

DECISION CONSENT/SEVERANCE

Date of Decision	April 28, 2023
File No(s):	D08-01-22/B-00315 & D08-01-22/B-00316
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Rosaria Segreto
Property Address:	1245 Prince of Wales Drive
Ward:	16 - River
Legal Description:	Part of Lot 2, Registered Plan 352066 and Part of Lot 4, Registered Plan 32
Zoning:	R1GG
Zoning By-law:	2008-250
Hearing Date:	April 19, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide her property into two separate parcels of land. It is proposed to construct a new one-storey detached dwelling on one parcel and the existing two-storey detached dwelling will remain on the other parcel

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Consent of the Committee for Conveyances and a Grant of Easement/Right-of-Way.
- [3] The property is shown as Parts 1 to 3 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-00315	25.37 m (Prince of Wales Dr.)	33.28 m	816.1 m ²	Parts 1 & 3	1245 Prince of Wales (existing two-storey detached dwelling)
B-00316	26.45 m (Prince of Wales Dr.)	33.28 m	3,793.9 m ²	Part 2	1247 Prince of Wales (accessory structures to remain)

- [4] It is proposed to create an Easement/Right-of-Way over Part 3 in favour of Part 2 for future access.

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

PUBLIC HEARING

- [6] On March 15, 2023, the Committee heard from Michael Segreto, Agent for the Applicant, who requested an adjournment to allow more time to consult with the City's Legal Services and Building Code Services regarding the existing accessory structure and a condition requested by the City that would require its removal. With the concurrence of all parties, the applications were adjourned to April 19, 2023.
- [7] At the hearing on April 19, 2023, the Panel Chair administered an oath to Mr. Segreto, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [8] Mr. Segreto provided an overview of the applications and responded to questions from the Committee.
- [9] Mr. Grift responded to the Committee's questions, confirming that a noise attenuation study was required as a condition of consent due to the site's location on Prince of Wales Drive. Mr. Grift indicated that the condition requiring a noise warning to be registered on title could be deleted.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Tests

- [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):

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).

Evidence

[11] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents including a cover letter, plans, and tree information

- City Planning Report received April 14, 2023, with no concerns; received March 10, 2023, with no concerns
- City Planner Justin Grift, email dated March 15, 2023, requesting an adjournment
- Rideau Valley Conservation Authority email dated April 17, 2023, with no objections; email dated March 10, 2023, with no objections
- Hydro Ottawa email dated April 13, 2023, with no comments; email dated March 8, 2023, with no comments
- Doris Krajcar, email dated March 13, 2023, with concerns

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [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) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-law 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.
 2. That the Owner(s) either provide evidence to the satisfaction of the **Development Review Manager of the South 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 the accessory structures on Part 2 of the Draft 4R Plan have been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law, OR enter into an Agreement with the City to the satisfaction of the said Development Review Manager, at the expense of the Owner, which is to be registered on title, which provides that a building permit shall be obtained for a detached dwelling principal to the accessory structures on Part 2 of the Draft 4R plan within two (2) years of this consent approval, failing which the said accessory structures shall be so demolished or relocated. The said agreement, if required, shall also provide for securities and a right-of-entry to the satisfaction of the said Development Review Manager.

3. That the Owner(s) provide proof, to the satisfaction of the **Development Review Manager of the South 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 parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not
4. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of the **Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
5. The Owner(s) shall prepare a noise attenuation study (or noise and vibration attenuation study if applicable) in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of to the satisfaction of **Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control (and vibration if applicable) attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
6. 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 Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the City Legal Services and the Development Review Manager of the South Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires written confirmation that the Agreement is satisfactory to City Legal Services and the Planning, Real Estate and Economic Development Department, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

7. The Owners agree to provide a Grading and Servicing Plan to the satisfaction of the **Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate** showing that proposed structures such as services, retaining walls, projections, etc. will be designed to allow for the retention and protection of existing trees, as detailed in the Tree Information Report prepared by Dendron Forestry Services on February 7, 2023.
8. 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.
9. 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 the Conveyances and Grant of Easement/Right-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

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 **April 28, 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 **May 18, 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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613-580-2436



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