

**DECISION  
CONSENT/SEVERANCE**

<b>Date of Decision</b>	January 26, 2024
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-01-23/B-00310, D08-01-23/B-00311 & D08-01-23/B-00312
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Abdelhafid Wali-Eddine & Fatima Aahra el Khaldi
<b>Property Address:</b>	2598 Pagé Road
<b>Ward:</b>	19 – Orléans
<b>Legal Description:</b>	Part of Lot 6 Concession 3 (Ottawa Front) Geographic Township of Gloucester
<b>Zoning:</b>	R1WW
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	January 16, 2024, in person and by videoconference

**APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)**

- [1] The Owner wants to subdivide their property into three separate parcels of land to create three new lots for future residential development. The existing dwelling is to be demolished.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [2] The Owner requires the Committee's consent to sever the land. The property is shown s Parts 1, 2 and 3 on a Draft 4R-Plan filed with the application and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00310	10.16 metres	45.72 metres	464.6 sq. metres	1	2596 Page Ave
B-00311	10.17 metres	45.73 metres	464.9 sq. metres	2	2598 Page Ave

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00312	10.16 metres	45.72 metres	464.5 sq. metres	3	2600 Page Ave

## PUBLIC HEARING

### Oral Submissions Summary

- [3] Abdelhafid Wali-Eddine, Agent for the Applicant, and City Planner Jerrica Gilbert were present.
- [4] There were no objections to granting these unopposed applications as part of the Panel's fast-track consent agenda.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

### Applications Must Satisfy Statutory Tests

- [5] 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**

[6] 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 revised cover letter, plans, parcel register, tree information report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 10, 2024, with no concerns.
- Rideau Valley Conservation Authority email received January 10, 2024, with no objections.

- Hydro Ottawa email received December 21, 2023, with no concerns.
- Hydro One email received December 15, 2023, with no concerns.
- Ministry of Transportation email received December 19, 2023, with no concerns.

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

- [7] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that, "the severed and retained parcels will be in conformity with the requirement of the Zoning By-law for the R1WW zone, which requires a minimum lot width of 9 metres and a minimum lot area of 450 square metres. The smaller lot sizes will be compatible with those prevalent within the surrounding neighbourhood."
- [9] 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.
- [10] 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 evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department**, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the

proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply with 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

3. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or their designate**, that the single dwelling at 2598 Pagé Road has been demolished or relocated under the authority of a Building Permit.
4. That the Owner(s) provide a combined Grading and Drainage Plan and Site Servicing Plan that includes the locations of proposed structures (driveways, retaining walls, projections, etc.) determined based on the least impact to protected trees and tree cover to the satisfaction of the **Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designate**. The existing Tree Information Report may require revision to reflect these changes. 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 standards:
    - 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 and 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.
5. That the Owner(s) provide a Grading and Servicing Plan or Existing Conditions, Removals, and Decommissioning plan showing the existing services and the capping location, to be determined based on the least impact to existing protected trees, to the satisfaction of the **Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designate**.
6. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the **Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designate**, showing the location(s), species/ultimate size of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
7. 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 their designate**, to require that an asphalt overlay be installed at the Owner(s) expense on Pagé Road if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The asphalt must be installed over the entire public driving surface area within the limits of the overlay to the satisfaction the Manager of the East Branch within Planning, Real Estate and Economic Development Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that the agreement has been registered on title.

If the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or their designate** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

8. 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 their designate** that all outstanding Local Improvement charges (i.e., water, sewer, road) and water frontage fees (at a rate of \$190/m, and sewer \$135.00/m 2023 rates) applicable to both the severed and retained parcels have been paid in full. Payment shall be made to the Infrastructure Management Division. A copy of proof of payment must be provided to the satisfaction of the **Development Review Manager of the East**

**Branch within Planning, Real Estate and Economic Development  
Department, or their designate.**

9. The Owner(s) shall design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The following two conditions will be included in the above-noted Agreement:
  - i. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and ducting that was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee 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;" and
  - ii. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to 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."
10. 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.
11. 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 a Conveyance for which the Consent is required.

*Absent*  
FABIAN POULIN  
VICE-CHAIR

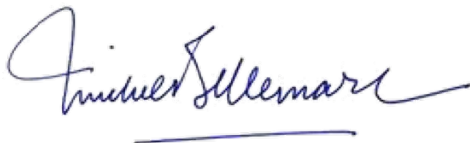
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JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
ACTING PANEL CHAIR

*"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 **January 26, 2024**.



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 **February 15, 2024**, 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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