



**Committee of Adjustment  
Public Hearing Notice**

**Consent Application  
Section 53 of the *Planning Act***

**Wednesday, January 11, 2023  
6:30 p.m.**

**613-580-2436  
cofa@ottawa.ca**

**By Electronic Participation**

**This hearing will be held through electronic participation in accordance with the *Statutory Powers Procedure Act*. To help stop the spread of COVID-19, the Committee of Adjustment will continue to hold online hearings until further notice.**

**The hearing can be viewed on the Committee of Adjustment [YouTube](#) page. For more information, visit [Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)**

*Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 48 hours before the hearing.*

**File No.:** D08-01-22/B-00350  
**Owner:** 1000019871 Ontario Inc.  
**Address:** 3095, 3105 & 3115 Palladium Drive  
**Ward:** Ward 4 – Kanata North  
**Legal Description:** Block 14, Registered Plan 4M-1566  
**Zoning:** GM[2167]  
**Zoning By-law:** 2008-250

**PURPOSE OF THE APPLICATION:**

The Owner wants to establish access and servicing easements over portions of its property in favour of abutting property owners. An owner of neighbouring lands (West Ottawa Land Holdings Inc.) has also filed a Consent Application (D08-01-22/B-00349) to establish permanent easements in favour of the subject and neighbouring lands.

**CONSENT IS REQUIRED FOR THE FOLLOWING:**

The Owner requires the Consent of the Committee for Grants of Easements/ Rights-of-Way. The property is shown on a Draft 4R-Plan and 4R-Plan 33025 filed with the application, and the proposed easements/ rights-of-way are described as follows:

1. An access easement over Parts 1, 2, 6 & 7 on Plan 4R-33025 in favour Block 1 on Plan 4M-1566. (West Ottawa Land Holdings Inc.)
2. A sanitary sewer easement over Parts 1 & 2 on Plan 4R-33025 in favour of Block 1 on Plan 4M-1566. (West Ottawa Land Holdings Inc.)
3. An access and maintenance easement over Parts 5 & 6 on the Draft 4R-Plan in favour of: Block 2 on Plan 4M-1566 save and except Parts 1 to 4 on Plan 4R-33022 and Part 1 on Plan 4R-34709; Part 1 on Plan 4R-34709.

The application indicates that the property is subject to existing easements and restrictive covenants as follows:

1. Instrument No. OC1470184 registered April 23, 2013, being restrictive covenants in favour of the Tanger Outlet Mall whereby the subject lands will not be used for factory outlet stores or any uses in the nature of obnoxious uses.
2. Instrument No. OC1720687 registered September 10, 2015 as amended by Instrument No. OC1840611 registered October 28, 2016, and by Instrument No. OC2259296 registered September 21, 2020, being a mutual easement and operating agreement between Cabela's Retail Canada Inc. and West Ottawa Land Holdings Inc.
3. Instrument No. OC1776587 registered April 4, 2016 in favour of Rogers Communications Inc., being a blanket easement over the subject lands to permit a distribution system for communication services.
4. Instrument No. OC1805625 registered July 14, 2016 in favour of the City of Ottawa, being a surface easement to provide access over the roadway located on Parts 1 & 2 on Plan 4R- 29607, to provide access to the stormwater pond on Block 13, Plan 4M-1566 owned by the City of Ottawa.
5. Instrument No. OC1857392 registered December 29, 2016, as amended by Instrument No. OC2259102 and Instrument No. OC2259366 registered September 21, 2020, being a retail lands mutual easement and operating agreement between Kanata West Centre Inc. and West Ottawa Land Holdings Inc.
6. Instrument No. OC2018817 registered July 31, 2018, being a notice to annex a restrictive covenants agreement in favour of McDonald's Restaurants of Canada Limited, as amended by an amending agreement, notice of which was registered on February 1, 2019 as Instrument No. OC2075301.

7. Instruments No. OC2259232 and OC2259233 registered September 21, 2020, being access and servicing easements in favour of Cabela's Retail Canada ULC and Kanata West Centre Inc., respectively.
8. Instruments No. OC2434884 and OC2434888 registered December 13, 2021 being access and servicing easements in favour of West Ottawa Land Holdings Inc. and Kanata West Centre Inc., respectively.
9. Instrument OC2434886 registered December 13, 2021, being an easement and cost-sharing agreement between 1000019871 Ontario Inc. and West Ottawa Land Holdings Inc.

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

**YOU ARE ENTITLED TO PARTICIPATE** in the Committee of Adjustment Public Hearing concerning these applications because you are an assessed owner of one of the neighbouring properties. See Annex A – Public Participation Details on providing written submissions or verbal comments in advance of the hearing, and how to register to speak at the hearing. The Committee asks that any presentations be limited to five minutes or less, and any exceptions will be at the discretion of the Committee Chair. You may require the Committee to hold the hearing as an oral (in person) hearing if you satisfy the Committee that holding the hearing as an electronic hearing is likely to cause you significant prejudice. To do so, you must provide written submissions to the Committee at least 48 hours in advance of the hearing.

**IF YOU DO NOT PARTICIPATE** in this Public Hearing, it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceedings. If you have specific comments regarding these applications, you may submit a letter to the Secretary-Treasurer of the Committee at the address shown below, and such written submissions shall be available for inspection by any interested person. Information you choose to disclose in your correspondence, including your personal information, will be used to receive your views on the relevant issues to enable the Committee to make its decision on this matter. The information provided will become part of the public record. Every attempt should be made to file your submission five days prior to the Public Hearing date.

**IF YOU WISH TO BE NOTIFIED** of the Committee's decision, you must make a written request to the Secretary-Treasurer at the address below. 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.

**IF A PERSON OR PUBLIC BODY THAT FILES AN APPEAL** against a decision of the Committee of Adjustment in respect of the proposed consent has not made a written submission to the Committee of Adjustment before it gives or refuses to give consent, the Local Planning Appeal Tribunal may dismiss the appeal.

**ADDITIONAL INFORMATION** regarding these applications is available online at [Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment), by navigating to “Public Hearings” and selecting the Panel 2 agenda under the applicable Hearing date. The website also contains additional information about the mandate of the Committee and its processes.

DATED: December 23, 2022



**Committee of Adjustment**

City of Ottawa

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[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)

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## **Annex A - Public Participation Details**

Although in-person Committee of Adjustment hearings have been postponed until further notice, there are several ways in which the general public can participate in this electronic hearing.

The chosen technology for this hearing is Zoom (<https://zoom.us/>) which allows for participation by computers and mobile devices. To reduce the number of participants in the electronic hearing and to allow for a more efficient process, the general public will be asked to participate by viewing the webcast via the Committee of Adjustment YouTube channel. For more information, visit [Ottawa.ca/CommitteeofAdjustment](https://Ottawa.ca/CommitteeofAdjustment)

**Submit comments in writing:** submit comments in writing, by email, to [cofa@ottawa.ca](mailto:cofa@ottawa.ca). Comments received **by noon (12 p.m.) the Monday before the hearing** will be provided to Committee Members prior to the hearing. Comments received after this time will be forwarded to Committee Members as soon as possible but may not be received by Committee Members prior to the hearing.

**Submit verbal comments in advance of the hearing (Prior to noon (12 p.m.) the Monday before the hearing)** you may call the Coordinator to have comments transcribed (contact details below).

**Register to Speak at the Committee Hearing prior to 4 p.m. the Monday before the hearing**, by phone or e-mail by contacting the Coordinator (contact details below). Details for those wishing to make visual presentations to the Committee can be provided to you upon request, by email.

Upon receipt of your registration to speak at the hearing, delegates will be provided the Zoom hearing details and password prior to the hearing.

For more information, please contact the Coordinator by e-mail at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) or (613) 580-2436.