



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CONSENT

(Section 53 of the *Planning Act*)

File No.:	D08-01-22/B-00248 to D08-01-22/B-00250
Owner(s):	10467103 Canada Inc.
Location:	2940 Baseline Road
Ward:	8 - College
Legal Description:	Lot 35 Concession 3 and Part of Road Allowance between Concession 2 (Ottawa Front) and Concession 3 (Rideau Front), Former Township of Nepean
Zoning:	GM [2138] S325
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **September 7, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its Hearing on January 16, 2019, and again on September 2, 2020, the Committee granted Consent Applications to subdivide the property into three separate parcels of land. The applications were not completed within the required statutory timelines. The Owner now wants to proceed with revised applications to subdivide the property into three separate parcels of land and to develop the property in three phases. A 13-storey building is currently under construction as Phase 1 (on the northern parcel fronting on Baseline Road), a 16-storey building is proposed as Phase 2 (on the middle parcel) and a 10-storey building is proposed as Phase 3 (on the southern parcel).

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances and Grants of Easements/Rights-of-Ways.

The property is shown as Parts 1 to 13 on Plan 4R-34675 filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00248	0 m	Irregular	4,055 sq. m	1, 2, 3 & 4	2940 Baseline Road (Phase 3 - southern parcel)
B-00249	0 m	Irregular	3,516 sq. m	5, 6, 7, 8 & 9	2942 Baseline Road (Phase 2 - middle parcel)
B-00250	67.2 m (Baseline Road)	Irregular	4,358 sq. m	10, 11, 12 & 13	2944 Baseline Road (Phase 1 - northern parcel)

The following easements are proposed:

Application B-00248 –

Over Parts 1 and 2 for right-of-way purposes in favour of Parts 5, 6, 7, 8, 9, 10, 11, 12, and 13 and over Part 3 for access and egress to parking garage in favour of Parts 5, 6, 7, 8, 9, 10, 11, 12, and 13.

Application B-00249 –

Over Parts 5 and 7 for access and egress into a parking garage in favour of Parts 1, 2, 3, 4, 10, 11, 12, and 13 and over Parts 8 and 9 for right-of-way purposes in favour of Parts 1, 2, 3, 4, 10, 11, 12, and 13.

Application B-00250 –

Over Part 11 for access and egress into parking garage in favour of Parts 1, 2, 3, 4, 5, 6, 7, 8, and 9, over Part 12 for right-of-way purposes in favour of Parts 1, 2, 3, 4, 5, 6, 7, 8, and 9 and over Part 13 for accessible parking in favour of 2946 Baseline (Parts 1, 2, 3, 4, 5, and 17 of 4R-32579).

The applications indicate that previously approved easements for right-of-way and maintenance purposes and a Joint-Use and Maintenance Agreement have been successfully registered.

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

PUBLIC HEARING:

The Chair administered an oath to Thomas Freeman, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Freeman,

who appeared along with Timothy Beed, also representing the Owner, provided the Committee with a brief presentation.

The Committee also heard from Cass Sclauzero of the City's Planning, Real Estate and Economic Development Department, who explained that, while the City had initially raised concerns regarding service easements, the applicant had since provided a copy of a registered Joint Use and Maintenance Agreement and evidence that a blanket easement for services in favour of the City of Ottawa had already been registered on title, and that this additional information satisfied the City's concerns.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications 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 applications. 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) provide a servicing plan showing existing water, sanitary and storm services with adequate easement width(s) as per the City of Ottawa guidelines or supported with a geotechnical memorandum, to the satisfaction of

the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.**

2. That the owner(s) provide evidence to the satisfaction of the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that there is no existing structure interfering with the proposed easement(s).
3. That the owner(s) provide evidence to the satisfaction of the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that all required approvals from the Ontario Ministry of the Environment and Conservation and Parks for sewers and/or facilities servicing multiple properties have been obtained.
4. 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.
5. 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 the Conveyances and Grants of Easements/Rights-of-Ways 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

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Adjustment by **October 6, 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-00248 to D08-01-22/B-00250
Owner(s) / Propriétaire(s): 10467103 Canada Inc.
Location / Emplacement: 2940 Baseline 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**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**


“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

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
September 16, 2022 / 16 septembre 2022
trésorier



Michel Bellemare
Secretary-Treasurer / Secrétaire-