

## DECISION CONSENT/SEVERANCE

<b>Date of Decision</b>	May 12, 2023
<b>File No(s):</b>	D08-01-23/B-00090
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	1963903 Ontario Inc.
<b>Property Address:</b>	(35A), 37 Cloverloft Court
<b>Ward:</b>	6 - Stittsville
<b>Legal Description:</b>	Lots 17 and 18, Registered Plan 4M-371
<b>Zoning:</b>	R1D[2240]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	May 3, 2023

### APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to establish an easement over a portion of a parcel to be known municipally as 35A Cloverloft Court for vehicular access in favour of 37 Cloverloft Court.
- [2] At its hearing on July 20, 2022, the Committee granted a Consent Application (D08-01-22/B-00092) to sever a portion of this property, to be merged with a portion of the abutting property at 35 Cloverloft Court (D08-01-22/B-00091), to create a new parcel of land to be known as 35A Cloverloft Court. Conditions of these Consent Applications have not yet been fulfilled.

### CONSENT IS REQUIRED FOR THE FOLLOWING

- [3] The Owner requires the Consent of the Committee for a Grant of Easement/Right-of-way. The property is shown as Parts 7 to 11 on a Draft 4R-Plan filed with the application.
- [4] The parcel to be known as 35A Cloverloft Court is shown as Parts 7 to 9 on said plan. The easement land, shown as Part 9, will have frontage of ~~6.26~~ **3** metres on Cloverloft Court, to an irregular depth of ~~45.41~~ **20.34** metres and will contain an area of ~~593.3~~ **31.4** square metres. This easement will provide vehicular access over a shared driveway in favour of Parts 10 and 11.
- [5] The application also indicates that the property is subject to an existing easement as in LT316854 and LT316855.

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

## **PUBLIC HEARING**

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

### **Oral Submissions Summary**

- [8] The Committee noted that a correction to the Public Notice was necessary due to an error in the dimensions of the easement land, and that the dimensions of the proposed lots should therefore be amended as follows:

The parcel to be known as 35A Cloverloft Court is shown as Parts 7 to 9 on said plan. The easement land, shown as Part 9, will have frontage of **3 metres** on Cloverloft Court, to an irregular depth of **20.34 metres** and will contain an area of **31.4 square metres**. This easement will provide vehicular access over a shared driveway in favour of Parts 10 and 11.

- [9] The application was amended accordingly.
- [10] City Planner Jack Graham stated he had no concerns with the application.
- [11] The Committee also heard from Brittany Moy of the Mississippi Valley Conservation Authority, who indicated she had no concerns with the application.

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

### **Application Must Satisfy Statutory Tests**

- [12] 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**

[13] 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 planning rationale, plans, and tree information.
- City Planning Report received April 27, 2023, with no concerns.
- Mississippi Valley Conservation Authority email dated April 28, 2023, with no objections.
- Hydro Ottawa email dated April 26, 2023, with no comments.
- Hydro One email dated April 26, 2023, with no comments.
- Ministry of Transportation email dated April 25, 2023, with no comments.
- Phil Sweetnam, 39, 39A and 41 Cloverloft Court, email dated May 2, 2023, in support.

### **Effect of Submissions on Decision**

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [15] The Committee notes that the City’s Planning Report raises “no concerns” regarding the applications, highlighting that the application “allows the required Joint Use and Maintenance and Operating Agreement to be established, which was required as a condition of applications D08-01-22/B-00091, D08-01-22/B-00092, D08-02-22/A-00085, D08-02-22/A-00083, & D08-02-22/A-00082”.
- [16] 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.
- [17] 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) 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**

**easement land. If the Registered Plan does not indicate the 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.

2. 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 Grant of Easement/Right-of-way for which the Consent is required.

*“Fabian Poulin”*  
FABIAN POULIN  
VICE-CHAIR

*“Terence Otto”*  
TERENCE OTTO  
MEMBER

*“Steven Lewis”*  
STEVEN LEWIS  
MEMBER

*“Martin Vervoort”*  
MARTIN VERVOORT  
MEMBER

*Absent*  
JOCELYN CHANDLER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 12, 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 **June 1, 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**  
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