

## DECISION CONSENT/SEVERANCE

<b>Date of Decision</b>	May 12, 2023
<b>File No(s):</b>	D08-01-23/B-00004 & D08-01-23/B-00005
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Mitra Farazmand and Joseph Vahidi
<b>Property Address:</b>	14-16 Gould Street
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Lot 10, Registered Plan 145
<b>Zoning:</b>	R1MM
<b>Zoning By-law:</b>	2005-250
<b>Hearing Date:</b>	May 3, 2023

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

- [1] The Owners want to subdivide their property into two separate parcels of land for the construction of a new two-storey detached dwelling with attached garage on one parcel. The other parcel will contain the existing two storey detached dwelling. The detached garage is to be demolished.

### CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owners require the Consent of the Committee for Conveyance. The property is shown as on a draft 4R plan filed with the application and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00004	7.31 m	30.44 m	222.5 sq m	1	14 Gould Street (Existing two-storey dwelling)
B-00005	7.92 m	30.44 m	240.9 sq m	2	16 Gould Street (Proposed two-storey dwelling)

- [3] Approval of these applications will have the effect of creating two separate parcels of land which, along with the proposed development, will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-23/A-00005 & D08-02-23/A-00006) have been filed and will be heard concurrently with these applications.

## **PUBLIC HEARING**

- [4] The Acting Panel Chair administered an oath to Joseph Vahidi, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied.

### **Oral Submissions Summary**

- [5] Mr. Vahidi provided an overview of the applications and highlighted area properties that have front yard parking and front-facing garages. He also highlighted that accommodating parking in the rear yard would not be possible because of limited space.
- [6] The Committee also heard oral submissions from the following individual:
- Olivier Marois, 279 Spencer Street, highlighted concerns relating to impact on street parking, trees, and privacy, neighbourhood densification constituting a fire hazard, and noise during construction.
- [7] City Planner Siobhan Kelly summarized concerns outlined in her report, highlighting that the requested variances from the streetscape character provisions would deviate from the intent of the Zoning By-law. She also highlighted that fifteen properties were reviewed for the Streetscape Character Analysis, ten of which do not feature front yard parking and front-facing garages.
- [8] Ms. Kelly responded to questions from the Committee, confirming that an alternative would be to revise plans to incorporate a shared driveway leading to rear yard parking. She advised that vehicle parking is not required under the Zoning By-law.
- [9] In response to Mr. Marois' and Ms. Kelly's comments, Mr. Vahidi's highlighted letters of support from some neighbours and no objections from the Wellington Village Community Association.

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

### **Application(s) 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 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, tree information, signed letters of support and email correspondence between the Applicant and the Wellington Village Community Association.
- City Planning Report received April 28, 2023, with no concerns regarding the consent applications and concerns relating to the minor variance applications
- City Streetscape Character Analysis dated December 30, 2022
- Rideau Valley Conservation Authority email dated April 26, 2026, with no objections
- Hydro Ottawa email dated April 27, 2023, with no comments and a requested condition
- Hydro One email dated April 28, 2023, with no comments or concerns
- Building Code Services Order Issue received April 19, 2023
- Olivier Marois, 279 Spencer Street, email dated May 1, 2023, with concerns
- Letter of support signed by:
  - Richard Naud, 21 Gould St.
  - Sean and Catherine O'Brien, 6 Gould St.
  - Andrew Nice, 5 Gould St.
  - Ali Tohidi, 20 Gould St.
  - Gholam Vahidi, 432, Lochaber Ave.
  - Jonathan Larocque, 13 Gould St.

### Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [13] The Committee notes that the City's Planning Report raises "no concerns" with the consent applications and "concerns" with the minor variance 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 the accompanying Minor Variance Applications (D08-02-23/A-00005 & D08-02-23/A-00006) have been approved, with all levels of appeal exhausted.
  2. 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.
  3. That the Owner(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of **the Development Review Manager of the Central 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 on Part 2 (16 Gould) following construction, to enhance the urban tree canopy.
  4. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of **the Development Review Manager of the Central 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 building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that

are directly connected to City infrastructure and do not cross the proposed severance line. For proposed new dwelling at 16 Gould Street.

5. That the Owner(s) provide evidence to the satisfaction of **the Development Review Manager of the Central 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 structure on Part 2 has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
6. 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 **the Development Review Manager of the Central 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 Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
7. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
8. That the Owner(s) satisfy the requirements of Hydro Ottawa with respect to the relocation of the existing overhead services or grant an easement as required, the consent to which is hereby granted.
9. 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.
10. 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 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](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