

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

<b>Date of Decision</b>	March 10, 2023
<b>File No(s):</b>	D08-01-23/B-00039
<b>Owner(s):</b>	Landfall Capital Inc.
<b>Location:</b>	2060 & 2062 Carling Avenue
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Part of Lot 3, Registered Plan 352649
<b>Zoning:</b>	R3C
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 1, 2023

**PURPOSE OF THE APPLICATION**

- [1] The Owner wants to subdivide its property to create separate ownerships for each half of the existing semi-detached dwelling.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [2] The Owner requires the Consent of the Committee for Conveyances.
- [3] The severed land, shown as Parts 5 to 9 on the draft 4R plan filed with the application, has a frontage of 9.14 metres, a depth of 27.69 metres and a lot area of 329.8 square metres. This parcel will be known municipally as 2060 Carling Avenue and will contain one half of the existing semi-detached dwelling.
- [4] The retained land, shown as Parts 1 to 4 on said plan, has a frontage of 9.14 metres, an irregular depth of 33.15 metres and a lot area of 327.39 square metres. This parcel will be known municipally as 2062 Carling Avenue and will contain the other half of the semi-detached dwelling.
- [5] The application indicates that there are existing utility easements as follows:
- Parts 1, 2 & 5 are subject to easement Inst. OC703957;
  - Parts 1, 3 & 9 are subject to easement Inst. CR353498; and

- Part 7 subject to easement Inst. N706463

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

## **PUBLIC HEARING**

[7] The Acting Panel Chair administered an oath to Jennifer Martens, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

[8] With respect to the conditions requested by the City Planner, Ms. Martens confirmed she had no concerns with the revised condition for the road widening.

[9] City Planner Siobhan Kelly was also present.

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

[10] The Committee considered all written and oral submissions relating to the application 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] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.

[14] 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.

[15] 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) shall submit a Trees in Trust application for one new 50mm tree to be planted in the right-of-way in front of each lot, to enhance the urban tree canopy and streetscape. If the City cannot plant in this location, it is recommended the applicant plant the trees on private property.  
<https://ottawa.ca/en/living-ottawa/environment-conservation-and-climate/trees-and-urban-forests/tree-planting#trees-trust>
2. That the Owner(s) provide evidence (i.e., servicing plan), to the satisfaction of the **Development Review Manager of the West Branch within the Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
3. That the Owner(s) enter 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 Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, structural elements such as roof, footings, soffits, foundations, common areas, common driveways, and common landscaping.

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 **Development Review Manager of the South Branch within the Planning, Real Estate and Economic Department and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to the Planning, Real Estate and Economic Department and City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it was registered on title.

4. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

Notices-on-Title respecting noise:

- i) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledge being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are

within the City of Ottawa's and the Ministry of the Environment, Conservation and Parks' noise criteria."

- ii) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledge being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment, Conservation and Parks' noise criteria."

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

5. The Owner acknowledges and agrees, pursuant to Section 50.1(25)(c) of the *Planning Act* and Schedule C16 of the City's Official Plan, to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 22.25 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys.

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. All costs shall be borne by the Owner(s).

The Owner is advised that the required road widening described in above may be reduced or waived under certain situations, as described in Schedule C16 s.2.1.1 (c) of the Official Plan or where the right-of-way requirement exceeds the front yard setback or corner side yard setback, or where an existing building or structure encroaches into the required road widening, as of the day the Consent to Sever application was deemed complete, as applicable, and determined by the Director, Transportation Planning, Planning, Real Estate and Economic Development Department.

6. 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.

7. 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.

Absent  
ANN M. TREMBLAY  
CHAIR

*“Kathleen Willis”*  
KATHLEEN WILLIS  
MEMBER

*“Scott Hindle”*  
SCOTT HINDLE  
ACTING CHAIR

*“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 **March 10, 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 30, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436