

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

Date of Decision February 24, 2023
File Nos.: D08-01-23/B-00023 & B-00024
Owner: Bayview Hospitality Holdings Ltd.
Location: 6301 Campeau Drive
Ward: 4 – Kanata-North
Legal Description: Part of Lot 3 Concession 2, Part of Lot 3 Concession 3, and Part of Road Allowance Between Concession 2 and 3, Geographic Township of March
Zoning: MC5[2747]
Zoning By-law: 2008-250
Hearing Date: February 15, 2023

PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to sever the property to create separate lots for the proposed 10-storey apartment building and 84 stacked townhomes, as well as reciprocal strata easements to provide access to underground servicing.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Consent of the Committee for Conveyances, Partial Discharge of Mortgage/Charge, Mortgage/Charge, Maintenance and Joint-Use Agreement and Grant of Easement/Right-of-Way. The property is shown as Part 1 to 20 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-00023	125.1 m (Campeau Dr.) 65.44 m (Cordillera St.)	67.25m (irregular)	6,815.4 sq. m.	1 to 6 & 8 to 19	500 Cordillera St. (84 stacked townhomes)
B-00024	22.32 m (Cordillera St.)	113.57 m (irregular)	10,598.1 sq. m.	7 & 20	6301 Campeau Dr.

					(10-storey apartment building)
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[3] It is proposed to create Easements/Rights-of-Way as follows:

- Over Part 7 in favour of the proposed townhome dwellings Parts 1 to 6 & 8 to 19, for stormwater and sanitary sewer.

[4] It is proposed to create Easement/Rights-of-Way in favour of the proposed apartment building as follows:

- Part 1 for drainage swale easement;
- Part 2 for stormwater sewer easement;
- Part 3 for watermain easement;
- Part 4 for stormwater sewer and watermain easement;
- Part 5 for watermain easement;
- Part 6 for stormwater sewer easement
- Part 15 for watermain easement
- Part 17 for watermain and stormwater sewer easement
- Part 18 for watermain easement
- Part 19 for stormwater sewer easement

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

PANEL HEARING

[6] The Committee heard a presentation from Krista Libman, Agent for the Applicant. Ms. Libman confirmed that the strata severance related to portions of the underground parking garage. She also advised that no new development was proposed and there would be no impact on trees.

[7] Brent Williamson, resident, was in attendance, and expressed concerns about tree removal taking place on the entire site.

[8] City Forester Nancy Young was present at the hearing, and confirmed that no trees were being removed as a result of the proposed severance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

[9] The Committee considered all 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:**

1. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Owner(s) shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

2. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the Development Review Manager of the Select 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 each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are

directly connected to City infrastructure and do not cross the proposed severance line.

If they do cross, do not connect directly or are not independent, and there is sufficient justification for the service locations to remain, the Owner(s) must obtain Ontario Ministry of the Environment and Conservation and Parks approval (Environmental Compliance Approval – ECA), must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services, and must register a Joint Use and Maintenance Agreement, between the Owners of the services, on the title of the property, all at his/her own costs. The Owner(s) also agrees to enter into a Development Agreement with the City to cover these required items as well as all engineering, administrative and financial matters. 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 Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that both severed and retained parcels have their own independent water, sanitary and storm connection and shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
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 a Conveyance for which the Consent is required.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

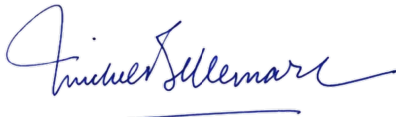
Declared Interest
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"Colin White"
COLIN WHITE
MEMBER

Absent
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 24, 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 **March 16, 2023**, 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 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.

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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Ottawa.ca/CommitteeofAdjustment
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613-580-2436



Comité de dérogation
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