

**DECISION
CONSENT/SEVERANCE**

Date of Decision	March 28, 2024
Panel:	2 - Suburban
File Nos.:	D08-01-23/B-00349 & D08-01-24/B-00023
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner/Applicant:	Greenbelt Baptist Church
Property Address:	839 Shefford Road
Ward:	11 – Beacon Hill-Cyrville
Legal Description:	Part of lot 15, Concession 1 (Ottawa Front), former Township of Gloucester; Parts 1 to 4 on Plan 4R-10693
Zoning:	IL2[294] H(14)
Zoning By-law:	2008-250
Hearing Date:	March 19, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide its property into two separate parcels of land to create one new lot for future development.
- [2] At the scheduled hearing on February 20, 2024, the Committee adjourned the proceeding to allow the Applicant time to submit a secondary consent application to create an easement.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [3] The Owner requires the Committee’s consent to sever the property, for an easement/right-of-way and for a joint-use and maintenance agreement.
- [4] The severed land is shown as Parts 3 and 4 on a Plan 4R-10693 filed with the application and will have a frontage of 51.43 metres, a depth of 73.94 metres and a lot area of 3,795.5 square metres. This land is vacant and will be known municipally as 843 Shefford Road.
- [5] The retained land is shown as Parts 1 and 2 on said plan, has a frontage of 58.3 metres, a depth of 73.94 metres and a lot area of 4,299.53 square metres. This

land contains the existing Greenbelt Church and associated parking and is known municipally as 839 Shefford Road.

- [6] It is proposed to establish an easement/right-of-way over Part 2 in favour of Parts 3 and 4 (843 Shefford Road) for shared access.

PUBLIC HEARING

Oral Submissions Summary

- [7] Zuzana Keslerova, Agent for the Applicant, provided an overview of the applications and responded to questions from the Committee. She questioned the need for one of the conditions outlined in the City's Planning Report requiring evidence that the severed and retained parcels can each accommodate independent services. Ms. Keslerova believed that the requested condition is onerous for the Applicant to fulfill because the eventual use of the property is unknown. In her opinion, such a condition should be imposed on a future owner when development is proposed.
- [8] City Planner Jerrica Gilbert advised that requiring evidence of independent services is a standard condition of approval when creating a new lot. They also advised that the City had reworded the requested condition to add more flexibility in fulfilling it.
- [9] The Committee also heard oral submissions from the following individual:
- Ivan Fortin, Real Estate Agent, who indicated that the property had previously been surveyed in 1994.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) Must Satisfy Statutory Tests

- [11] 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

[12] 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, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 11, 2024, with no concerns; received February 15, 2024, with some concerns.
- Rideau Valley Conservation Authority email received March 13, 2024, with no objections; received February 14, 2024, with no objections.
- Hydro One email received March 5, 2024, with no comments.
- Hydro Ottawa email received March 13, 2024, with comments; received February 13, 2024, with comments.
- Ministry of Transportation email received February 14, 2024, with no comments.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [15] The Committee finds that the requested condition requiring evidence of independent services for both the severed and retained parcels is both necessary and reasonable, and that it is the Applicant's responsibility to demonstrate that the new lot is capable of being independently serviced.
- [16] 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.
- [17] 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 to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, that both severed and retained parcels are capable of having their own independent water, sanitary and storm connection as appropriate.
2. That the Owner(s) satisfies the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that the proposed severance of the existing building on Part 1 of Plan 4R-10693 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the southerly proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) convey to the City, at no charge to the City, a 0.30-metre reserve over Part 3 on Plan 4R-10693 for the purpose of restricting vehicular access to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or designate**. The Transfer must be registered by the City Legal Services. The Committee requires written confirmation from **City Legal Services** that the land for the reserve has been conveyed to the City.
4. That the Owner(s) satisfy the requirements of **Hydro Ottawa** with respect to the provision of a Common Elements Agreement or grant an easement as required, the consent to which is hereby granted.
5. 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.
6. 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 conveyance, easement/right-of-way and for a joint-use and maintenance agreement for which the Consent is required.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

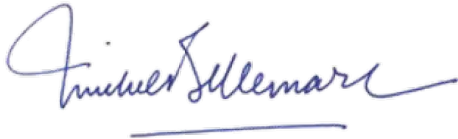
"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"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 **March 28, 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 **April 18, 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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436