



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Committee of Adjustment

Received | Reçu le

2023-05-10

City of Ottawa | Ville d'Ottawa

Comité de dérogation

Site Address: 7 and 17 Tristan Court
Legal Description: 7 Tristan Court – Lot
6, Plan 4M617
17 Tristan Court – Lot 8, Plan 4M617
File No.: D08-01-23 B-00036
Date: April 28, 2023
Planner: Alex Gatien
Official Plan Designation: Outer Urban
Transect, Industrial and Logistics
Zoning: Heavy Industrial Zone – 1 (IH1)

Hearing Date: May 17, 2023

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns** with the application.

DISCUSSION AND RATIONALE

The applicant is requesting a lot line adjustment to convey part of 7 Tristan Court (shown as Parts 3,4,5 & 6 on the draft reference plan) to 17 Tristan Court. The parcel to be conveyed forms the southern end of the V-shaped property at 7 Tristan Court. There several warehouse and storage buildings along with associated offices at 7 Tristian Court, and a garden centre is located at 17 Tristan Court. The lot line adjustment will permit an expansion of the existing garden centre.

An easement in favour of the City of Ottawa exists over 17 Tristan Court, described at Parts 1, 2 & 6 on the draft R-plan provided. Part 6 will be part of the lands conveyed to 17 Tristan Court.

Staff has no concerns with the proposed lot line adjustment. Section 11.5.8 of the Official Plan permits lot adjustments provided no lot is rendered non-complying. The properties are zoned IH1 and 17 Tristan benefits from legal non-complying rights with respect to minimum lot area. As proposed, the lot line adjustment will



create a more usable lot for 17 Tristan Court moving it towards greater conformity with the zoning provisions.

CONDITIONS OF APPROVAL

The Department further requests that the following conditions be imposed on the consent application if approved:

Lot Line Adjustment

1. That the owner(s) file with the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. A copy of the reference plan and/or legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property, known municipally as 17 Tristan Court, so that no new lot is being created, in accordance with paragraph (b) below
 - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The owner(s) shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (PIN *insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an application to annex restrictive covenant under Section 118 of the *Land Titles Act* must be registered on the title of both the severed lands and on the abutting parcel that is to be merged. The covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee of Adjustment:

“These lands have been merged and may not be dealt with separately, without applying for a consent of the Committee of Adjustment.”

In lieu of the undertaking provided in paragraph (c), a replacement undertaking by the solicitor must be filed undertaking on behalf of the owner(s) to register the restrictive covenant on both property titles within 30



days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered restrictive covenant with the Committee of Adjustment within 21 days of the registration of the document.

A handwritten signature in black ink that reads "Alex Gatién".

Alex Gatién
Planner I, Development Review, West

A handwritten signature in blue ink that reads "Lisa Stern".

Lisa Stern, MCIP RPP
Planner III, Development Review, West