

DECISION CONSENT/SEVERANCE

Date of Decision	March 1, 2024
Panel:	1 - Urban
File No(s):	D08-01-24/B-00004 & D08-01-24/B-00005
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Riverain Developments Inc.
Property Address:	280 and 300 Montgomery Street
Ward:	12 – Rideau-Vanier
Legal Description:	Part of Lots 1, 2, 4, 6, 8, 10, 32, 33, 34, 35, Registered Plan 49 and Part of Lot 14, Registered Plan 51 and Part of Lot 7, Concession Junction Gore, Geographic Township of Gloucester
Zoning:	TM3 [2719] S441
Zoning By-law:	2008-250
Hearing Date:	February 21, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to establish access easements over portions of its property as part of a 3-phase, mixed-use development.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Committee's consent for easements/rights of-ways, mortgage/ partial discharge of mortgage and a joint-use and maintenance agreement.
- [3] The property is shown as Parts 1 through 5 on a Draft 4R-Plan filed with the applications. It is proposed to establish the easements/rights-of-ways as follows:

24B-00004: 280 Montgomery Street (Development Phase 1), Parts 1, 2 & 3 on Draft 4R-Plan.

- Over Parts 1 & 2 on the Draft Reference Plan, in favour of 300 Montgomery Street (Development Phase 3), being Part 4 on 4R-34900.
- Over Parts 1 & 2 on the Draft Reference Plan, in favour of 3 Selkirk Street (Development Phase 2), being Part 3 on 4R-34900.

24B-00005: 300 Montgomery Street (Development Phase 3), Parts 4 & 5 on Draft 4R-Plan.

- Over Part 4 on the Draft Reference Plan, in favour of 280 Montgomery Street (Development Phase 1), being Parts 1 & 2 on 4R-34900.
- Over Part 4 on the Draft Reference Plan, in favour of 3 Selkirk Street (Development Phase 2), being Part 3 on 4R-34900.

[4] The application indicates that the property is subject to existing easements as set out in Instrument No N704449 as well as mutual blanket easements for surface access over the Phase 1 Lands (Parts 1 and 2 on Plan 4R-34900) between 2799338 Ontario Inc. and Riverain Developments Inc. as set out in Instrument Nos. OC2659191 and OC2659193.

PUBLIC HEARING

Oral Submissions Summary

[5] Krista Libman, Agent for the Applicant and City Planner Margot Linker were present.

[6] 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

[7] 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

- [8] 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, parcel registries, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 16, 2024, with no concerns.
- Rideau Valley Conservation Authority email received February 14, 2024, with no objections.
- Hydro Ottawa email received February 14, 2024, with no objections.
- Ministry of Transportation email received February 14, 2024, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that the proposed easements "will allow for all three lots to have access over the driveways and drive aisles to access parking."
- [11] 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.
- [12] 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 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.

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 easements/rights-of-ways, mortgage/ partial discharge of mortgage and a joint-use and maintenance agreement for which the Consent is required.

“Ann M. Tremblay”
ANN M. TREMBLAY
CHAIR

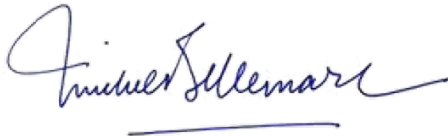
“John Blatherwick”
JOHN BLATHERWICK
MEMBER

“Simon Coakeley”
SIMON COAKELEY
MEMBER

“Arto Keklikian”
ARTO KEKLIKIAN
MEMBER

“Sharon Lécuyer”
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 1, 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 **March 21, 2024**, 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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