

**DECISION
CONSENT/SEVERANCE**

Date of Decision	September 29, 2023
Panel:	3 - Rural
File No.:	D08-01-23/B-00180
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner/Applicant:	Laura Cooney
Property Address:	2230 Dunrobin Road
Ward:	5 – West Carleton-March
Legal Description:	Part of Lot 22, Concession 4, Geographic Township of March
Zoning:	RU
Zoning By-law:	2008-250
Hearing Date:	September 19, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide the property into two parcels of land to create separate ownership for each of the existing detached dwellings.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Committee’s consent to sever and a grant of easement/right-of-way.
- [3] The severed property is shown as Parts 1, 2 and 3 on a Draft 4R-Plan filed with the application, will have a frontage of 62.26 metres, an irregular depth of 1162 metres, and will contain a lot area of ~~4.58~~ **4.49** hectares. This parcel contains the existing dwellings and four accessory buildings known municipally as 2226 Dunrobin Road.
- [4] The retained property is shown on a sketch, has a frontage of 89.13 metres, an irregular depth of 1162 metres, and will contain a lot area of 61 hectares. This parcel will contain the existing dwelling known municipally as 2230 Dunrobin Road.

- [5] It is proposed to establish an easement/right-of-way over Part 2 in favor of the retained lands (2230 Dunrobin Road) for vehicular and pedestrian access.
- [6] It is proposed to establish an easement/right-of-way over Part 3 in favor of the retained lands (2230 Dunrobin Road) for hydro utility access and maintenance.
- [7] The Application also indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [8] On September 5, 2023, further to the City's request and with the Applicant concurring, the Committee adjourned the hearing to September 19, 2023, to allow time to resolve an error in the wording of Official Plan policies for rural severances, and for the Applicant to address concerns raised by the City's Planning Services.

Oral Submissions Summary

- [9] Christine McCuaig, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee. Ms. McCuaig questioned the need for the conditions outlined in the City's Planning Report requiring agreements with the City concerning the Bedrock Resource Area Overlay, quality and quantity of groundwater, potential thin soils and noise/ vibrations from the nearby railway. In her opinion, these conditions were onerous for the Applicant to undertake considering no new development was being proposed as both lots already include dwellings.
- [10] The Committee noted a request from Ms. McCuaig to amend the application in accordance with the revised Draft 4R-Plan on file and to include an additional easement over Part 3, as follows:

The severed property is shown as Parts 1, 2 and 3 on a Draft 4R-Plan filed with the application, will have a frontage of 62.26 metres, an irregular depth of 1162 metres, and will contain a lot area of ~~4.58~~ **4.49** hectares. This parcel contains the existing dwellings and four accessory buildings known municipally as 2226 Dunrobin Road.

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[11] With the agreement of Ms. McCuaig, the application was amended accordingly.

[12] City Planner Luke Teeft stated that, considering the submission of the revised Draft 4R-plan, he no longer had concerns as the proposed severance line does not intersect the unevaluated wetlands. He further confirmed that the condition regarding compliance with the spatial separation requirements of the Ontario building Code could be deleted.

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

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

Application Must Satisfy Statutory Tests

[14] 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

[15] 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 plans, photo of the posted sign, a sign posting declaration, environmental noise study, MRIA, parcel register, sketch and a revised Draft 4R-Plan.
- City Planning Report received September 14, 2023, with no concerns and August 31, 2023, requesting an adjournment.
- Mississippi Valley Conservation Authority email dated September 12, 2023, with no objections and August 28, 2023, with no objections.
- Ottawa International Airport Authority email dated August 22, 2023, with no comments.
- Hydro One email dated September 14, 2023, with no concerns and September 1, 2023, with no concerns.

- Hydro Ottawa email dated September 19, 2023, with no comments and September 4, 2023, with no comments.

Effect of Submissions on Decision

- [16] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application, as amended.
- [17] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [18] The Committee finds that the requested conditions relating to agreements with the City concerning the Bedrock Resource Area Overlay, quality and quantity of groundwater, potential thin soils and noise/ vibrations from the nearby railway are not necessary, and that the provisional consent should not be subject to these requirements.
- [19] 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.
- [20] 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 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.
 2. That the Owner 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.

3. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner file with the Committee, the “electronic registration in preparation documents” for a Conveyance for which the Consent is required.

“William Hunter”
WILLIAM HUNTER
VICE-CHAIR

“Terence Otto”
TERENCE OTTO
MEMBER

“Beth Henderson”
BETH HENDERSON
MEMBER

“Martin Vervoort”
MARTIN VERVOORT
MEMBER

“Jocelyn Chandler”
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **SEPTEMBER 29, 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 **OCTOBER 19, 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

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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