



**Committee of Adjustment**  
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**2023-12-22**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

December 4, 2023

File No. K-13567-23

**ONTARIO LAND SURVEYORS**

T.J. Allison  
J. C. Anderson  
J.E. Anderson  
M. M. Aradau  
S.S. Bazar  
A.J. Broxham  
G.T. Hartwick  
E.H. Herweyer  
E.K. Ketchum  
V.A. Shelp  
J. P. Shipman  
W.C. Storey  
D.R. Vollebakk

G.D. Annis (1939-2013)

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**DEVELOPMENT**

J.F. Penney

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City of Ottawa  
Committee of Adjustment  
101 Centrepointe, 2<sup>nd</sup> Floor  
Ottawa, ON K2G 5K7

**Re: Application for Lot Line Adjustment**  
**#5600 William McEwen Drive**  
**Part of Lot 3, Concession 2**  
**Geographic Township of North Gower, City of Ottawa**

**Introduction**

This report is prepared in support of the attached application to permit the transfer of approximately 0.32 hectares of land from an agricultural property known as #5600 William McEwen Drive, to a residential property, known as #5613 Third Line Road. The agricultural parcel comprises approximately 42 hectares of predominantly productive farm land, containing a dwelling, an old barn and two sheds. Both the barn and existing dwelling are far removed from the subject site. The residential parcel proposed to be enlarged comprises 0.61 hectares of land, which contains a residential dwelling.

A shed is contained within the area proposed to be severed. This shed is located in close proximity to, and has been historically used in conjunction with the residential parcel (#5613 Third Line Rd.). The applicant wishes to formally attach the shed and immediately surrounding land to #5613 Third Line Road. No productive agricultural land would be lost as a result of approval. Future potential conflicts between the agricultural and residential uses in relation to the shed, its use, and its proximity to the residential parcel may also be mitigated as a result of approval.

**Provincial and City Policy**

Protection of prime agricultural land and natural heritage features are primary considerations in both the City of Ottawa Official Plan (OP), and in the Provincial Policy Statement (PPS). City and Provincial policy generally prohibit the creation of new lots in agricultural areas, though adjustments to parcel boundaries are permitted under limited circumstances.



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**Provincial and City Policy (cont'd)**

In relation to the subject proposal, Section 2.3.4.2 of the PPS permits lot line adjustments for "legal and technical reasons".

The Official Plan mirrors the PPS at Section 9.1.3(2), stating

"Lot line adjustments are permitted on lands Designated as Agricultural Resource Area for legal or technical reasons only."

Section 13 of the Official Plan points to the PPS for interpretation of the term "legal or technical reasons", which provides as follows:

"Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot."

The permissive clause in respect to boundary adjustments applicable to the subject application appears to turn on the interpretation of the term "minor".

For the purposes of a Minor Variance Application, the term "minor" is defined with reference to the "Adverse Impact Test". This principle is consistently applied by the Ontario Municipal Board and holds that where the impact of a proposed application is found to be adverse, it would not be considered minor. Where the impact would not be adverse, it may be considered minor. Logically, the same principle may be applied to assist in interpretation of the meaning of the term "minor" within the context of the PPS and OP.

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Since the subject land has little or no practical value for agricultural use, the result of its inclusion in the residential parcel would not represent a loss of prime agricultural land. There would be no impact upon adjacent properties, and from a numerical proportion, the area of the land to be severed represents only 0.6% of the existing farm parcel. Thus, its inclusion in the adjacent residential parcel may be considered to represent a "minor" boundary adjustment.


**Conclusion**

In respect to protection of Agricultural Land the proposed severance is arguably benign, if not beneficial, when considered in the context of potential conflicts between agricultural and residential uses.

In view of the above, it may be concluded that there would be no discernable adverse impacts resulting from approval of the application – the boundary adjustment may be considered "minor" within the meaning of the PPS and OP.

The subject application therefore does not appear to offend the Provincial Policy Statement or the Official Plan.

The owners of the residential property feel that attached to their parcel, the subject lands would be better served as part of their residential use, rather than as part of the surrounding agricultural use. As such, the subject application is respectfully submitted to the Committee for consideration.



Jeffrey P. Shipman  
Ontario Land Surveyor.