

**DECISION
VALIDATION OF TITLE**

Date of Decision	June 30, 2023
Panel:	2 - Suburban
File No(s):	D08-01-23/T-0002
Application:	Validation Certificate under section 57 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Caisse Desjardins Ontario Credit Union Inc., on behalf of Evan Legg
Property Address:	72 Lavergne Street
Ward:	12 – Rideau-Vanier
Legal Description:	Lot 50 , Registrar's Compiled Plan 908
Zoning:	R4UD
Zoning By-law:	2008-250
Hearing Date:	June 20, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant seeks a Certificate of Validation to correct a title error which resulted in the current owner not having legal title to his property.
- [2] The property and the adjacent property at 68 Lavergne Street were always two separate properties for planning purposes. In 1965, Andre Drouin purchased 68 & 72 Lavergne Street from the previous Owner, Dependable Finance Corporation Limited, and as a result, the two properties were merged for *Planning Act* purposes. In 2003, Mr. Drouin transferred 72 Lavergne Street to Evan Legg alone. That transfer contravened the *Planning Act*.
- [3] The Validation of Title relates to the property described as Lot **50**, Registrar's Compiled Plan 908.
- [4] An accompanying Validation of Title application (D08-01-23/T-0001) has been filed for 68 Lavergne Street.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Test

- [5] Under the *Planning Act*, the Committee has the power to issue a certificate of validation if it is satisfied that an application has regard for 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

- [6] Evidence considered by the Committee included 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
 - City Planning Report received June 15, 2023, with no concerns
- [7] The Committee notes that the City’s Planning Report raises “no concerns” regarding the application.
- [8] Based on the evidence, the Committee is satisfied that the application has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [9] THE COMMITTEE OF ADJUSTMENT therefore issues a certificate of validation.

Absent
FABIAN POULIN
VICE-CHAIR

“Jay Baltz”
JAY BALTZ
ACTING PANEL CHAIR

“George Barrett”
GEORGE BARRETT
MEMBER

“Heather MacLean”
HEATHER MACLEAN
MEMBER

“Julianne Wright”
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the decision of the Committee of Adjustment of the City of Ottawa, dated **June 30, 2023**.



Michel Bellemare
Secretary-Treasurer

Ce document est également offert en français.

Committee of Adjustment
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