

2024-03-18



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1359 Gosset Street
Legal Description: Part Lot 22, Registered Plan 23
File No.: D08-01-24/B-00022
Report Date: 2nd Revision March 18, 2024
Hearing Date: March 19, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Evolving Neighbourhood Overlay
Zoning: R2N

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of the application so that a severance application can be submitted for 1356 Louis Lane and heard concurrently with the lot line adjustment application.**

DISCUSSION AND RATIONALE

The Official Plan designates the property Neighbourhood within the Outer Urban Transect. The Evolving Neighbourhood Overlay applies. The site is located on the east side of Gosset Street, south of Parisien Street. The application seeks to move the rear lot line of 1359 Gosset Street to the west in order to enlarge the rear yard of the abutting property to the east at 1356 Louis Lane.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment.

The Owner of 1356 Louis Lane, Mr. Pereira, confirmed with staff that his intent is to submit a future severance application to create a new lot fronting Parisien Street for the development of two semi-detached dwellings. Assuming the future severance occurs, the portion of 1359 Gosset Street conveyed to 1356 Louis Lane would create a more functional rear yard for the existing detached dwelling.

With this understanding of the planned context for 1356 Louis Lane, staff do not have concerns with the lot line adjustment. However, if this future severance does not occur,

the lot line adjustment would result in an irregularly shaped lot, as shown in **Figure 1**, with a rear lot line that deviates from the consistent rear lot lines on the block. This is not desirable from a lot fabric perspective.



Figure 1 Proposed Lot Shape of 1356 Louis Lane by the proposed lot line adjustment

To prevent such an outcome, staff are requesting an adjournment. This so that a severance for 1356 Louis Lane can be submitted and reviewed concurrently with the lot line adjustment. As stated earlier, staff do not have concerns with the lot line adjustment itself. However, if granted on its own, the lot line adjustment would result in an irregular lot shape at 1356 Louis Lane that would disrupt the lot fabric of the block. By reviewing the future severance concurrently, staff will have the opportunity to review the proposal for 1356 Louis Lane in its entirety and be confident that an irregular lot shape is unlikely to be the final result.

Submission of a future severance application is a reasonable expectation for 1356 Louis Lane as preparation work has already been completed. A deposited R-Plan already exists for 1356 Louis Lane, as shown in **Figure 2**. Plan 4R-24307 shows lots for two semi-detached dwellings as Part 1 and Part 2. Note that a severance application was never submitted to create the lots.

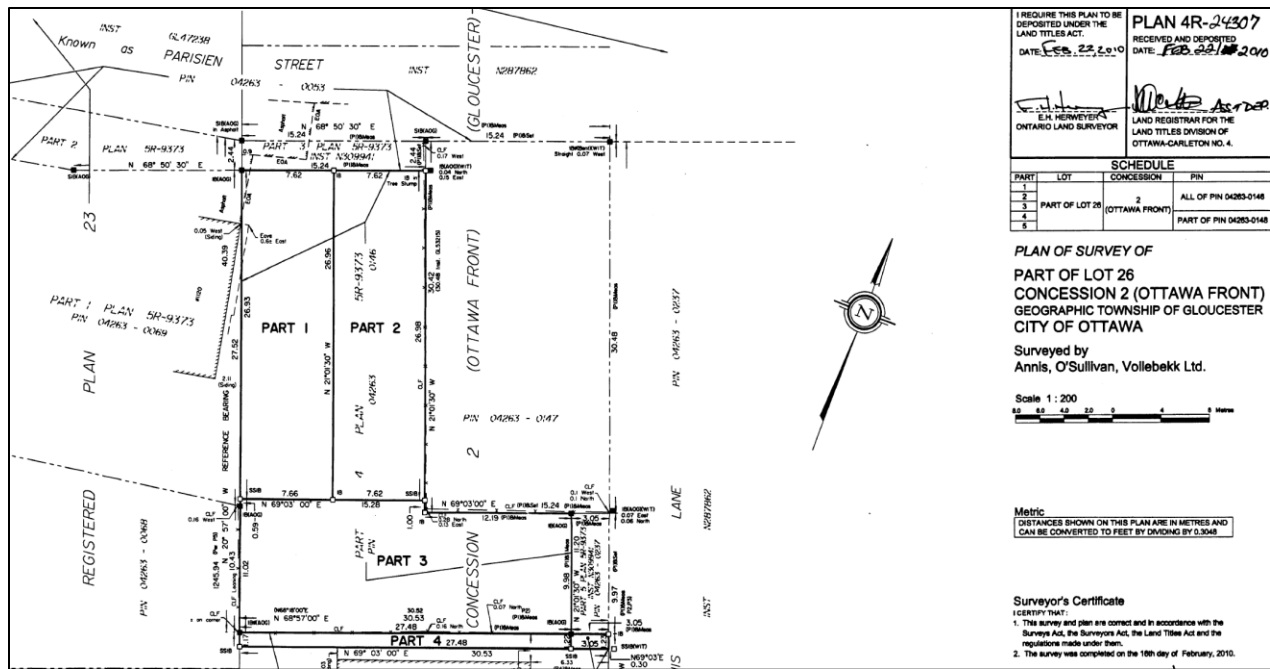


Figure 2: Plan 4R-24307 for 1356 Louis Lane, deposited in February 2010

Staff have requested adjournment instead of conditioning the submission of the severance application because under the *Planning Act*, the Committee of Adjustment cannot require another property owner who (does not own the subject property) to submit an application.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related impacts associated with the requested severance.

As discussed with the applicant, any future work that would impact any distinctive trees on site will require a TIR and application for a Tree Permit.

Right of Way Management

The Owner(s) are advised to provide plans, drawings or reports as may be required to demonstrate, to the satisfaction of the Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate, that the existing private approach on the conveyed lands fronting Parisien Street conforms with the Private Approach By-law (2003-447) and can be established. The applicant will need to apply for a Private Approach Permit and Road Cut Permit(s) in accordance with the said by-law and pay any associated application fees. The current Private Approach By-law and associated application information can be found here: <https://ottawa.ca/en/planning-development-and-construction/construction-right-way/driveways>.

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CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

1. That the Owner(s) satisfies the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance to the existing buildings on Part 2 of Plan 4R-31319 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the westerly side of the proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
2. That the owner(s) file with the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. A copy of the reference plan and/or legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property, known municipally as 1359 Louis Lane, so that no new lot is being created, in accordance with paragraph (b) below.
 - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by *(insert name)* described as PIN *(insert property identification number)* being Part(s) *(insert numbers)* on Plan *(insert plan number)*, not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The owner(s) shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an application to annex restrictive covenant under Section 118 of the Land Titles Act must be registered on the title of both the severed lands and on the abutting parcel that is to be merged. The covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee of Adjustment:

“These lands have been merged and may not be dealt with separately, without applying for a consent of the Committee of Adjustment.”

- e. In lieu of the undertaking provided in paragraph (c), a replacement undertaking by the solicitor must be filed undertaking on behalf of the owner(s) to register the restrictive covenant on both property titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered restrictive covenant with the Committee of Adjustment within 21 days of the registration of the document.

~~3. That the Owner(s) provide evidence to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), to be confirmed in writing from the Department to the Committee, that the existing structure straddling the proposed severance~~

~~line has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.~~

- ~~4. That the Owner(s) provide evidence that a complete Consent application for 1356 Louis Lane has been submitted to the Committee of Adjustment to the Manager of the Planning, Real Estate and Economic Development Department, or their designate(s).~~



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