



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CONSENT

(Section 53 of the *Planning Act*)

Date of Decision:	October 14, 2022
File No.:	D08-01-22/B-00255
Owners:	Claridge Homes Merivale Inc.
Location:	1695 Merivale Road
Ward:	9 - Knoxdale-Merivale
Legal Description:	Part of Lot 31, Concession A (Rideau Front), Geographic Township of Nepean; Parts 2 and 3 on Plan 4R-19368
Zoning:	AM10 H(34)
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **October 5, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION

At its Hearing on February 5, 2020, the Committee granted provisional consent for a Long-Term Lease in Excess of 21 years. The conditions of provisional consent were not fulfilled within the required statutory timeline. The Owner wants to proceed with a revised application to extend a lease, in excess of 21 years, for a one-storey retail building located on the eastern portion of the property.

CONSENT IS REQUIRED FOR THE FOLLOWING

The Owner requires the Consent of the Committee for a Long Term Lease in excess of 21 years.

The leased lands are shown as Parts 2 and 3 on Plan 4R-19368 filed with the application, and have a frontage of 56.38 metres on Merivale Road, a depth of 154.07 metres and a lot area of 3,500 square metres (0.35 hectares). This parcel contains a one-storey commercial building located on the eastern portion of the property as well as the associated surface parking.

The remainder of the lands, shown as Part 4 on 4R-19368, contain an existing one-storey commercial retail building that is not subject to the proposed long-term lease.

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

The Panel Chair administered an oath to Vincent Denomme, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

The Committee confirmed that the notice should be amended as follows:

The leased lands are shown as Parts 2 and 3 on Plan 4R-19368 filed with the application, ~~with~~ **and have** a frontage of 56.38 metres **on** Merivale Road, ~~to a~~ depth of 154.07 metres and ~~will contain a~~ lot area of **3,500 square meters** (0.35 hectares). This parcel contains a one-storey commercial building located on the eastern portion of the property as well as the associated surface parking.

The remainder of the lands ~~contain a one-storey commercial retail building,~~ shown as Part 4 on 4R-19368, **contain an existing one-storey commercial retail building that is not subject to the proposed long-term lease** ~~located on the western portion of the property.~~

With the concurrence of all parties, the application was amended accordingly.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

The Committee considered any written and oral submissions relating to the application in making its Decision.

Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The Committee notes that the City's Planning Report raises "no concerns" regarding the application.

Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. The Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety. Additionally, the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Moreover, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.

The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a two-year period from the date of this Decision:**

1. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
2. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for a Conveyance for which the Consent is required.

The Consent lapses two years from the date of this Decision.

All technical studies must be submitted to Planning, Real Estate and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of

Adjustment by **November 3, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

NOTICE TO APPLICANT

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-01-22/B-00255
Owner / Propriétaire: Claridge Homes Merivale Inc.
Location / Emplacement: 1695 Merivale Road

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

Absent / Absente

**KATHLEEN WILLIS
MEMBER / MEMBRE**

Absent / Absent

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

“John Blatherwick”

**JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

Date of Decision / Date de la décision
October 14, 2022 / 14 octobre 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier