Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

2026 CanLII 30974 (ON LT)

ISSUE DATE: April 01, 2026 **CASE NO(S).:** OLT-25-000887

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Appellant	Jagdeep Singh
Subject:	Minor Variance
Description:	To permit the addition of an additional parking
Reference Number:	A94/25
Property Address:	422 Cooper Street
Municipality/UT:	Cambridge/Waterloo
OLT Case No:	OLT-25-000887
OLT Lead Case No:	OLT-25-000887
OLT Case Name:	Singh v. Cambridge (City)

Heard: March 12, 2026 by video hearing

APPEARANCES:

Parties	**Representative**
Jagdeep Singh	Self-represented
City of Cambridge	Did not attend

DECISION DELIVERED BY A. SNOWDON AND ORDER OF THE TRIBUNAL

Link to Order

INTRODUCTION

2026 CanLII 30974 (ON LT)

[1] The matter before the Tribunal concerns an appeal filed pursuant to s. 45(12) of the *Planning* Act, R.S.O. 1990, c.P.13 ("Act") by Jagdeep Singh ("Applicant") regarding the decision of the City of Cambridge ("City") Committee of Adjustment ("CoA") to deny the Minor Variance ("MV") application for the property known as 422 Cooper Street in the City of Cambridge ("Subject Property").

[2] The Subject Property is located on the western side of Cooper Street, between Winston Boulevard and Brewster Place, in the City of Cambridge. The Subject Property is irregularly shaped with a frontage of 15 metres ("m") and a lot area of 565 square metres. The Subject Property contains a two-storey detached dwelling. The surrounding lands are primarily low-rise residential with detached dwellings.

[3] The Applicant requested a minor variance from Zoning By-law No 150-85 ("ZBL") for a change in the maximum driveway width and a reduction in front yard landscaped open space.

[4] The City Staff Planning Report, dated November 12, 2025, recommended that the MV be denied citing the following rationale:

> Staff noted the proposed driveway width of 9.45 metres would occupy roughly 63% of the front yard, leaving 37% available for landscaping.

[5] The City Staff suggested that if the CoA decided to approve the MV Application, they should apply the following conditions:

> a. That the additional driveway width shall be no more than 8m of the total lot frontage;
> b. That at least 45% of the front yard shall be maintained as landscaped open area as defined in Zoning By-law 85150; AND
> c. That only a single driveway is permitted on the subject property.

[6] On November 12, 2025, the CoA denied the MV application citing the following rationale:

> The Committee considered staff's recommendation, as well as oral and/or written comments from the applicant and/or delegates. The application is refused, as it is the opinion of the Committee that the proposed variance is not minor in nature, does not maintain the general intent and purpose of the Official Plan and Zoning By-law and is not an appropriate development of the subject property.

2026 CanLII 30974 (ON LT)

STATUS REQUESTS

[7] The Tribunal did not receive any Party status requests prior to or during the hearing.

[8] The Tribunal received two Participant status requests prior to the hearing from Brad Mercer and Edita Svoboda. Brad Mercer submitted a statement indicating that the proposed MVs would cause disruption due to construction noise and duration as well as concern that the Applicant would build without a permit. Edita Svoboda submitted a statement in support stating that the MVs are appropriate for the size of the dwelling.

EVIDENCE

[9] The Applicant did not submit any evidence aside from what was in their appeal application. He spoke as a lay-witness on the facts of the matter.

[10] The City did not attend the hearing nor provide any evidence.

VARIANCES REQUESTED

[11] The Applicant has appealed the CoA decision and requested the following relief:

a. Relief from Section 2.2.2.3 of the ZBL, Location of Parking Facilities –

to permit an increased driveway coverage of 9.45 m where a maximum of 7.0 m is permitted.

b. Relief from Section 3.1.1.4 of the ZBL, Landscaped Areas – to permit a reduction of front yard landscaped open space of 37% where a minimum of 45% of the area is permitted.

2026 CanLII 30974 (ON LT)

SECTIONS 2 AND 3(5) OF THE *PLANNING ACT*

[12] The Tribunal must have regard to matters of Provincial interest as set out in s. 2 of the Act when making a decision regarding an MV application. Under s. 3(5) of the Act, the Tribunal's decision on the MV must be consistent with the Provincial Planning Statement, 2024 ("PPS").

[13] The Applicant stated that the MVs are to support a new rental space in the existing dwelling. He stated that the MV has regard for matters of Provincial Interest and is consistent with the s. 2.2 of the PPS by increasing the amount of available housing in the Province.

SECTION 45(1) OF THE *PLANNING ACT*

[14] When considering a proposed variance, the Tribunal must consider each of the four elements set out in s. 45(1) of the Act, to determine if the requested variance:

1. maintains the general intent and purpose of the Official Plan ("OP");
2. maintains the general intent and purpose of the Zoning By-law;
3. is desirable for the appropriate development or use of the land; and
4. is minor in nature.

[15] The Applicant bears the onus of demonstrating that the four tests, as set out in s. 45(1) of the Act, have been met.

General Intent and Purpose of the City of Cambridge Official Plan

[16] The Applicant stated that the OP promotes having a range of housing. The MVs will support the new rental space in the existing dwelling.

General Intent and Purpose of the Zoning By-law

[17] The Applicant could not explain how the MVs would meet the intent and purpose of the Zoning By-law.

Desirable for the Appropriate Development or the Use of Land

[18] The Applicant stated that the MVs are an appropriate use of the land because the parking space would facilitate an increase in much needed housing. He stated that he has interest in the rental space already and the construction has not been completed.

[19] The Applicant indicated that the additional parking space would occupy the existing walkway and would not remove any open landscaped area from the Subject Property.

Is Minor in Nature

[20] The Applicant stated that this is minor even though the City does not agree. As the parking spot would use the existing walkway, no additional development is required. He stated that he did not foresee concerns for safety to pedestrians or on-coming traffic. He did not provide expert submissions to support this.

2026 CanLII 30974 (ON LT)

2026 CanLII 30974 (ON LT)

REGARD FOR PARTICIPANT STATEMENTS

[21] The statement from Brad Mercer raised concerns that expanding the driveway would make their whole front yard '*mainly a parking lot*'. His concerns regarding property values are not relevant planning issues. He had additional concerns regarding construction noise and mess based on the last time the Applicant extended the driveway. These are also not relevant planning issues for the Tribunal to consider.

[22] The statement from Edita Svoboda indicated support for approving the MV as the extra parking spot is appropriate to the size of the Applicant's dwelling. She stated that the extra parking spot will not impact their front yard, the '*sizeable front porch*', or '*seating area with plenty of curb appeal*'. She applauded the Applicant's efforts to improve their home and the street. Her comments about the increase in property value are not planning issues for the Tribunal to consider.

REGARD FOR COMMITTEE OF ADJUSTMENT DECISION

[23] The materials before the CoA included a City Staff Report that recommended refusal of the MVs. However, the Staff Report proposed that if the CoA were to approve the MVs, they should limit the new driveway width to 8 m in order to preserve the 45% open space landscaping required in s. 3.1.1.4 of the Zoning By-law.

[24] The Applicant confirmed this but stated that 8 m would not be wide enough to accommodate an additional vehicle in the driveway.

FINDINGS

[25] The Tribunal finds that the requested variances have regard for matters of Provincial interests expressed in s. 2 of the Act and are consistent with the PPS.

[26] As for the four tests under s. 45(1) of the Act, the Tribunal finds that:

a. The MVs meet the intent and purpose of the OP;
b. The MVs do not meet the intent and purpose of the Zoning By-law;
c. The MVs are appropriate for the use of the land; and
d. The MVs are minor.

[27] The Tribunal finds that the MVs do meet the intent and purpose of the OP with respect to facilitating an increase in housing, however it does not meet the intent and purpose of the ZBL. The ZBL clearly states that driveway width should not exceed 7m and that the landscaped open area of the property should be a minimum of 45% of the front yard. The Applicant was not able to justify how the proposed MVs were inline with the ZBL.

[28] The MVs are desirable for the appropriate use of the land in order to help facilitate the Province's goal of increasing available housing. It would not be minor if the driveway required modification, , however, the proposed MVs seek to use the already paved walkway. This could be considered minor.

[29] The tests to be met under s. 45(1) of the Act are conjunctive. Therefore, if any test fails, they all fail.

[30] Regarding the Participant statements, the Tribunal finds that property value and construction 'mess' concerns are not appropriate planning issues. The statement regarding the availability of open space is a relevant planning issue.

[31] With regard to the recommendations in the City Staff report, the Tribunal agrees that the property should maintain the 45% landscaped open area.

2026 CanLII 30974 (ON LT)

ORDER

[32] **THE TRIBUNAL ORDERS THAT** the appeal is dismissed and the variances to By-law No. 150-85 are not authorized.

2026 CanLII 30974 (ON LT)

"A. Snowdon "

A. SNOWDON
MEMBER