

## DECISION CONSENT

Section 53 of the *Planning Act*

<b>Date of Decision</b>	January 20, 2023
<b>File No(s):</b>	D08-01-22/B-00287 & D08-01-22/B-00288
<b>Owner(s):</b>	Mohamed Mostafa Real Estate Investment Inc.
<b>Location:</b>	124 Granton Avenue
<b>Ward:</b>	8 - College
<b>Legal Description:</b>	Lots 2263, 2264 and 2265, Reg. Plan No. 375, City of Ottawa
<b>Zoning:</b>	R1FF[632]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	January 11, 2023

### PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide its property into two separate parcels of land for the construction of two new detached dwellings. The existing dwelling is to be demolished.

### CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Consent of the Committee for Conveyances.
- [3] The property is shown as Parts 1 and 2 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00287	13.31 metres	27.42 metres	422.1 square metres	1	124 Granton Avenue (proposed detached dwelling)
B-00288	13.31 metres	27.42 metres	365.8 square metres	2	122 Granton Avenue (proposed detached dwelling)

- [4] Approval of these applications will have the effect of creating two separate parcels of land. The proposed parcels will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-22/A-00272 and D08-02-22/A-00273) have been filed and will be heard concurrently with these applications.

## **PUBLIC HEARING**

- [5] At the outset of the hearing, the Chair called forward Cass Sclauzero of the City's Planning, Real Estate and Economic Development Department to speak to the City's position on the appropriateness of new development in this community, considering the findings of the "City View and Lakeview Drainage Study: Existing Conditions Report," commissioned by the City and prepared by Robinson Consultants Inc. In response to questions from the Committee, Ms. Sclauzero explained that, according to the study, the predominant cause of drainage problems in the City View area relates to blocked culverts and ditches resulting from a lack of maintenance and deliberate modifications. She also explained that, where ditch reinstatement was necessary, it would be required through the building permit process, and recent revisions to the City's Ditch Alteration Policy would help to prevent further unauthorized alterations.
- [6] The Committee therefore agreed to proceed with the applications, which were stepped down to be recalled later in the hearing.
- [7] Upon recall, the Chair administered an oath to Simran Soor, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Ms. Soor appeared along with Adam Thompson, also representing the Owner.
- [8] In response to a question from the Committee regarding the appropriateness of additional hard surfaces on undersized lots, Ms. Soor noted that the lot width identified for Part 1 is impacted by the irregular shape of the lot, and that a double-wide driveway is permitted as of right on lots measuring 15 metres in width. She explained that it was the Owner's preference to provide double-wide driveways and that, as proposed, they would occupy 39 percent and 41 percent of the lot widths, respectively, whereas a driveway of this size on a 15-metre-wide lot would occupy 37 percent of the lot width. It was her submission that these incremental differences were minor.
- [9] The Committee heard a presentation from Ms. Wilson and Jill Prot of the City View Community Association. Ms. Wilson and Ms. Prot highlighted objections to the continued development of undersized lots throughout the community, the impact of the proposal on drainage and the inadequacy of existing municipal services, and the proposal's visual impact on the streetscape due to the increased driveway widths and the limited space available for tree planting.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED**

- [10] The Committee considered any written and oral submissions relating to the applications in making its Decision.
- [11] 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):

[12] **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).

[13] Based on the evidence, the majority of the Committee is not 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 majority of the Committee is also not satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act*, including the reduced dimensions of the lots considered under Minor Variance Applications D08-02-22/A-00272 and D08-02-22/A-00273, which were refused, or that it is in the public interest.

[14] *Member K. Willis and Member S. Hindle dissent on the refusal of the applications noting similar sized lots are found throughout the neighbourhood.*

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

Dissenting  
KATHLEEN WILLIS  
MEMBER

Dissenting  
SCOTT HINDLE  
MEMBER

*"Colin White"*  
COLIN WHITE  
MEMBER

*"Julia Markovich"*  
JULIA MARKOVICH  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **January 20, 2023**.



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 **February 9, 2023**, 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association

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**  
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