

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

<b>Date of Decision</b>	March 24, 2023
<b>File No(s):</b>	D08-01-23/B-00006 & D08-01-23/B-00007
<b>Owner(s):</b>	Trustees of the Ottawa Korean Community Church
<b>Location:</b>	3535, 3545 & 3555 Borrisokane Road
<b>Ward:</b>	3 – Barrhaven West
<b>Legal Description:</b>	Part of Lot 11, Concession 3 (Rideau Front), Geographic Township of Nepean
<b>Zoning:</b>	IL[304]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 15, 2023

**PURPOSE OF THE APPLICATIONS**

- [1] The Owners were previously granted Consent Applications D08-01-21/B-00541 to D08-01-21/B-00541, creating two new lots. The Owners now want to establish servicing easements over portions of its property in favour of the abutting property owner.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [2] The Owner requires the Consent of the Committee for Grants of Easements/ Rights-of-Way. The property is shown on 4R-34600 filed with the applications. It is proposed to establish Easements/Rights-of-Way as follows:
- A servicing Easement over Parts 2 & 4 in Favour of Part 5 on Plan 4R-34600.
  - A servicing Easement over Part 2 in favour of Part 3 on Plan 4R-34600.
- [3] The applications indicate that the Property is subject to the following applications under the *Planning Act*: a Site Plan Control Application (D07-12-22-0085) and a Minor Variance Application (D08-02-22/A-00164) for a proposed car wash, adjourned *sine die* in July 2022.

## PUBLIC HEARING

- [4] The Panel Chair administered an oath to Danene Whiting, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] The Committee noted that, as identified in the Planning Report, the applications are subject to active applications and the following description should be amended to delete the strikethroughs and add the bolded text:

The applications indicate that the Property is ~~not the subject of any other current~~ **to a Site Plan Control Application (D07-12-22-0085) and a Minor Variance Application (D08-02-22/A-00164) for a proposed car wash, which was adjourned *sine die* in July 2022, under the *Planning Act*.**

- [6] With the concurrence of Ms. Whiting, the applications were amended accordingly.
- [7] Ms. Whiting questioned the need for an Environmental Compliance Approval (ECA), as requested by the City as a condition of consent. It was her opinion that the condition would hinder the ability of the Applicant to sell the vacant lands.
- [8] City Planner Siobhan Kelly explained that the condition is part of City's standard procedure for properties that rely on services that are not independent. Nonetheless, she confirmed that she had no concerns with not imposing the condition.
- [9] The Committee agreed that the condition was not necessary in this case as it would be addressed through the Site Plan Control process.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

- [10] The Committee considered all 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):

### 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 a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Owner shall ensure that the Agreement is binding upon all owners and successors in title and shall be to the satisfaction of the **Development Review Manager of the South Branch within the Planning, Infrastructure and Economic Development Department, or his/her designate, and City Legal Services**. The Committee requires written confirmation from the Development Review Manager of the South Branch within the Planning, Infrastructure and Economic Development 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.

2. 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.
3. 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 Grants of Easements/ Rights-of-Way for which the Consent is required.

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

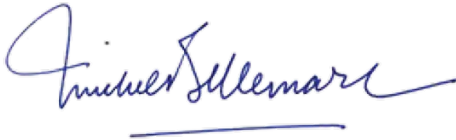
*"Kathleen Willis"*  
KATHLEEN WILLIS  
MEMBER

*"Scott Hindle"*  
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 **March 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 **April 13, 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