

**DECISION
CONSENT/SEVERANCE**

Date of Decision	July 28, 2023
Panel:	2 - Suburban
File No(s):	D08-01-23/B-00143, D08-01-23/B-00144, D08-01-23/B-00145, D08-01-23/B-00159
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Nemorin Group Limited
Property Address:	1568 Meadowbrook Road
Ward:	11 – Beacon Hill-Cyrville
Legal Description:	Part of Lot 22 Concession 2 (Ottawa Front), Geographic Township of Gloucester
Zoning:	R2N [2871]
Zoning By-law:	2008-250
Hearing Date:	July 18, 2023, in person and by videoconference

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their property into four separate parcels of land for the construction of four, long semi-detached dwellings, each with an additional dwelling unit. The existing dwelling and detached garage will be demolished.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Committee's consent for Conveyances. The property is shown as Parts 1-16 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-00143	9.915 m	36.59m	362.79 sq. m	1, 2, 9 & 10	1568 & 1570 Meadowbrook Proposed long semi-detached dwelling
B-00144	9.915 m	36.59 m	362.79 sq. m	3, 4, 11 & 12	1572 & 1574 Meadowbrook Proposed long semi-detached dwelling

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00145	9.915 m	36.59 m	362.79 sq. m	5, 6, 13, 14	1576 & 1578 Meadowbrook Proposed long semi-detached dwelling
B-00159	9.915 m	36. m	362.89 sq. m	7,8,15,16	1580 & 1582 Meadowbrook Proposed long semi-detached dwelling

- [3] It is proposed to establish easements/rights-of-way as follows:
- [4] Easement over Parts 2 and 10 in favour of 3, 4, 11 and 12 for vehicular and pedestrian access
- [5] Easement over Parts 3 and 11 in favour of 1, 2, 9 and 10 for vehicular and pedestrian access.
- [6] Easement over Parts 6 and 14 in favour of Parts 7, 8, 15 and 16 for vehicular and pedestrian access.
- [7] **Easement over Parts 7 and 15 in favour of Parts 5, 6, 13, 14, 18 and 20 for drainage.**
- [8] **Easement over Parts 18 and 20 in favour of parts 3,4,11,12,17 and 19 for drainage.**

PUBLIC HEARING

Oral Submissions Summary

- [9] Mr. Hume provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. The Committee noted that that the applications were to be amended, as identified in the City's Planning Report, to include two additional easements as follows:
- [10] **Easement over Parts 7 and 15 in favour of Parts 5, 6, 13, 14, 18 and 20 for drainage.**
- [11] **Easement over Parts 18 and 20 in favour of parts 3,4,11,12,17 and 19 for drainage.**
- [12] The application was amended accordingly.
- [13] The Committee also heard oral submissions from the following individual:
- A. Sethi, neighbour, stated support of the applications.

[14] City Planner Evode Rwagasore stated he had no concerns with the applications.

[15] Mr. Hume confirmed he had no concerns with the City's requested conditions of provisional consent.

[16] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED, AS AMENDED

Applications Must Satisfy Statutory Tests

[17] 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

[18] 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 a cover letter, plans, a parcel register, a tree information report, a zoning By-law amendment report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received July 14, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated July 11, 2023, with no objections.
- Hydro Ottawa email dated July 13, 2023, with no objections.
- T. A. Ryerson, neighbour email dated July 10, 2023, with concerns.
- C. S. Gauthier, neighbour, letter dated July 6, 2023, opposed.
- A. Lebrun & F. Vachon, neighbours, email dated July 17, 2023, opposed.
- J. Waldron, neighbour, email dated July 18, 2023, opposed.

Effect of Submissions on Decision

- [19] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [20] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [21] 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.
- [22] 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 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 No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner. 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 the existing dwelling/building has been removed.
 2. 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 existing driveways have been removed and the curb has been reinstated to City Standards or the owner has requested a Temporary Access permit to keep an entrance temporarily until obtaining a Building Permit.
 3. That the Owner(s) enter into either an easement agreement or a Joint Use, Maintenance and Common Elements Agreement:

- a. That the Owner(s) enter into an Easement Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

That Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **Development Review 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 Development Review 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.

Or

- b. That the Owner(s) enter 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 driveways.

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.

- 5) The Owner/Applicant(s) agrees to implement the tree protection and planting recommendations in the Tree Information Report (Dendron, Aug 13, 2021) and Landscape Plan (submitted with the Zoning By-law Amendment application). A paid planting contract is acceptable.
- 6) That the Owner(s) provide a combined Grading & 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 **Managers of the relevant branches of 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
 - e. The Owner(s) further acknowledges and agrees that this review may result in relocation of elements such as retaining walls and agrees to revise their plans accordingly to the satisfaction of the **Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate**. The Tree Information Report may require revision to reflect these changes.
- 7) That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Meadowbrook Road at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the

satisfaction of the **City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch and to the satisfaction of City Legal Services**. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. 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) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Meadowbrook Road, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction the Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
- 9) That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

"The property is located next to lands that have an existing source of environmental noise (Meadowbrook Road) and may therefore be subject to noise and other activities associated with that use"

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

The Agreement shall be to the satisfaction of the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or**

his/her designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

- 10) That the Owner(s) provided 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**, to be confirmed in writing from the Department to the Committee, that demonstrates that the Zoning By-law Amendment has been obtained with all levels of appeal exhausted.
- 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 the Conveyances for which the Consent is required.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

“Jay Baltz”
JAY BALTZ
MEMBER

“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 **July 28, 2023**



Cheryl Williams
Acting 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 **August 17, 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
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