of a provisional consent at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Lapsing of the Consent: If the conditions of approval are not fulfilled within the prescribed time period (as provided in Section 53(41) of the *Planning Act*), the consent is deemed refused for failure to fulfill the conditions and has lapsed.

Final Approval: Final approval of the application will be issued in the form of a Certificate (pursuant to Section 53(42) of the *Planning Act*) once all conditions of the provisional consent have been fulfilled.

Sincerely,

A handwritten signature in cursive script that reads "A. Penner". The signature is written in dark ink and is positioned above a horizontal line.

Allison Penner
Deputy Clerk
Secretary Treasurer of the Committee of Adjustment
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
Email: notice@owensound.ca

cc: City Development Team
S&S Can Holdings Inc.

Undisputed Consent

Authority & Background:

The following is a decision respecting an Undisputed Consent made by the delegate or authorized approval authority having jurisdiction under the City's Powers of Delegation By-law 2014-019 and s. 5 of the Committee of Adjustment By-law 2022-074 and and Sec. 54(2) of the Planning Act. The decision is considered on the basis of the information summarized below.

File No.	B03-2025
Staff Report No.	DA-25-006
Property Address	887-889 2 nd Ave E
Purpose & Effect	<p>The 887 2nd Avenue East property contained BMO in the past and was formerly known as 887 and 899 2nd Avenue East. However, the two lots were accidentally merged on title as 887 2nd Avenue East. The consent seeks to recreate the original lot fabric and locate each of the two buildings on a separate conveyable parcel being 887 and 899 2nd Avenue East respectively.</p> <p>The severed lot will contain an existing commercial building, formerly occupied by the Bank of Montreal. The retained lot will continue to provide office space on the ground floor with residential units on the second floor.</p>

Undisputed Consent

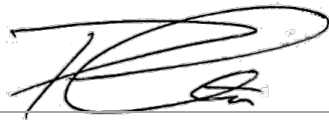
Decision Declaration:

I, Pamela Coulter, being the Director of Community Services of the City of Owen Sound render the following decision based on the facts of the application and the recommendation made in the abovementioned Staff Recommendation Report:

- ☒ Approved, subject to the conditions outlined in Schedule 'E' of the Staff Report.

Decision Date: March 25, 2025

Signature: _____



I affirm that I am authorized to render this decision by the City of Owen Sound and applicable legislation.

Staff Report

Report To: Director of Community Services
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Report Date: March 25, 2025
Report Code: DA-25-006
Subject: Consent B03-2025 for 887-899 2nd Ave East

Recommendation:

THAT in consideration of Staff Report DA-25-006 respecting a consent for lot severance (lot addition) for the property known as 887-899 2nd Ave East, the Committee of Adjustment approves Consent Application B03-2025 by Jugraj Kang on behalf of S & S Can Holdings Inc. subject to the conditions outlined in Schedule 'E'

Highlights:

- A consent application has been submitted by Jugraj Kang on behalf of S & S Can Holdings Inc., for the property known as 887-899 2nd Ave East.
- Consent B03-2025 is proposing to sever the subject land to recreate the original lot fabric and locate each existing building on a separate parcel.
- The proposed development supports the planned function of the River District Commercial designation to accommodate a range of commercial, institutional, recreational and residential uses.
- The proposed development does not propose any change in use, and no alterations are proposed to the existing buildings or parking areas.

Strategic Plan Alignment

The subject application represents a legislated review process.

Climate and Environmental Implications:

The subject application represents mixed-use development and efficient use of existing buildings and municipal services.

There are no anticipated climate or environmental impacts.

Previous Report/ Authority

[City of Owen Sound Official Plan](#)

[City of Owen Sound Zoning By-law 2010-078](#), as amended

Background & Proposal:

An application for consent has been submitted by Jugraj Kang on behalf of S & S Can Holdings Inc., for the property known as 887 2nd Ave East in the City of Owen Sound.

The 887 2nd Avenue East property contained the Bank of Montreal (BMO) in the past and was formerly known as 887 and 899 2nd Avenue East. However, the two lots were accidentally merged on title as 887 2nd Avenue East. The consent seeks to recreate the original lot fabric and locate each of the two buildings on a separate conveyable parcel being 887 and 899 2nd Avenue East respectively.

The severed lot will contain an existing commercial building, formerly occupied by the Bank of Montreal. The retained lot will continue to provide office space on the ground floor with residential units on the second floor.

Property Description

The subject lands are located at 887-899 2nd Avenue East in the City of Owen Sound. The property is a corner lot that contains two existing buildings fronting on the east side of 2nd Avenue East.

The subject lands contain two buildings which were formerly located on two separately conveyable parcels:

1. the former Bank of Montreal building located at 899 2nd Ave E which includes a small parking area at the rear (east) side of the building; and
2. the adjacent two-storey building to the south at 887 2nd Ave E.

The property has a lot frontage of 26.86 meters along 2nd Avenue East and is 917.27m² (9873.41ft²) in size.

The surrounding land uses include:

North: a range of commercial use including financial institutions are located to the north fronting 2nd Avenue East.

East: commercial uses including restaurants and the Roxy Theatre are located to the east fronting on 9th Street East.

South: The Grey Gallery is located to the immediate south and additional commercial uses extend along 2nd Avenue East

West: A variety of commercial and residential uses front 9th Street East. Further to the west of the subject property is the Sydenham River.

The subject lands are designated 'River District Commercial' in the City's Official Plan (OP) and are zoned 'C1' with special provision 14.84 in the City's Zoning By-law (2010-078, as amended).

For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'.

For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'.

The subject lands are fully described in Schedule 'C'.

The Proposal

The application proposes to sever the subject lands to recreate the original lot fabric and locate each existing building on a separate parcel.

The severed lot (899 2nd Ave E) is proposed to have approximately 16.67 m of frontage on 2nd Avenue East, 31.08 m of depth, and 551.48 square metres of lot area. The existing building on the severed lot will continue to be utilized for commercial uses. Rear access to the severed parcel is via municipal laneway from 9th Street East.

The retained lot (887 2nd Ave E) is proposed to have approximately 10.19 m of frontage on 2nd Avenue East, 30.49 m of depth, and 365.79 square metres of lot area. The existing building on the retained lot will continue to operate with commercial uses (office) on the ground floor and residential uses on the second floor.

The submitted Site Plan is attached in Schedule 'D'.

A fulsome review and analysis of the proposed consent is outlined below.

Analysis:

The subject consent is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal is required to be consistent with the Provincial Planning Statement and in conformity with the City Official Plan and Zoning By-law. The application is subject to review by City Planning, Engineering and Building staff, as well as external commenting agencies. All applicable policies, standards, and comments are reviewed below in the context of the subject application.

Provincial Planning Statement

The Provincial Planning Statement (PPS, 2024) has been reviewed with regard to the subject application. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The PPS directs development to full serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs. The proposal represents development within a Settlement Area that makes use of existing infrastructure and minimizes negative impacts.

All applications must demonstrate that the lands can be serviced with full municipal water and sanitary services and are designed with stormwater management best practices to ensure consistency with the PPS (Section 3.6).

Policy 3.6.7 of the PPS identifies that Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity. Full municipal service infrastructure and capacity are available for the proposed development.

Policy 4.6.3 of the PPS requires that development and site alteration on adjacent lands to protected heritage property shall not be permitted unless

the heritage attributes of the protected heritage property will be conserved. The adjacent parcel to the south at 883 2nd Ave E (Grey Gallery, formerly known as the Coates and Best Building), is designated under Part 4 of the Ontario Heritage Act. The proposed severance is not anticipated to impact the designated heritage attributes as no outside changes are proposed.

The proposal is consistent with the direction provided by the PPS, subject to the conditions. All conditions can be found hereto as Schedule 'E'.

County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' in the County of Grey Official Plan (County OP, 2019). Settlement areas with full municipal services are to be the focus of the majority of growth within the County.

The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within the Primary Settlement Area. Land use policies and development standards are to be in accordance with the local Official Plan. The County has been consulted on the proposal and Planning staff have not provided comment.

The proposal conforms with the County of Grey Official Plan (2019).

City of Owen Sound Official Plan

The subject property is designated 'River District Commercial' in the Owen Sound Official Plan (OP). Within this designation a range of commercial uses, community facilities and housing combined with commercial uses are permitted.

Sec 9.3.2.7

The OP permits consents for the purpose of making lot boundary corrections, granting easements, conveyances and consolidations and other such administrative or technical matters provided that such matters are minor in nature. The proposed consent seeks to recreate the original lot fabric where two parcels were accidentally merged on title. The proposed consent would sever the subject lands into two parcels (887 and 899 2nd Avenue East), which was the site's former lot fabric. The proposed consent is a technical correction and is minor in nature.

The proposed consent conforms to the policies of the City Official Plan subject to the recommended conditions.

City of Owen Sound Zoning By-law

The subject property is zoned 'Core Commercial' (C1) in the City's Zoning By-law (2010-078, as amended). Commercial uses, including offices and residential units in combination with permitted non-residential use, are among the permitted uses in the C1 Zone.

The application is for a technical severance that recognizes the site's existing conditions. A zoning conformity check has been completed as part of the application and there are no variances needed to facilitate the proposed consent. There are no proposed changes to the existing uses, buildings and parking areas on the subject lands. If the use of the subject lands changes, or the buildings or parking areas are proposed to be altered in the future, a site plan application will be required, and minor variances may be required at that time.

The proposal meets the requirements of the City's Zoning By-law, subject to the conditions.

City Staff & Agency Comments

In accordance with the requirements of the *Planning Act* (Sec. 45, O. Reg. 200/96), Notice of the subject application was provided on March 11, for a hearing scheduled on March 25, to the public and prescribed bodies. Comments received by the Secretary-Treasurer as of the writing of this report are described below and included in Schedule 'F'.

City of Owen Sound Engineering & Public Works Department

Comment has been received from the City's Engineering & Public Works Department. The City's Engineering & Public Works Department recommends approval of application B03-2025, subject to the following conditions:

- That the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) that servicing arrangements acceptable to the City have been made for each of the separate lots (execution of a Special Services Application between the Owner and the City may be required) and payment of servicing charges and fees, if applicable.
 - This will require the Owner to confirm to the City that there are separate municipal services available and connected to each of the buildings based on the proposed retained and severed lots.

The recommended conditions are included in Schedule 'E' and the complete comments can be found in Schedule 'F'.

City of Owen Sound Building Department

Comment has been received from the City's Building Department. The following conditions are required to separate the existing building into separate buildings to permit severance of the lot.

- Construction of a 2-hour firewall as per 3.1.10 under a Building Permit between the severed and retained portions of the building designed by a qualified Engineer.
- Construction and alterations under a Building Permit stamped by an Architect and Engineer to create the required fire separations and other life safety requirements of the dwelling units constructed without a Building Permit (**see Order to Comply issued Sept 27th, 2024 attached**) or the removal of all residential spaces and /or dwellings from any portion of the retained or severed building under a Building Permit.
- Installation of separate municipal connections, if not existing, for the severed portion under a Site Servicing Agreement through the Engineering Division
- Separation of building services and fire protection systems under a Building Permit.
- Separation of electrical systems under an ESA permit with the final report being provided to the Building Division prior to occupancy of the severed and retained portions of the building.

Financial Implications:

None to the City at this time.

Communication Strategy:

Notice of the consent application was given in accordance with Section 53 of the *Planning Act* and Ontario Regulation 197/96.

Consultation:

The application was circulated to various City Departments and our commenting agencies as part of the consultation process.

Attachments:

Schedule 'A': Orthophoto

Schedule 'B': Official Plan and Zoning Map

Schedule 'C': Property Details

Schedule 'D': Site Plan

Schedule 'E': Conditions of Approval

Schedule 'F': Agency Comments

Recommended by:

Dave Aston, MSc, MCIP, RPP (MHBC Planning)

Aleah Clarke, BES, MCIP, RPP (MHBC Planning)

Reviewed by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

Submission approved by:

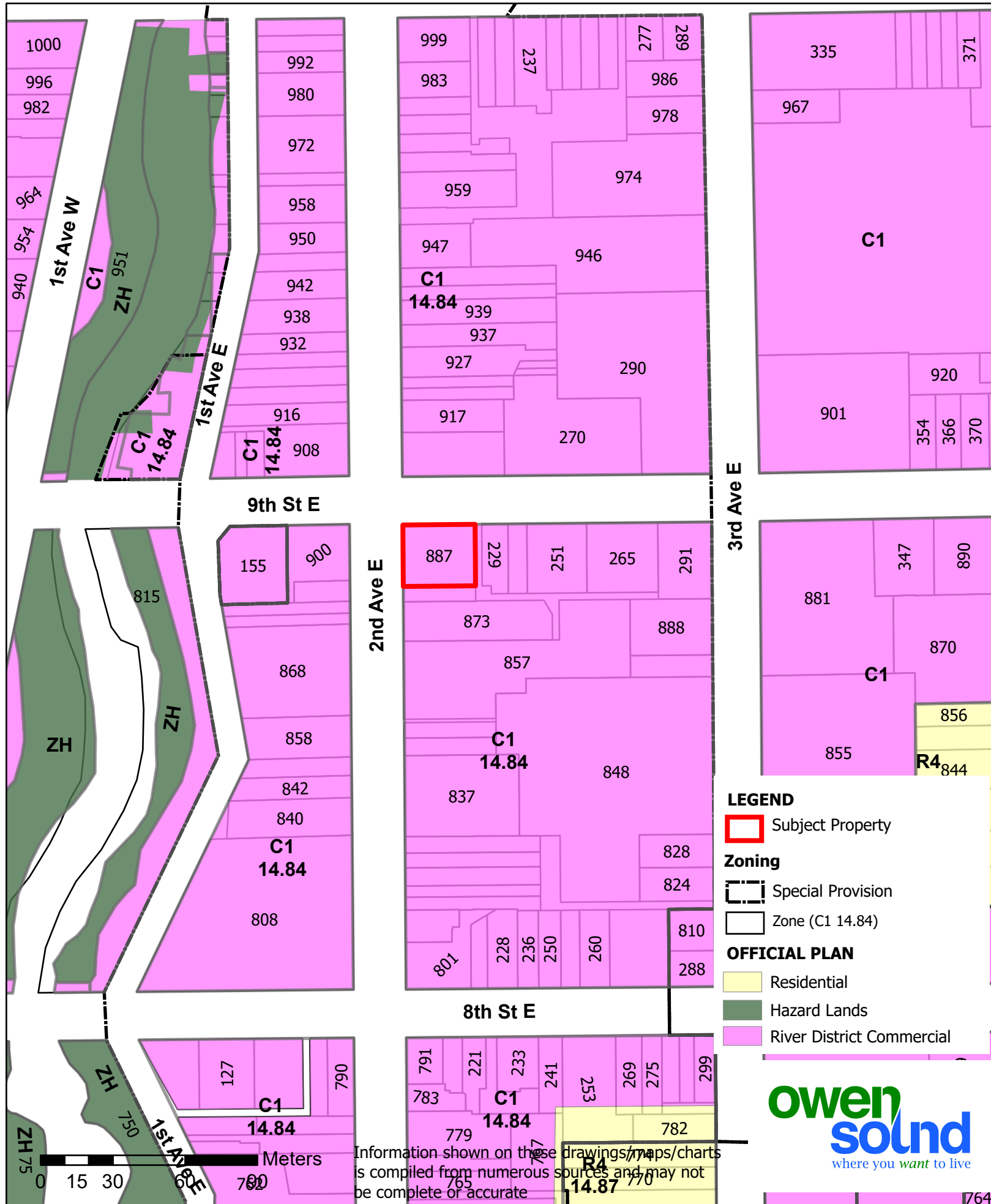
Pamela Coulter, BA, RPP, Director of Community Services

For more information on this report, please contact Sabine Robart, Manager of Planning & Heritage, at srobart@owensound.ca or 519-376-4440 ext. 1236.

Schedule 'A': Orthophoto



Schedule 'B': Planning Policy

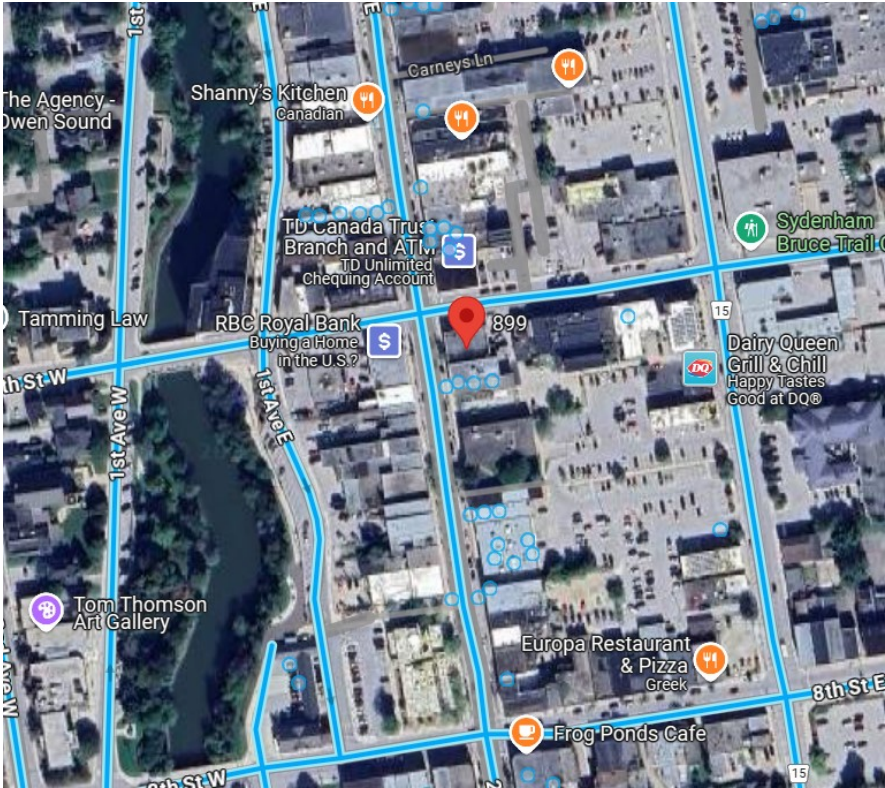


SCHEDULE C

PROPERTY DETAILS

Property Information	Detail	
Civic Address	899 2 nd Ave E Former BMO Building	887 2 nd Ave E
Roll Number	425904003008200	
Legal Description	PLAN OWEN SOUND PT LOT 7 E POULETT ST RP 16R6943 PARTS 1 AND 2	
Site Frontage	16.67 m	10.19 m
Site Depth	31.08 m	30.49 m
Site Area	551.48 sq m	365.79 sq m
Existing Structures	Two storey commercial building	Two storey commercial building
Road Access/Frontage	2 nd Ave E	2 nd Ave E
Available Servicing	Detail	
Potable Water	<p>The City has a 400 mm Ø PVC watermain (Municipal Pressure Zone), a 300 mm Ø PVC wastewater main, and a 450 mm Ø PVC stormwater main fronting the proposed retained and severed lots, located in 2nd Avenue East.</p> <p>The City has a 150 mm Ø cast iron watermain (Municipal Pressure Zone), a 600 mm by 900 mm Ø brick wastewater main, and a 1200 mm Ø concrete stormwater</p>	
Wastewater		
Stormwater		

Property Information	Detail
	main fronting the proposed severed lot, located in 9th Street East.
Planning Policy	Detail
County of Grey Official Plan	Primary Settlement Area
City of Owen Sound Official Plan	River District Commercial
City of Owen Sound Zoning By-law 2010-078, as amended	Core Commercial (C1)



899 & 877 2ND AVE EAST

Sheet List

Sheet Number	Sheet Name
A100	COVER
A102	GENERAL NOTES
A103	SITE PLAN
A104	EXISTING BASEMENT PLAN
A106	EXISTING GROUND FLOOR
A107	EXISTING SECOND FLOOR

AX

ARCH X INC.

Qualification Information
Required unless design is exempt
under Division C, Subsection 3.2.5 of
the building code

The undersigned has reviewed and
takes responsibility for this design
and has the qualifications and
meets the requirements set out in
the Ontario Building Code to be a
Designer

899 2nd avenue east

PROJECT

DRAWING TITLE

COVER

DATE 2025-1-10

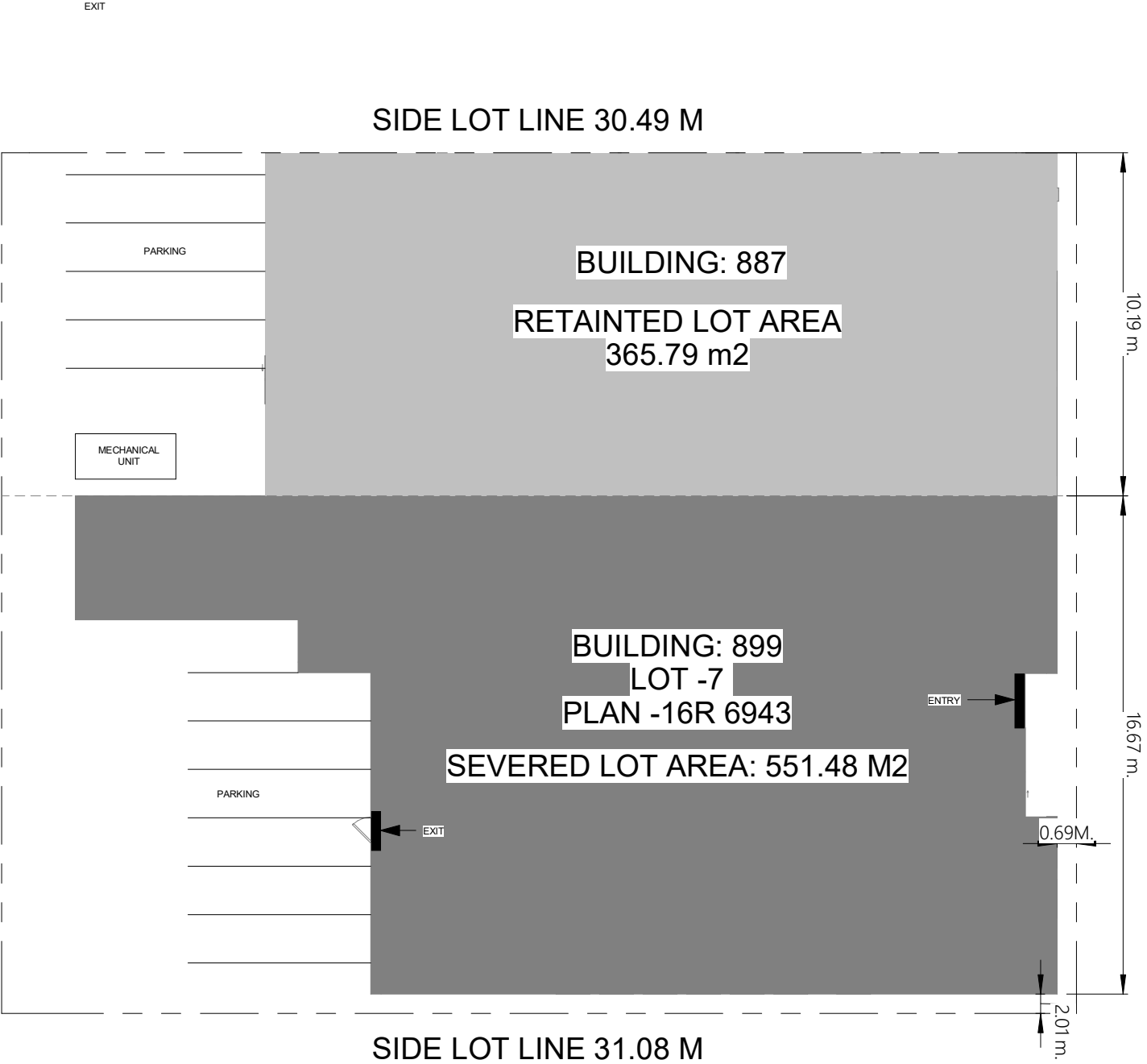
SCALE

JK

DRAWN BY

A100

DRAWING NO



2ND AVENUE EAST

9TH AVENUE EAST

SITE STATISTIC

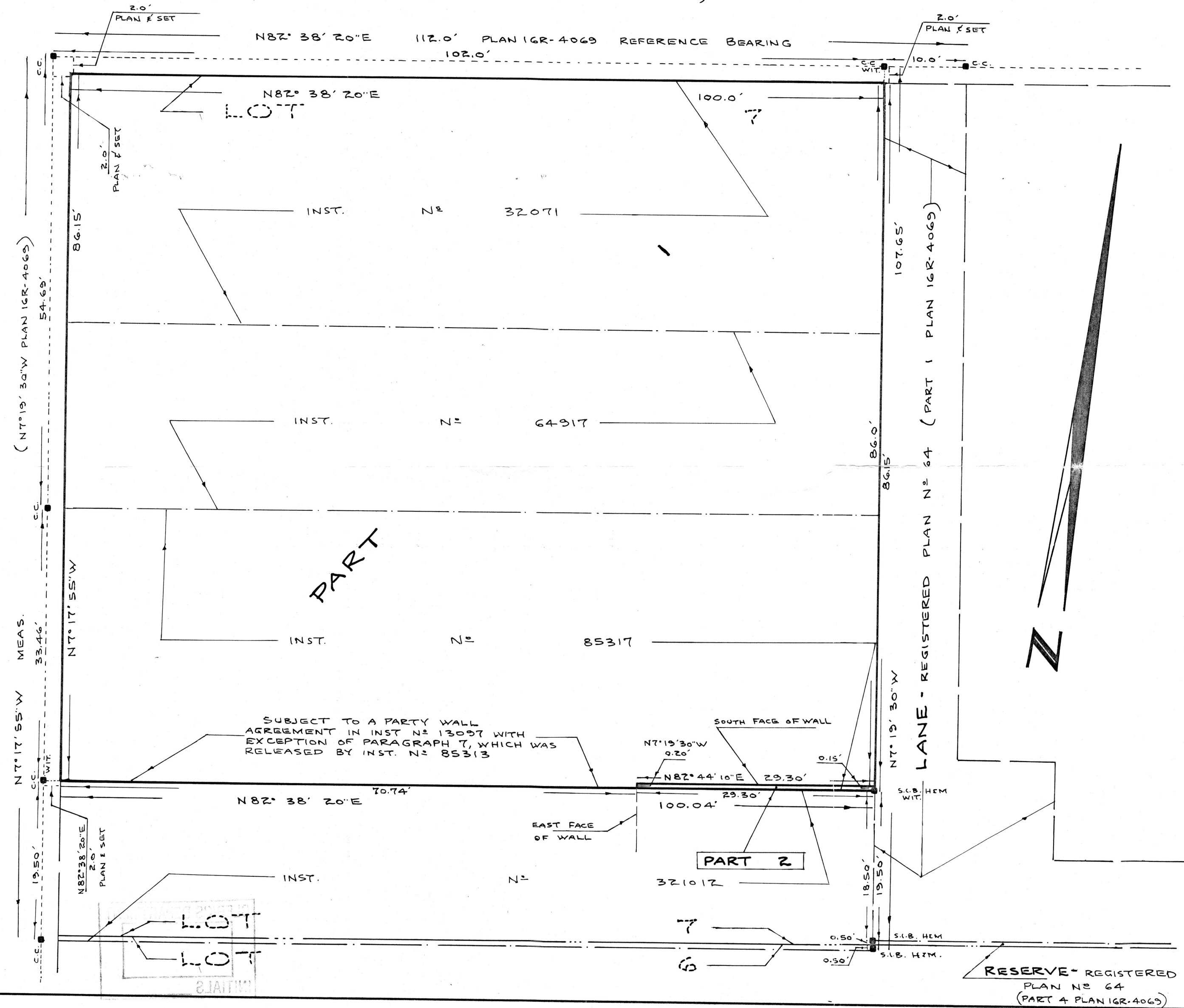
COMBINED LOT AREA: 917.27 M2

1 SITE PLAN
SCALE: 3/16" = 1'-0"

<div>AX</div> <div>ARCH X INC.</div>	<div>Qualification Information</div> <div>Required unless design is exempt under Division C, Subsection 3.2.5 of the building code</div>	<div>The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer</div>		<div>899 2nd avenue east</div> <div>PROJECT</div> <div>SITE PLAN</div>	<div>DATE</div> <div>2025-1-10</div>	<div>A103</div> <div>DRAWING NO</div>
					<div>SCALE</div> <div>1/16" = 1'-0"</div>	
					<div>JK</div> <div>DRAWN BY</div>	

BAKER STREET - TOWNPLOT OF SYDENHAM
(9TH STREET EAST)

POULETT STREET - TOWNPLOT OF SYDENHAM
(2ND AVENUE EAST)



I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE
REGISTRY ACT.

DATE FEBRUARY 23RD 1998

J.C. Milne
J.C. MILNE

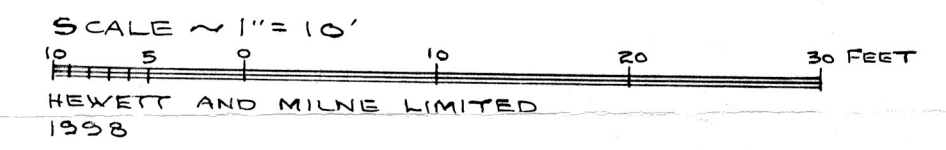
PLAN 1GR-6943
RECEIVED AND DEPOSITED

DATE 98/02/23

C. Whitmore-Caldwell Asst.
DEPUTY LAND REGISTRAR
FOR THE REGISTRY DIVISION
OF GREY (N° 16)

SCHEDULE				
PART	LOT	LOCATION	INST. N°	AREA
1	PART OF LOT 7	EAST OF POULETT STREET	ALL OF INST. N° 32071 & 64917 AND PART OF INST. 85317	0.198 ACRES
2			PART OF INST. N° 85317	5.13 SQ. FEET

PLAN OF SURVEY
OF PART OF
LOT 7
EAST OF POULETT STREET
CITY OF OWEN SOUND
COUNTY OF GREY



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 21ST DAY OF JANUARY 1998

FEBRUARY 20TH 1998

J.C. Milne
J.C. MILNE O.L.S.

NOTE

BEARINGS ARE DERIVED FROM THE 2.0' OFFSET LINE ON 9TH STREET EAST, SAID LINE SHOWN AS N82° 38' 20" E, ASTRONOMIC, ON PLAN 1GR-4069.
H.M. ~ DENOTES HEWETT AND MILNE LIMITED, ONTARIO LAND SURVEYORS.
WIT. ~ DENOTES WITNESS.
C.C. ~ DENOTES CUT CROSS.
PLAN ~ DENOTES PLAN 1GR-4069

IMPERIAL: DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

SCHEDULE E

DRAFT CONDITIONS OF APPROVAL

1. That the applicant submit to the Secretary-Treasurer of the Committee of Adjustment a legal description of the subject lands which will meet the requirements of the Registrar and request in writing (either through presentation of deeds for stamping or a written statement) from the Secretary-Treasurer of the Committee of Adjustment a certificate of consent, provided however that before the said certificate is issued, any other conditions imposed by the committee have been fulfilled to the satisfaction of the Secretary-Treasurer.
2. That a survey prepared by a qualified land surveyor be provided confirming the actual lot configuration corresponds with the intent of the consent application to the satisfaction of the Community Services Department (Planning Division).
3. That the applicant provide to the Secretary-Treasurer a tax certificate prepared by the City's Financial Services Department (Tax Division) indicating that property (and business) tax installments levied and due on the subject lands are paid in full as of the day of issuance of the certificate of consent.
4. That the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) that servicing arrangements acceptable to the City have been made for each of the separate lots (execution of a Special Services Application between the Owner and the City may be required) and payment of servicing charges and fees, if applicable.

This will require the Owner to confirm to the City that, based on the proposed retained and severed lots, separate municipal services are available and connected to each of the buildings.
5. The applicant provides the Secretary-Treasurer written confirmation from the City's Building Department that the following Building Safety conditions have been completed to the satisfaction of the Chief

Building Official as evidenced by a Building Permit Final Inspection Report as per the Ontario Building Code:

- a. Construction of a 2-hour firewall as per 3.1.10 under a Building Permit between the severed and retained portions of the building designed by a qualified Engineer.
- b. Construction and alterations under a Building Permit stamped by an Architect and Engineer to create the required fire separations and other life safety requirements of the dwelling units constructed without a Building Permit (see Order to Comply issued Sept 27th, 2024) or the removal of all residential spaces and /or dwellings from any portion of the retained or severed building under a Building Permit.
- c. Installation of separate municipal connections, if not existing, for the severed portion under a Site Servicing Agreement through the Engineering Division
- d. Separation of building services and fire protection systems under a Building Permit.
- e. Separation of electrical systems under an ESA permit with the final report being provided to the Building Division prior to occupancy of the severed and retained portions of the building.

SCHEDULE F

Agency Comments

City of Owen Sound Engineering & Public Works Department – March 14, 2025

City of Owen Sound Building Division – March 12, 2025

County of Grey – March 17, 2025

Staff Report

Engineering Services Division
Public Works & Engineering Department



Date: 2025 March 14

Application: B03/2025

To: Allison Penner, Secretary-Treasurer, Committee of Adjustment
Sabine Robart, Manager of Planning and Heritage
Pam Coulter, Director of Community Services
Lara Widdifield, Director of Public Works & Engineering

From: Matthew Pierog, Engineering Technologist

Subject: Application for Consent to Sever – Engineering Review

Municipal Address: 887 & 899 2nd Avenue East

Assessment Roll: 425904003008200

Legal Description: PLAN OWEN SOUND PT LOT 7 E POULETT RP 16R6943

Applicant: Jugraj Kang (S & S Can Holding Inc.)

Background:

The subject lands contain two buildings which were formerly located on two separately conveyable parcels:

1. The former Bank of Montreal building located at 899 2nd Avenue East; and,
2. The adjacent two-storey building to the south at 887 2nd Avenue East.

The application proposes severing the subject lands to recreate the original lot fabric and locate each building on a separate parcel.

The severed lot (BMO building at 899 2nd Avenue East) is proposed to have approximately 16.67 m of frontage on 2nd Avenue East, 31.08 m of depth, and 551.48 square metres of lot area. The retained lot (887 2nd Avenue East) is proposed to have approximately 10.19 m of frontage on 2nd Avenue East, 30.49 m of depth, and 365.79 square metres of lot area.

Recommendation:

Further to our review of the above noted application, the Public Works and Engineering Department recommends approval by the Committee of Adjustment subject to the following conditions:

1. That the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) that servicing arrangements acceptable to the City have been made for each of the separate lots (execution of a Special Services Application between the Owner and the City may be required) and payment of servicing charges and fees, if applicable.
 - a. This will require the Owner confirming to the City that there are separate municipal services available and connected to each of the buildings, based on the proposed retained and severed lots.

Analysis:

Site Access:

The existing lot (887 & 899 2nd Avenue East) front on both 2nd Avenue East and 9th Street East, which are improved municipal roads, and classified as a Local Road and Collector Road, respectively. Additionally, there is a Rear City Lane (approx. 3 m in width) abutting the eastern property line of the site – which appears to provide vehicular access to the rear of the lot.

The access to the existing site appears to be unchanged as a part of the Consent Application – which is proposed to continue from the Rear City Lane to the east of the proposed properties.

Parking:

Based on a review of available records and an aerial photo (Google, 2025), the submitted Site Plan appears conceptual, as the City's Rear Lane appears to be incorporated as part of the property, and the parking stalls do not line up with the existing arrangements. It is noted that this City Lane is separate from the private property, and the proposed parking stall dimensions on the Site Plan do not meet the City's minimum standard parking stall dimensions (2.65 m wide and 6.0 m in length), nor include barrier free parking.

As this is a technical Consent Application, and the existing 'parking area' at the site is being left 'as-is', there are no further parking requirements at this time, however, parking on the City Lane will remain prohibited.

Site Servicing:

The City has a 400 mm Ø PVC watermain (Municipal Pressure Zone), a 300 mm Ø PVC wastewater main, and a 450 mm Ø PVC stormwater main fronting the proposed retained and severed lots, located in 2nd Avenue East.

The City has a 150 mm Ø cast iron watermain (Municipal Pressure Zone), a 600 mm by 900 mm brick wastewater main, and a 1200 mm Ø concrete stormwater main fronting the proposed severed lot, located in 9th Street East.

ESD does not have enough information to confirm that each of the buildings (as per the proposed retained and severed lot lines) are individually serviced to municipal water, wastewater and stormwater mains. The applicant will be required to ensure that both the retained and severed lots (and associated buildings) can function independently (separate services), which may involve the use of a Special Services Application (SSA) for installing additional services to the lot line.

Based on a review of available records, the building located on the proposed 'retained lot' (887 2nd Avenue East) appears to have a water, wastewater and stormwater lateral to the property line, while the proposed 'severed lot' appears to have a water service lateral to the property line.

The applicant is to be aware that a SSA will be required for infrastructure improvements off-site (i.e. wastewater, stormwater and water service lateral connections) to support the retained and severed lots, as a condition of the Consent Application. The City can provide available documentation (i.e. plan & profiles) for 2nd Avenue East and 9th Street East in this area of the City, upon request.

Sizing of the services are the responsibility of the applicant, which may require the use of a qualified person for preparing a servicing design, and coordination with the City's Building's Division.

Road Widening:

The City will not require a road allowance widening at this time, as the property is located within the City's River District.

Grading, Drainage & Stormwater Management:

The proposed lots appear to have a positive stormwater outlet available (stormwater infrastructure located within the City's Road Allowance and Rear Laneway), which may be utilized by existing drainage pattern.

The overall grading, drainage and stormwater management at the properties must conform to Section 2.2.2 of By-law 1999-030; the City of Owen Sound Property Standards By-law, which require each lot to function independently upon severance.

The ESD is not aware of any existing SWM issues at the site.

Fees:

Based on the Consent Application, and the historical lot being two (2) separate parcels, the applicant will not be required to pay frontage fees at this time.

The Engineering Review Fee will be \$447.00 for a Consent to Sever Application.

Consultation:

This document incorporates comments from all divisions of the Public Works and Engineering Department. The comments provided above were based on the City's most recent Engineering Standards and the records available at the time of preparation of this report. The comments provided do not preclude the applicant's responsibility for meeting all applicable laws, regulations and standards, or provide any assurances.

Prepared By: Matthew Pierog, P.Eng.



Reviewed By: Chris Webb, P.Eng.



Staff Report

Building Division

ROLL NO.: 4259 040 030 08200

DATE: MAR 12, 2025

TO: ALLISON PENNER, DEPUTY CLERK

FROM: NIELS JENSEN, BUILDING OFFICIAL

SUBJECT: CONSENT APPLICATION FOR 899 AND 887 2ND AVE EAST

PLANNING FILE: B03-2025

MUNICIPAL ADDRESS: 899 & 887 2ND AVE EAST

**LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 7 E/POULETT ST
RP 16R6943 PARTS;1 AND 2**

APPLICANT: JUGRAJ KANG

BACKGROUND: The subject lands contain two buildings which were formerly located on two separately conveyable parcels:

1. The former Bank of Montreal building located at 899 2nd Ave E; and,
2. The adjacent two-storey building to the south at 887 2nd Ave E.

The application proposes severing the subject lands to recreate the original lot fabric and locate each building on a separate parcel. The severed lot (BMO building at 899 2nd Ave E) is proposed to have approximately 16.67 m of frontage on 2nd Avenue East, 31.08 m of depth, and 551.48 square metres of lot area. The retained lot (887 2nd Ave E) is proposed to have approximately 10.19 m of frontage on 2nd Avenue East, 30.49 m of depth, and 365.79 square metres of lot area.

ANALYSIS: This document incorporates comments from the Building Division of the Community Service Department.

The above noted site plan has been reviewed using the requirements from the Ontario Building Code and related City and County By-laws. The following comments reflect the results of the review:

- All construction to be in accordance with either the Ontario Building Code or successor legislation in place at the time of building permit application.

- The payment of permit fees, City, County and site specific Development Charges will be due upon the issuance of a building permit.

DETAILED REVIEW: Documents reviewed in conjunction with this application are:

- *Ontario Building Code 2025*
 - *A, C, & D*
- *City of Owen Sound Development Charges By-law*
- *County of Grey Development Charges By-laws*

The Building Division has the following conditions that would be required to safely separate the existing building into separate buildings to permit severance of the lot.

- Construction of a 2-hour firewall as per 3.1.10 under a Building Permit between the severed and retained portions of the building designed by a qualified Engineer.
- Construction and alterations under a Building Permit stamped by an Architect and Engineer to create the require fire separations and other life safety requirements of the dwelling units constructed without a Building Permit (**see Order to Comply issued Sept 27th, 2024 attached**) or the removal of all residential spaces and or dwellings from any portion of the retained or severed building under a Building Permit.
- Installation of separate municipal connections, if not existing, for the severed portion under a Site Servicing Agreement through the Engineering Division
- Separation of building services and fire protection systems under a Building Permit.
- Separation of electrical systems under an ESA permit with the final report being provided to the Building Division prior to occupancy of the severed and retained portions of the building.

The Building Department has the following additional comments for the applicant to be aware of noting that the buildings must comply with the

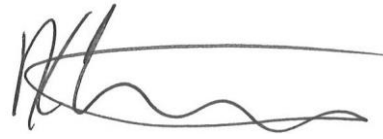
Ontario Building Code in effect at the time of application and City By-laws, including but not limited to, the following:

- Design to meet the requirements of Barrier Free Design as per 3.8 & Part 11.
- Ensure backflow prevention installed on potable water lines
- Sanitary sewer to be protected by a back water valve
- Rain leaders to be disconnected from sanitary drains/sewer and connected to stormwater sewer if not already completed.
- Permit drawings to include mechanical (plumbing, HVAC), structural, electrical, architectural details including fire separations between units, floors, exits and occupancies meeting the requirements of the OBC to be done by an Architect and Engineer.
- Building/Demolition permit(s) may be revoked if construction not started with 6 months of permit issuance or if construction is substantially halted, suspended, or discontinued for a period of over one year.
- Fees and charges are to be paid at the rate current at time of building permit issuance. The following estimated rates would apply if permit applied for in **2025 (rates subject to change based on Fees and Charges By-law)**:
 - Building permit of \$9.92 per m² of gross floor area of commercial construction (min \$240) plus Admin Fee of \$110.25 per commercial unit.
 - Building Permit of \$15.56 per m² of gross floor area of residential construction (min \$120) plus Admin Fee of \$55.13 per unit.
 - City of Owen Sound Development Charges, if applicable
 - County of Grey Development Charges, if applicable

Submitted by: Niels Jensen



Reviewed by: Kevin Linthorne, CBO

A handwritten signature in dark ink, appearing to be 'KL' followed by a long horizontal line and a wavy flourish underneath.



Order to Comply

Pursuant to Subsection 12(2) of the *Building Code Act, 1992*

Owen Sound City Hall, 808 2nd Ave East, Owen Sound, ON, N4K 2H4
519-376-4440, ext. 1231 / building@owensound.ca / www.owensound.ca/building

Address to which Order applies:

**899 2nd Ave East
OWEN SOUND, ON, N4K 2H2**

Date Order issued:

Sept 27th, 2024

Application/Permit Number: -N/A-

Order issued to (name and address):

**S&S Can Holdings Inc.
Shahid M. Awan
67 Song Bird Drive
Markham, ON, L3S 3T9**

1. **Sarfaraz Sarfaraz
899 2nd Ave East
Owen Sound, ON, N4K 2H2
(Sarfaraz_sep@yahoo.com)**

The inspection on or about **Sept 27th, 2024**, at the above-referenced address found the following contravention(s) of the Building Code or the *Building Code Act, 1992*.

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or by **October 11th, 2024**.

Item	Reference	Description and location	Required action and compliance date
1	Building Code Act 8(1)	No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued.	Obtain a permit for construction and/or demolition prior to continuance of construction and/or demolition. Drawings to be done by an Architect and Engineer.
2	Building Code Act 10(1)	Even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in the increase in hazard, as determined in accordance with the Building Code.	Obtain a Change of Use permit for the conversion of any spaces that have been converted to residential occupancy. Drawings to be done by an Architect and Engineer. Permit applications to be submitted via ca.cloudpermit.com

Order issued by:

Name: **Niels Jensen**

BCIN: **107612**

Signature: _____

Telephone no.: **(519) 376-4440, ext. 1257**

Contact name: **Emily Carter**

Contact Telephone no.: **(519) 376-4440, ext. 1231**

Notes:

- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [*Building Code Act, 1992 s. 20*]
- An Order may be appealed to the Superior Court of Justice. [*Building Code Act, 1992 s. 25*]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [*Building Code Act, 1992 s. 24*]
- Failure to comply with this Order is an offence which could result in a fine. [*Building Code Act, 1992 s.36*]
- Failure to comply with this Order could result in a Stop Work Order. [*Building Code Act, 1992 s. 14*]
- No construction affected by this Order is to be covered or enclosed until inspected and approved. [*Building Code Act, 1992 s. 13.1*]

From: planning@grey.ca
To: [Briana Bloomfield](#); [Desiree van Dijk](#); [OS Planning](#); [Staci Landry](#); [Allison Penner](#)
Subject: County comments for B03.2025 Kang
Date: March 17, 2025 2:24:48 PM

External sender <planning@grey.ca>

Make sure you trust this sender before taking any actions.

County comments for B03.2025 Kang

Hello Owen Sound,

Please note that Grey County is taking steps to streamline development review by limiting comments on some planning applications. This includes **all** minor variances and site plan applications, except where connected with a County application. In addition, within settlement areas, County staff may limit comments on zoning by-law amendments and consents.

As such, a formal planning review of the subject application has not been undertaken. Please be advised that planning decisions shall conform with the County's Official Plan and County planning staff can assist with specific questions in this respect.

Grey County Planning Ecology staff have reviewed the application and have no concerns.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Derek McMurdie