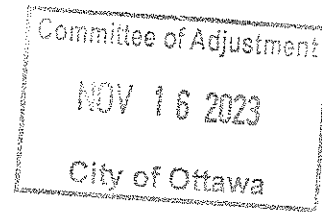




MOMENTUM



November 15, 2023

Secretary-Treasurer  
Committee of Adjustment  
4<sup>th</sup> Floor, 101 Centrepointe Drive  
Ottawa (Nepean) ON K2G 5K7

RE: Application for Consent to Register an Easement  
275 King Edward Avenue

This letter is filed on behalf of 165177 Canada Inc. in support of an application for a consent to register an easement on the lands known municipally as 275 King Edward Avenue but comprised of 261, 269 and 277 King Edward Avenue and 260 Murray Street. The general intent of the application is to grant access to Brigitte Gregoire, the registered owner of 257 Clarence Street for purposes of property maintenance.

The following documents in support of this application are attached in hard copy and digitally on a USB drive:

- Application form including a letter of authorization as an agent for the owner.
- Parcel abstract pages to confirm ownership.
- Draft Transfer Easement document
- Draft reference plan - 1 full-size copy and 1 reduced size copy
- Site Plan
- Landscape Plan

In addition, the application fee of \$3316.00 payable to the City of Ottawa has been enclosed.

Copies of these documents in PDF can also be accessed with the following link:

<https://www.dropbox.com/scl/fo/hbe1za8itq07p1m95gocp/h?rlkey=q6d6tn3aak4q7683xrakgsvtf&dl=0>

Planning and Communications  
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## Background

On September 1, 2021, my client, 165177 Canada Inc., submitted applications to rezone the subject property (File D02-02-21-0085) and for a related site plan control approval (File D07-02-21-0128) to construct a hotel on this site. On June 8, 2022, City Council adopted By-law 2022-186 to rezone the site to permit the proposed hotel. An appeal to the adoption of this by-law was filed by Ms. Brigitte Gregoire who is the registered owner of 257 Clarence Street which is a property abutting the subject property on the eastern edge.

Since that time, we have been working with the appellant to resolve this appeal to allow By-law 202-186 to come into force. In Minutes of Settlement dated September 14, 2023, agreement was reached that allowed the appellant to withdraw her appeal subject to specified conditions. In a letter dated November 7, 2023, the Ontario Land Tribunal acknowledged receipt of the request to withdraw the appeal and closed their file on the matter (OLT-22-004153). By-law 2022-186 will now come into full force and effect and allow the approval of the site plan control application.

The requested consent for an easement is to satisfy a condition pursuant to the Minutes of Settlement with Ms. Gregoire. This easement will grant Ms. Gregoire access to the subject property for purposes of maintaining the land and buildings as necessary. On the draft reference plan submitted with this application, it will be noted that the buildings in question are located on and/or immediately adjacent to the subject property. A copy of the draft Transfer Easement document that has been prepared for purposes of registering the easement once approved has been included in this submission.

## Confirmation of Property Ownership

In preparing this application, I have been assisted by Laura Robinson, a lawyer with BLG. Ms. Robinson has provided copies of a parcel PIN map and the parcel abstracts which have been submitted with the application. For ease of reference, the following is a summary of the affected PINs/municipal properties:

- PT LTS B & 7, PL 43586, N/S CLARENCE ST, AS IN N697779; OTTAWA/NEPEAN (PIN: 04213-0039 (LT) – 259 KING EDWARD AVE, OTTAWA);
- PT LTS B & 7, PL 43586, N/S CLARENCE ST, AS IN CR618231; OTTAWA/NEPEAN (PIN: 04213-0038 (LT) - 265 KING EDWARD AVE, OTTAWA);
- PT LT 7, PL 43586, N/S CLARENCE ST, AS IN CR347214; OTTAWA/NEPEAN (PIN: 04213-0037 (LT) - 275 KING EDWARD AVE, OTTAWA);
- PT LT 7, PL 43586, N/S CLARENCE ST, AS IN NS113972; OTTAWA/NEPEAN (PIN: 04213-0036 (LT) - 279 KING EDWARD AVE, OTTAWA); and



- PT LT B, PL 43586, N/S CLARENCE ST, AS IN CR671503; OTTAWA/NEPEAN (PIN: 04213-0012 (LT) - 260 MURRAY ST, OTTAWA).

### **Regulatory Framework and Criteria for Approval**

While applications for a consent are to be assessed under the criteria listed in Section 51(24) of the Planning Act, it is my opinion that these criteria are not directly applicable to an application for an easement of this nature. In this instance, the requested easement does not result in a conveyable property as its sole purpose is to grant a right of access for purposes of property maintenance to buildings which otherwise could not be reached from the adjacent owner's property.

The easement also does not impact the intent of my client to implement the approved zoning of the subject property, nor does it constrain the development of the property for a hotel pursuant to the pending site plan control approval.

### **Summary Opinion**

This concludes my analysis of the criteria under Section 51(24) of the *Planning Act* for the approval of a consent to register an easement. Based on this review, it is my opinion that all the applicable criteria have been adequately addressed to permit the approval of this application. It is my summary opinion that the proposed application demonstrates good and appropriate land use planning and is in the public interest.

If additional information or clarification of this submission is necessary, please do not hesitate to contact me.

Yours respectfully

*Dennis Jacobs*

Dennis Jacobs MCIP, RPP  
Principal Planner

