

Committee of Adjustment  
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City of Ottawa | Ville d'Ottawa  
Comité de dérogation



**Consent**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**Panel 3**

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Site Address: 8515 Mitch Owens Road

Legal Description: Lot 12, Concession 9, Geographic Township of Gloucester

No.: D08-01-23/B-00078

Date: March 27, 2023

Hearing Date: April 5, 2023

Planner: Luke Teeft

Official Plan Designation: Agricultural Resource Area

Zoning: AG2 - Agricultural, Subzone 2

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## **DEPARTMENT COMMENTS**

The Planning, Real Estate, and Economic Development Department has **no concerns** with the application as submitted subject to the following requested conditions.

## **DISCUSSION AND RATIONALE**

The subject property is designated Agricultural Resource Area under the Official Plan Schedule B9. The intent of the Agricultural Resource Area designation is to protect farmland and minimize the loss of agricultural land.

The subject property is zoned AG2 – Agricultural, Subzone 2. The purpose of the Agricultural zone is to recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan.

The subject application proposes to sever off the existing surplus farm dwelling currently located at 8515 Mitch Owen Road and to convey the severed lands to the neighbouring farm located at 8469 Mitch Owens Road. The lot to be retained is an irregular L-shaped lot with 53.53 metres of frontage on Mitch Owens Road and is approximately 1.55 hectares in size. The severed lands to be consolidated have no frontage and are approximately 17.59 hectares in size.

Official Plan Policy 9.1.3 (3) states that lot creation within an Agricultural Resource



Area is discouraged unless the following conditions are met:

- a) The new lot contains an existing habitable dwelling made surplus through farm consolidation;
- b) As a condition of severance, the retained lands are zoned to prohibit residential uses;
- c) The severed lot is of a size that minimizes the loss of agricultural land;
- d) The new lot can be adequately serviced;
- e) Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and
- f) Where only one lot may be created.

The proposal involves severing off an existing dwelling with private services and accessory buildings. The lot is larger than a typical surplus farm dwelling severance due to the unconventional configuration of the lot boundaries and location of the accessory buildings. There is also a large gravel yard that occupies nearly half of the proposed lot. The new lot boundaries do however reasonably preserve the maximum amount of farmed land and the accessory structures are zoning compliant. As a result, staff have determined that the proposal satisfies all the criteria within the above Official Plan Policy.

Staff have no other concerns with the submission, subject to the conditions below.

#### **CONDITIONS:**

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”

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



2. That the Owner(s) acknowledge and agree to convey to the City, at no cost to the City, an unencumbered road widening across the complete 304.52 metre frontage of the lands, measuring 13 metres from the existing centerline of pavement/the abutting right-of-way pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan. 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.
3. 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 west, known municipally as 8469 Mitch Owens Road, 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 Glenn Mackie described as PIN 043250048, 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 30 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 043250063) and the abutting land (PIN 043250048). 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 30 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.



A handwritten signature in black ink, appearing to read "Luke Teeft".

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Luke Teeft  
Planner I, Development Review, PRED  
Dept.

A handwritten signature in blue ink, appearing to read "Cheryl McWilliams".

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Cheryl McWilliams, MCIP, RPP  
Planner III, Development Review, PRED  
Dept.