

DECISION CONSENT/SEVERANCE

Date of Decision	May 12, 2023
File No(s):	D08-01-23/B-00083 & D08-01-23/B-00094
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	MRL Telecom Consulting INC.
Property Address:	7025 Notre Dame Street
Ward:	2 – Orléans West-Innes
Legal Description:	Part of Lot 24, Registered Plan 86
Zoning:	R2N
Zoning By-law:	2008-250
Hearing Date:	May 3, 2023

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)

- [1] The Owners wants to subdivide their property into two separate parcels of land for the construction of a new detached dwelling. The existing dwelling, with a secondary dwelling unit, will remain.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Consent of the Committee for a Conveyance and Grants of Easements/Rights-of-Way. The property is shown as Parts 1 to 4 on a Draft 4R-plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00083	13.74 m	47.15 m	680.6 sq. m	1 & 3	7025 Notre Dame (existing dwelling)
B-00094	15.38 m	47.13 m	734.3 sq. m	2 & 4	7027 Notre Dame (new detached dwelling)

- [3] It is proposed to establish reciprocal easements/rights-of-way for pedestrian and vehicular traffic as follows:

- A right-of-way over Part 3 in favour of Parts 2 and 4.

- A right-of-way over Part 4 in favour of Parts 1 and 3.

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

PUBLIC HEARING

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

Oral Submissions Summary

[6] The Committee noted Ms. Paoloni's request to either amend or remove some of the City's requested conditions. In response, City Planner Cass Sclauzero advised that:

- The limiting distance condition is necessary but should be amended to "along the ~~West~~ East property line".
- The condition for either relocating or demolishing the accessory structure is necessary because an accessory structure must be on the same lot as the principal structure to which it relates.
- The driveway condition is necessary because a site plan must demonstrate that the driveway complies with the Zoning By-law.
- The two conditions regarding grading and drainage are necessary because they have been requested by separate City branches (Engineering and Forestry) with different wording highlighting a distinct focus, and each must be cleared independently by different City officials.
- The condition regarding independent services is also necessary because a City Engineer must determine whether private servicing is satisfactory.
- The Joint Use, Maintenance and Common Elements Agreement is necessary because the asphalt driveway will be maintained by both property owners. An easement would be appropriate if the easement were entirely over one property for the benefit of the other property owner without any responsibility for maintaining it.

[7] Ms. Sclauzero responded to questions from the Committee, confirming that the subject property is within Area A, Schedule 318, of the Zoning By-law that permits a 1.8-metres driveway. A portion of the already-built driveway will require reinstatement to include pavers instead of asphalt or concrete. Ms. Sclauzero confirmed the revised Planning Report deletes the previously requested right-of-way conditions.

- [8] Ms. Schlauzero concluded by highlighting that conditions requested by the City are drafted by a senior City Planner and approved by the City's Legal Services. City Planners do not have the authority to modify their wording at a hearing, especially conditions that relate to servicing.
- [9] Ms. Paoloni responded to questions from the Committee, confirming that the proposal to have the easement from the front of the property line to the rear is to allow access for supplies and equipment. She highlighted that the driveway will be paved up to the existing rear yard parking on the retained lands, however it is not the intent to extend it to the rear property line nor to install fencing.
- [10] Marc Laframboise, Owner of the property, was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION(S) GRANTED

Application(s) Must Satisfy Statutory Tests

- [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).

Evidence

[12] Evidence considered by the Committee included all 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 cover letter, plans, and tree information.
- City Planning Report received May 3, 2023, with no concerns and including revisions
- Rideau Valley Conservation Authority email dated April 26, 2026, with no objections
- Hydro Ottawa email dated April 26, 2023, with comments

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [15] 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.
- [16] 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) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on Part 1 and 3 on Draft 4R PLAN 86 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the ~~West~~ **East** property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
 2. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or designate**, that the accessory structure(s) has been demolished or relocated under the authority of a building permit.
 3. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
 4. That the Owner provides evidence to the satisfaction of **the Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate** that a new driveway leading to legal parking space has been established in conformity with the Zoning By-law. A site plan with the proposed driveway dimensions

should be provided to Planning Staff and servicing plans should be reviewed by Engineering Staff prior to the Owner obtaining a Private Approach Permit, which is required to alter/close/establish a driveway.

5. That the Owner(s) provide evidence to the satisfaction of **the Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, that the portion of the driveway between the front wall of the dwelling and the street has been removed or reinstated using non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, excluding monolithic concrete and asphalt, and that the width of the reinstated area does not exceed 1.8 metres.
6. That the Owner(s) provide a combined **Grading and Drainage Plan** and **Site Servicing Plan** including, where applicable, the tree locations and protection recommendations from the approved **Tree Information Report**, to the satisfaction of the Manager of the East Branch within Planning, Real Estate, and Economic Development, or his/her designate, the plans can be shown on one sheet or multiple sheets, but must include the following information:
 - a. The Grading and Drainage Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following;
 - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.
 - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.
 - d. The following information from the Tree Information Report must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:
 - i. Surveyed locations of all protected trees on and adjacent to the subject site

- ii. Location of tree protection fencing
 - iii. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes
 - iv. Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g. use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone).
 - v. Proposed planting locations from the associated Tree Planting Plan, if provided.
7. That the Owner(s) provide proof to the satisfaction of **the Development Review Manager of the East 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 independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
8. 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 East 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 East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
9. That the Owner(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location **of one new 50mm tree** to be planted per lot following construction, to enhance the urban tree canopy.
10. That the Owner(s) enter into 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 driveway.

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 Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services.** The Committee requires written confirmation that the Agreement is satisfactory to the Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

11. 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.
12. 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 and Grants of Easements/Rights-of-Way for which the Consent is required.

Absent
ANN M. TREMBLAY
CHAIR

“Kathleen Willis”
KATHLEEN WILLIS
MEMBER

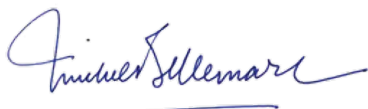
“Scott Hindle”
SCOTT HINDLE
ACTING CHAIR

Absent
COLIN WHITE
MEMBER

Absent
JULIA MARKOVICH
MEMBER

“Stan Wilder”
STAN WILDER
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 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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
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613-580-2436



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