

**DECISION
CONSENT/SEVERANCE**

Date of Decision	November 24, 2023
Panel:	3 - Rural
File No(s):	D08-01-23/B-00245, D08-01-23/B-00246, & D08-01-23/B-00247
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Triform Construction Inc.
Property Address:	5260 Long Island Road
Ward:	21 – Rideau-Jock
Legal Description:	Part of Lot 3, Concession Long Island, Reg. Plan 727
Zoning:	V1G[579]r
Zoning By-law:	2008-250
Hearing Date:	November 14, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] On December 8, 2021, the Committee granted Consent Applications (D08-01-21/B-00411 to B00414) to subdivide the property into four parcels of land for the construction of four detached dwellings. The Owner now wants to create easements for drainage across the parcels.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Committee's consent for Grants of Easements/Rights of Way.
- [3] Provisional consent was granted to subdivide the property into four parcels of land, shown as Parts 1 to 4 on Plan 4R-35065. The proposed drainage easements are shown on Plan 4R-35702, and will be as follows:

B-00245, Part 1 on Plan 4R-35065, 5256 Long Island Road

- Easement over Part 1 on Plan 4R-35702, in favour of Parts 2 and 4 on Plan 4R-35065 (5258 and 5250 Long Island Road).

B-00246, Part 2 on Plan 4R-35065, 5258 Long Island Road

- Easement over Part 2 on Plan 4R-35702, in favour of Part 4 on Plan 4R-35065 (5260 Long Island Road).

B-00247, Part 3 on Plan 4R-35065, 5291 Driscoll Drive

- Easement over Part 3 on Plan 4R-35702, in favour of Part 4 on Plan 4R-35065 (5260 Long Island Road).
- Easement over Part 4 on Plan 4R-35702, in favour of Parts 1, 2 and 4 on Plan 4R-35065 (5256, 5258 and 5260 Long Island Road)

[4] The applications indicate that the property is the subject of approved Consent Applications, noted above, and Minor Variance Applications (D08-02-21/A-00348 to A-00351) under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [5] Gabbi Scollon, Agent for the Applicant, provided a brief overview of the applications and responded to questions from the Committee. Ms. Scollon explained that the proposed easements were necessary to fulfill a condition of the approved consent for severance applications, and to ensure that there would be no additional drainage onto abutting lots.
- [6] The Committee also heard oral submissions from the following individuals:
- W. Wong, resident, who questioned how the proposed drainage solution would impact existing mature trees on the property, and how the flow of water would be handled within the easement lands.
 - G. Condran, resident, who highlighted concerns regarding the adequacy of the assessment of the flow and volume of water, and of the existing ditches on Driscoll Drive, noting that there is significant flooding in the area. Mr. Condran also noted that there were trees that were not included in the submitted tree information report.
- [7] Ms. Scollon confirmed that only the easement over Part 3 would be dug as a swale, and other solutions were proposed for the remaining easements. Jacob Bolduc, also Agent for the Applicant, noted that there would be retaining walls constructed to redirect water from the critical root zones of existing trees, and that only protected private trees are included in the tree information report.
- [8] City Planner Luke Teeft was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Tests

- [9] 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

[10] 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:

- Applications and supporting documents, including cover letter, plans, tree information, parcel registry, photo of the posted sign, and a sign posting declaration.
- City Planning Report received November 9, 2023, with no concerns.
- Hydro Ottawa email received November 8, 2023, with no concerns.
- Hydro One email received November 14, 2023, with no concerns.
- G. MacGregor, resident, email received October 30, 2023, with concerns.
- G. Condran, resident, email received November 10, 2023, with concerns.

Effect of Submissions on Decision

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

[12] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications. 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.

[13] 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) 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 easement lands. If the Registered Plan does not indicate the 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.
2. 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 Grants of Easements/Rights-of-Way for which the Consent is required.

“William Hunter”
WILLIAM HUNTER
VICE-CHAIR

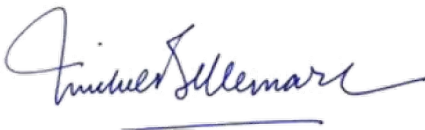
“Terence Otto”
TERENCE OTTO
MEMBER

“Beth Henderson”
BETH HENDERSON
MEMBER

“Martin Vervoort”
MARTIN VERVOORT
MEMBER

Declared Interest
JOCELYN CHANDLER
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 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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Ottawa.ca/CommitteeofAdjustment
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613-580-2436



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