



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

### DECISION CONSENT

(Section 53 of the *Planning Act*)

**File No.:** D08-01-21/B-00033  
**Owner(s):** Bredon Developments Inc.  
**Location:** 2760 Stagecoach Road & (2745) Blanchfield Road  
**Ward:** 20-Osgoode  
**Legal Description:** Lot 22, Concession 3  
**Zoning:** RU and ME2  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **April 7, August 4, September 1, and October 20, 2021**, as required by the *Planning Act*.

#### PURPOSE OF THE APPLICATION:

The Owner wants to subdivide its property into two separate parcels of land to create a vacant parcel for a proposed detached dwelling on the western side of the property. The existing aggregate extraction operation (sand and gravel), fronting on Stagecoach Road, will remain on the eastern side of the property.

#### CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for a Conveyance.

The severed land, shown on a sketch filed with the application, will have a frontage of 304 metres on Blanchfield Road, an irregular depth of 337 metres and will contain an area of 99,424 square metres. This parcel, which will contain the proposed detached dwelling, will be known municipally as 2745 Blanchfield Road.

The retained land, shown on said sketch, will have a frontage of 287.4 metres on Stagecoach Road, an irregular depth of 1,004 metres and will contain an area of 282,298 square metres. This parcel, which will contain the existing aggregate extraction operation, will be known municipally as 2760 Stagecoach Road.

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

#### PUBLIC HEARING:

Prior to the Hearing on April 7, 2021, the Committee received an adjournment request from Mark Gordon of the City's Planning, Infrastructure and Economic Development Department (PIEDD), who confirmed that an adjournment would be appropriate to allow the applicant time to submit a revised Mineral Resource Impact Assessment (MRIA) and a revised Scoped Environmental Impact Statement (EIS). At the Hearing, the Committee heard from Tracy Zander, Agent for the Applicant, who confirmed that they were in agreement with the Department's request. With the concurrence of the Committee, the application was adjourned to August 4.

Prior to the Hearing on August 4, 2021, the Committee received a request for an adjournment from Sean Harrigan (PIEDD) advising that additional time was needed to review the recently submitted EIS and MRIA. At the Hearing, the Committee heard from Ms. Zander, who was in agreement with the department's request. With the concurrence of the Committee, the application was further adjourned to September 1.

Prior to the Hearing on September 1, 2021, the Committee received correspondence from Mr. Harrigan (PIEDD) requesting another adjournment for the applicant to provide additional information required for staff to conduct a complete review of the proposal. With the concurrence of all parties, the application was further adjourned to October 20.

At the renewed Hearing, the Chair administered an oath to John Millar, Owner of the property, who confirmed that the statutory notice posting requirements were satisfied.

Ms. Zander provided the Committee with a brief overview of the application. The Committee also heard from Gary McLaren, aggregate expert representing the Owner. He referred to photographs, site visits and consultation with PIEDD and the Conservation Authority, resulting in recommendations that adequate setback ensure no vegetation disturbance occurs from the vernal pooling area for a building envelope, and that compensation for significant woodland disruption for the building site will be required. He stated that erosion and control fences would ensure no silt running into the area, and that vegetation would be replaced.

Also in attendance was Mr. Gordon of the PIEDD, he confirmed that the department has no further concerns with the application.

#### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

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

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, focusing growth and development in urban and rural settlement areas; intensification and redevelopment

within built-up areas, based on local conditions; residential development on rural lands, including lot creation, that is locally appropriate; as well as the protection of resources for the long term. The Committee is also satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. In addition, 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 one-year period from the date of this Decision:**

1. That the Owner(s) convey, if required, at no charge to the City of Ottawa, sufficient frontage across the severed lands to provide for a road right-of-way measuring 13 metres from the centreline of Blanchfield Road, and 15 metres from the centerline of Stagecoach Road. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered.
  - a. If the Owner's Surveyor determines that the widening condition has already been satisfied, it must be indicated on the Draft Reference Plan and submitted to the City Surveyor for approval. The Committee requires written confirmation from the City Surveyor confirming that the widening is not required.
2. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:
  - a. "The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the home owner."
  - b. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
3. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and

quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners' report must demonstrate the following to the City of Ottawa:

- a. That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has sensitive soils, the drilling of a well or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of the **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**.

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

4. That the Owner(s) provide a Septic System Assessment Report, prepared by a Professional Engineer or Professional Geoscientist, licensed in the Province of Ontario, to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee.

Required elements of this report include, but are not limited to, the location of the septic system and mantle (if present), an assessment of the condition of the

septic system components, recommendations on system performance and remedial works if necessary, and the identification of sufficient area for a replacement septic bed and mantle (as per the Ontario Building Code 2012, as amended).

5. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“This property is located near a Limestone Resource area which permits the designated lands to be licensed for a pit or quarry, which may result in this parcel being subjected to noise, dust, and other activities associated with the extraction of gravel and quarrying operations in the future.”

The Committee requires a copy of the Agreement and **written confirmation from City Legal Services** that it has been registered on title.

6. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
7. That the Owner shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, which is to be registered on the title of the property, which includes the recommendations of the revised Environmental Impact Statement.
8. That the Owner shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, which is to be registered on the title of the property, which includes the recommendations of the revised Mineral Resource Impact Assessment (MRIA).

Further, prior to stamping the deed the Owner shall:

*Execute and file with the City a Development Agreement requiring construction of the berms and tree planting in accordance with the recommendations of the MRIA. The Development Agreement will require the posting of the securities, payment of required fees and provision of a certificate of insurance, which shall*

*be in place prior to the stamping of the deeds. The Development Agreement shall be registered on title of the severed lot within 30 days of stamping of the deeds and shall note that no building permit shall be issued until the mitigating berms and plantings have been accepted.*

*This shall be to the satisfaction of **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.***

9. 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.
10. That upon completion of the above conditions, and **within the one-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 one year from the date of this Decision.**

All technical studies must be submitted to Planning, Infrastructure 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), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **November 18, 2021**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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. 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](mailto: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.

**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°:** D08-01-21/B-00033  
**Owner(s) / Propriétaire(s):** Bredon Developments Inc.  
**Location / Emplacement:** 2760 Stagecoach Road & (2745) Blanchfield Road

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

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

***"Fabian Poulin"***

**FABIAN POULIN  
VICE-CHAIR / VICE-PRÉSIDENT**

***"Terence Otto"***

**TERENCE OTTO  
MEMBER / MEMBRE**

***"Steven Lewis"***

**STEVEN LEWIS  
MEMBER / MEMBRE**

***"Martin Vervoort"***

**MARTIN VERVOORT  
MEMBER / MEMBRE**

**Absent / Absente**

**JOCELYN CHANDLER  
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

***Date of Decision / Date de la décision***  
**October 29, 2021 / 29 octobre 2021**



**Michel Bellemare  
Secretary-Treasurer / Secrétaire-trésorier**