

**DECISION  
CONSENT/SEVERANCE**

<b>Date of Decision</b>	November 14, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-01-23/B-00203 & D08-01-23/B-00262
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Luke Shannon
<b>Property Address:</b>	2199 Boyer Road
<b>Ward:</b>	2 – Oréans West-Innes
<b>Legal Description:</b>	Part of Lot 4 Consession 2 (Ottawa Front), Geographic Township of Gloucester
<b>Zoning:</b>	R2N
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	November 14, 2023, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Owner wants to subdivide their property into two separate parcels of land for the construction of a long semi-detached dwelling, with secondary dwelling units.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [2] The Owner requires the Committee’s consent to sever, grant of easement/right-of-way, and a maintenance and joint-use agreement. The property is shown as Parts 1 through 5 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

*Table 1 Proposed Parcels*

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00203	8.58 m	Irregular depth of 14.96 m	457 165 sq. m	1, 2, & 5	2199 Boyer Road
B-00262	2.60 m	Irregular depth of 35.96 m	308 291 sq. m	3 & 4	2201 Boyer Road

- [3] It is proposed to establish easements/rights of way as follows:

- Easement over Part 4 in favor of part 1, 2 & 5 for access, vehicle and bicycle parking and amenity space.
- Easement over Part 2 & 5 in favor of part, 3 & 4 for pedestrian access and a shared stairway.

[4] The applications indicate Part 5 is a stratified easement.

**PUBLIC HEARING**

**Oral Submissions Summary**

[5] Christine McCuaig, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. She also stated no concerns with the City’s requested conditions of provisional consent.

[6] Ms. McCuaig confirmed the need to amend the applications in accordance with the revised Draft 4R-Plan that addresses the City’s concerns. Specifically, the area of the proposed lots should be amended as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00203	8.58 m	Irregular depth of 14.96 m	457 <b>165</b> sq. m	1, 2, & 5	2199 Boyer Road
B-00262	2.60 m	Irregular depth of 35.96 m	308 <b>291</b> sq. m	3 & 4	2201 Boyer Road

[7] The Committee agreed to amend the applications as highlighted above.

[8] Ms. McCuaig stated that the common access to the building, shown as Part 5 on the revised Draft 4R-Plan, was designed to promote building efficiency by reducing the number of stairwells and to minimize the overall building footprint on the site. She also stated that a Joint Use and Maintenance Agreement would address any concerns relating to this shared access. In response to questions from the Committee, Ms. McCuaig confirmed that fire rated exterior doors would be provided to ensure fire separation through the party wall, that there was adequate space for snow storage on site, and that there was sufficient space for vehicles to access the onsite parking spaces.

[9] City Planner Jerrica Gilbert confirmed no concerns with the applications. They also confirmed that the proposal could be defined as a long semi-detached dwelling that differs from a six-unit apartment building because of the ownership structure and the party wall separating the front and rear units.

[10] The Committee also heard oral submissions from the following individuals:

- S. Harrison, neighbour, stated concerns regarding garbage storage, snow removal, noise, light, traffic, and an increase in on street parking as a result of the proposal.

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

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Application(s) Must Satisfy Statutory Tests**

[12] 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**

[13] 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, tree information, revised Draft 4R-Plan and a sign posting declaration.
- City Planning Report received November 9, 2023, with no concerns.
- Rideau Valley Conservation Authority email received November 10, 2023, with no objections.
- Hydro Ottawa email received November 8, 2023, with comments.
- Hydro One email received November 14, 2023, with no comments.
- S. Harrison, neighbour, email received November 14, 2023, opposed.

### **Effect of Submissions on Decision**

[14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.

- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [16] 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.
- [17] 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.
  2. That the Owner(s) provide a combined Grading and Drainage Plan and Site Servicing Plan to the satisfaction of the Manager of the relevant branch of the **Planning, Real Estate, and Economic Development Department, or their designates**. 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 must adhere to the following:
      - (i) Minimum Grading and Servicing Plan Specifications Infill Serviced Lots; and
      - (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 same 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 and has access to services with adequate capacity.
  - d. The Grading and Servicing Plans must show the proposed planting locations from the associated Tree Planting Plan to be prepared as a condition of the severance.
3. 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 party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping. The Agreement shall be to the satisfaction of the Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designate, and City Legal Services.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title. The Committee requires written confirmation that the Agreement is satisfactory to the **Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their 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.

4. The Owner/Applicant(s) shall prepare and submit a Tree Planting Plan, prepared to the satisfaction of the Development Review Manager of the relevant **Branch within the Planning, Real Estate and Economic Development Department, or his/her designate**, showing the location of one new 50mm tree to be planted on each lot following construction, to enhance the urban tree canopy and/or streetscape.
5. 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.

6. 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 Consents are required.

*“Fabian Poulin”*  
FABIAN POULIN  
VICE-CHAIR

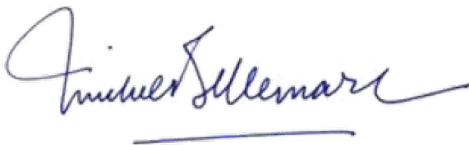
*“Jay Baltz”*  
JAY BALTZ  
MEMBER

*“George Barrett”*  
GEORGE BARRETT  
MEMBER

*“Heather MacLean”*  
HEATHER MACLEAN  
MEMBER

*Absent*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 24, 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 **December 14, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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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