

**DECISION****CONSENT**Section 53 of the *Planning Act*

<b>Date of Decision</b>	November 25, 2022
<b>File Nos.:</b>	D08-01-22/B-00280 - D08-01-22/B-00283 & D08-01-22/B-00297
<b>Owner:</b>	Canada Lands Company CLC Limited
<b>Location:</b>	299 (291) Carling Avenue
<b>Ward:</b>	17 - Capital
<b>Legal Description:</b>	Lots 37 To 55 both inclusive and Lot 59, Part of Lots 36 56, 57, 58 and 60, the Lane Lying North of Lots 36 to 43 (closed by CR564782) and Ordnance Street (closed by CR564782), Registered Plan 148218, Lots 101 and 102, Registered Plan 82717 and Part of Lot 1, Registered Plan 30307
<b>Zoning:</b>	AM[2762] S450-h
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	November 16, 2022

**PURPOSE OF THE APPLICATIONS**

- [1] The Owner wants to subdivide its property into four separate parcels of land. It is proposed to create three new parcels for future development, one of which will include a Privately Owned Public Space (POPS). The fourth new parcel is proposed for a future City park.
- [2] It is also proposed to convey a portion of the property to the abutting landowner to the north, known municipally as 360 Bell Street South, to address the existing encroachment of a portion of the underground parking garage serving the recipient lands.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [3] The Owner requires the Consent of the Committee for Conveyances and Grants of Easements / Rights-of-way. The property is shown as Part 1 to Part 8 on Draft-4R plan filed with the applications, and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00280	25.54 m (Lebreton St.)	44.56 m	1,402 sq. m	1	351 Lebreton Street (parcel for City park)
B-00281	50.19 m (Lebreton St.)	53.53 m	2,745 sq. m	2	357 Lebreton Street (parcel for future development)
B-00282	51.78 m (Lebreton St.) 40.42 m (Bell St. S)	56.7 m Part 4 24.29 m Part 8	4,199 sq. m	4 & 8	369 Lebreton Street (parcel for future development and Privately Owned Public Space)
B-00283	65.36 m (Lebreton St.) 71.85 m (Bell St. S) 85.81 m (Carling Ave.)	87.03 m Part 5 87.82 m Part 6 1.7 m Part 7	5,325 sq. m	5, 6 & 7	299 Carling Avenue (parcel for future development)
B-00297	0 m	1.8 m	0.048 sq. m	3	To be conveyed to 360 Bell Street South

- [4] It is proposed to establish an easement over Part 6 in favour of the City of Ottawa for the future expansion of the road right-of-way along Carling Avenue.
- [5] The applications indicate that Part 7 is subject to an existing easement in favour of Enbridge Gas Distribution Inc.
- [6] The applications indicate that the property is not the subject of any other current application under the *Planning Act*.

## PUBLIC HEARING

- [7] The Panel Chair administered an oath to Nadia De Santi, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.
- [8] Katherine Constantine, representing the Owner, was also in attendance.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

- [9] The Committee considered any written and oral submissions relating to the applications in making its Decision.

- [10] 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):

[11] **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).

[12] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.

[13] 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.

[14] THE COMMITTEE OF ADJUSTMENT 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:**

**D08-01-22/B-00297**

1. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:

- a) A copy of the Reference Plan and/or legal description of the severed land and the deed or Instrument conveying the severed land to the owner of the abutting property to the \_\_\_\_\_, known municipally as \_\_\_\_\_, so that no new lot is being created, in accordance with paragraph (b) below;
- b) A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

"The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (insert name) described as PIN (insert property identification number) being Part(s) (insert numbers) on Plan (insert plan number), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as

applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction”;

- c) An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **60 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d) Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s Undertaking in paragraph (c) above cannot be reasonably completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the *Land Titles Act* must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment”.

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 60 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this

application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.

**D08-01-22/B-00280 - D08-01-22/B-00283**

2. That the Owner convey a 5 m x 5 m corner sight triangle at the south-west corner of Part 5, located at the intersection of Carling Avenue and Lebreton Street South, to the City, with all costs to be borne by the Owner(s), to the satisfaction of the **Surveys and Mapping Branch** of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
3. That the Owner convey a 5 m x 5 m corner sight triangle at the south-east corner of Part 5, located at the intersection of Carling Avenue and Bell Street South, to the City, with all costs to be borne by the Owner(s), to the satisfaction of the **Surveys and Mapping Branch** of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
4. The severance and creation of Parts 1, 2, 4, 5, 6, 7 and 8, as indicated on the applicant's Draft 4R Plan, is conditional upon the Owner(s) conveying Parts 6 and 7 at no charge to the City of Ottawa to provide for rights-of-way widenings and utility easements. 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.
5. The severance and creation of Parts 1, 2, 4, 5 and 8, as indicated on the applicant's Draft 4R Plan, is conditional upon the Owner(s) entering into a Development Agreement with the City of Ottawa, registered on title, specifically detailing the implementation of the following items derived from the Holding Symbol requirements as per Urban Exception 2762 of Zoning By-law 2008-250, as amended, to the satisfaction of the **General Manager, Planning, Real Estate and Economic Development Department, or their delegate**:
  - a) Conveyance of parkland, described as Part 1 on Draft 4R Plan;
  - b) A commitment to public access easements for relevant parcels;
  - c) A minimum of \$650,000.00 commitment to the construction of a public park;
  - d) Parkland conditions including, but not limited to, fencing, staging during construction, replacement of topsoil, soil analysis, grading and fill requirements, park design and construction, and notice on title; and
  - e) A minimum commitment to the provision of affordable housing on site of 15% of residential units for a minimum of 25 years. Of the 15%affordable units, a

maximum of 50% shall be one-bedroom units, a minimum of 20% shall be two-bedroom units, a maximum of 25% shall be bachelor units, and a minimum of 5% three or more bedrooms.

6. This approval is conditional upon Legal Services Branch receipt of a registerable legal description and the applicable Property Identification Numbers.
7. 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.
8. 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-way for which the Consent is required.

*“John Blatherwick”*  
JOHN BLATHERWICK  
VICE-CHAIR

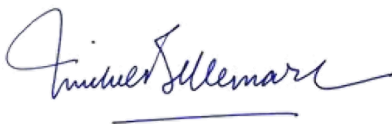
*“Stan Wilder”*  
STAN WILDER  
MEMBER

*“Heather MacLean”*  
HEATHER MACLEAN  
MEMBER

*“Bonnie Oakes Charron”*  
BONNIE OAKES CHARRON  
MEMBER

*“Michael Wildman”*  
MICHAEL WILDMAN  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 25, 2022**.



Michel Bellemare  
Secretary-Treasurer

## 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 **December 15, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier 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 Ontario Land Tribunal 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](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the Ontario Land Tribunal. 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.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

If a major change to condition(s) is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

## NOTICE TO APPLICANT(S)

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.

*Ce document est également offert en français.*

**Committee of Adjustment | Comité de dérogation**

City of Ottawa | Ville d'Ottawa

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