

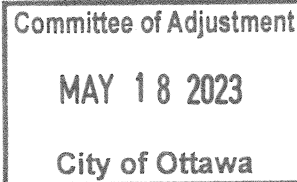


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064741-037

DELIVERED VIA COURIER

May 17th, 2023

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Nepean, Ontario
K2G 5K7

Dear Sir/Madam:

RE: CAISSE DESJARDINS ONTARIO CREDIT UNION INC. (formerly Caisse Populaire Vision Inc.) – Application for Validation of Title – Lot 50, Registrar’s Compiled Plan No. 908, 72 Lavergne Street, Ottawa, Ontario (“72 Lavergne”)

We represent Caisse Desjardins Ontario Credit Union Inc. as it relates to the above-noted Application for Validation of Title. In connection with this Application we enclose the following:

1. Application Form;
2. Surveyor’s Real Property Report – 1 full-sized copy and one reduced copy with the subject lands outlined in red; and
3. Our cheque in the sum of \$1,969.00 payable to the City of Ottawa in payment of the application fee.

As indicated above, Plan 908, a copy of which is enclosed, is a Registrar’s Compiled Plan. It was registered on September 16th, 1974 and as it indicates on its face under the Registrar’s Certificate:

“This plan accurately designates as Lots 1-60, Lavergne St, Ste Monique St and White Fathers Road the parcels of land described in the respective instruments set out in the schedule. This plan was compiled from and is a graphic illustration of information from the records of the Registry Office, and is not based on actual survey.”

The instrument number with respect to 72 Lavergne in the schedule – 25890 (2nd) is the Deed for the property to Andre Drouin from Dependable Finance Corp. Limited registered July 29th, 1965. Mr. Drouin also acquired 68 Lavergne (as hereinafter defined) by instrument number 25890 from Dependable Finance Corp. Limited and hence the reference to the schedule for 68 Lavergne as 25890 (1st). Prior to the conveyance of 68 Lavergne and 72 Lavergne to Mr. Drouin, 68 Lavergne had been acquired by Phyllis Smith by Deed registered as Instrument Number V22572 on October 9th, 1962 and 72 Lavergne had been acquired by Phyllis Smith by separate Deed registered as Instrument Number V22573 on October 9th, 1962. Ms. Smith gave a mortgage over the properties to Dependable Finance Corp. Limited and presumably in

response to a default under her mortgage quit claimed her interest in the properties to Dependable Finance Corp. Limited who then conveyed both parcels together to Mr. Drouin.

Mr. Drouin acquired the properties prior to June 27th, 1970 when the subdivision control provisions of the *Planning Act* came into force with respect to these properties. Simply stated, after June 27th, 1970 the subdivision control provisions of the *Planning Act* prevented the conveyance of a portion of one's lands unless those lands are the whole of a lot within a registered plan of subdivision or fall within one of the other exceptions listed in the subdivision control provisions of the *Planning Act*. As stated earlier, Plan 908 is Registrar's Compiled Plan. A Registrar's Compiled Plan is not a registered plan of subdivision within the meaning of the *Planning Act* and indeed this is stated on the face of the plan as a caution. Therefore, any conveyance by Mr. Drouin of either 68 Lavergne or 72 Lavergne separately from the other after June 27th, 1970 would contravene the *Planning Act*. Unfortunately, that is precisely what happened here. The facts giving rise to this Application for a Validation of Title are as follows:

Evan Legg purchased the above-noted property along with the adjacent property legally described as Lot 51, Registrar's Compiled Plan No. 908 and municipally known as 68 Lavergne Street, Ottawa, Ontario ("68 Lavergne") from Mr. Drouin on April 1st, 2003. It is apparent that counsel for Mr. Legg did not appreciate the fact that Registrar's Compiled Plan 908 was not considered a registered plan of subdivision within the meaning of the *Planning Act* and on closing, a Transfer was registered in favour of Mr. Legg for 72 Lavergne as Instrument Number OC184571 and a Charge/Mortgage of Land was registered over 72 Lavergne in favour of Caisse Populaire Vision Inc. as Instrument Number OC184572. Unfortunately, as Mr. Drouin also continued to own the abutting lands being 68 Lavergne at the time of the Transfer to Mr. Legg of 72 Lavergne and as 72 Lavergne was not the whole of a lot on a registered plan of subdivision within the meaning of the *Planning Act*, that Transfer contravened the *Planning Act* and created no interest in 72 Lavergne in favour of Mr. Legg and, by extension, his mortgagee, Caisse Populaire Vision Inc. (now Caisse Desjardins Ontario Credit Union Inc., the Applicant herein. The purpose of this Application for Validation of Title is to cure that historical *Planning Act* contravention. Caisse Populaire Desjardins Ontario Credit Union Inc. is also making a companion application with respect to 68 Lavergne.

As the writer will be out of the country for an extended period of time, we respectfully request that the hearing of this matter not be scheduled in the period July 10th, 2023 to August 18th, 2023.

Yours very truly,

DAVIS WEBB LLP



Ellen S. Pefhany

Enclosures as noted.