



**VALIDATION OF TITLE (CONSENT) APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 138 Acacia Avenue  
Legal Description: Part of Lots 5, 6, 7 & 8, Registered Plan 4M-46  
File No.: D08-01-23/T-0005  
Report Date: November 9, 2023  
Hearing Date: November 14, 2023  
Planner: Cass Schlauzero  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Zoning: R1C[1260]

**Committee of Adjustment**  
Received | Reçu le  
**2023-11-10**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

**DISCUSSION AND RATIONALE**

Section 57 (1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits a committee of adjustment to issue a certificate of validation with respect to land that was previously conveyed and subsequently found to be in contravention of the current *Act* or a predecessor of it.

The subject property, along with 136 Acacia Avenue, were subject to a previous application seeking consent from the Committee for a lot line adjustment. Staff recommended refusal of the application on the grounds that there was not sufficient evidence to demonstrate that 136 and 138 Acacia had not merged on title and were indeed separate parcels of land. At its hearing on May 17, 2023, the Committee adjourned the application sine die.

Staff request an adjournment of the Validation of Title application to allow more time to review the new information provided by the applicant in support of the application.

**ADDITIONAL COMMENTS**

Staff note that, Per Section 57 (6) of the *Act*, a Validation of Title shall not be issued unless the land in questions conforms to the criteria that apply to the granting of consents under Section 51 (24).

In the previous staff report, staff commented that the proposed consent did not satisfy s. 51 (24)(c) of the *Planning Act*, which directs consideration of a consent application to have regard for conformity with an official plan. Policy 4.5.2 of the Official Plan requires that development applications comply with applicable Heritage Conservation District Plans.

The property is listed as a Grade 1 property within the Rockcliffe Park Heritage Conservation District (HCD). While the map included for illustration purposes in the Rockcliffe Park HCD Plan shows 136 and 138 Acacia Avenue as two properties, the Heritage Survey and Evaluation Form clearly reviewed and evaluated the property as one lot, particularly in the “Garden/Landscape/Environment” section where it is referred to multiple times as a “large corner lot.” Per the Rockcliffe Park HCD Plan, “Existing larger lots with Grade I buildings shall be preserved”. Heritage Planning Branch provided comment stating that they could not support the request for a severance at 136-138 Acacia Avenue given that an application to sever a Grade I property does not comply with the Rockcliffe Park HCD and is therefore not in conformity with the Official Plan.



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