

**DECISION
CONSENT/SEVERANCE**

Date of Decision	March 28, 2024
Panel:	2 - Suburban
File No.:	D08-01-23/B-00019
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owners/Applicants:	Claridge Homes (Mer Bleue Phase 4) Inc.
Property Address:	2666 Tenth Line Road
Ward:	19 – Orléans South-Navan
Legal Description:	Part of Lot 5, Concession 11, Former Township of Cumberland
Zoning:	RU, I1B & O1
Zoning By-law:	2008-250
Hearing Date:	March 19, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide its property into two separate parcels of land for the construction of a new school. The existing dwelling will be demolished.
- [2] At the scheduled hearing on March 15th, 2023, the proceeding was adjourned to allow the Applicant time to obtain a Zoning By-law Amendment. With the zoning requirements subsequently amended, the Applicant now seeks approval of their severance application.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [3] The Owner requires the Committee’s consent to sever.
- [4] The severed land is shown as Parts 1 & 2 on a draft 4R-Plan filed with the application, will have a frontage of 99.74 metres, an irregular depth, and a lot area of 1.83 hectares. This parcel contains a detached dwelling which is to be demolished and a school is proposed. This parcel will be known municipally as 2674 Tenth Line Road.
- [5] The retained land is shown as Part 3 on said plan, and will have no frontage, an irregular depth and an area of 8.48 hectares. This lot is vacant and will be used for future residential development ~~it is known municipally as 2666 Tenth Line Road~~ **and will be merged with the abutting parcel to the west, known municipally as 2503 Mer Bleue Road.**

PUBLIC HEARING

- [6] At the hearing on March 5, 2024, the Panel Chair administered an oath to Evan Saunders, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [7] The Committee adjourned the application to allow time for the Applicant to explore options for merging the retained lands with an abutting parcel to avoid creating a lot without frontage on a public street. With the concurrence of all parties, the application was adjourned to March 19, 2024.

Oral Submissions Summary

- [8] On March 19, 2024, Mr. Denomme provided an overview of the application and confirmed that the retained lands would be merged with the abutting parcel to the west known municipally as 2503 Mer Bleue Road.
- [9] In response to questions from the Committee, Mr. Denomme explained that there was currently a detached dwelling and garage on the severed parcel which would be demolished. He further confirmed that he was not opposed to making the demolition of these structures a condition of approval.
- [10] City Planner Cass Scлаuzero also was present.
- [11] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Tests

- [12] 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

[13] 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:

- Application and supporting documents, including cover letter, plans and a parcel abstract.

- City Planning Report received March 15, 2024, with no concerns; received March 1, 2024, with no concerns; received March 10, 2023, requesting adjournment; received February 23, 2024, requesting adjournment.
- South Nation Conservation Authority email received February 28, 2024, with no objections.
- Hydro One email received February 26, 2024, with no comments.
- Hydro Ottawa email received February 27, 2024, with no comment; received February 28, 2023, with no comment.
- Ministry of Transportation email received March 1, 2024, with no comments; received February 21, 2023, with no comments.

Effect of Submissions on Decision

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [16] The Committee finds that the City's requested condition requiring the demolition of the detached dwelling and garage on the severed parcel is both necessary and reasonable.
- [17] 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.
- [18] 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 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 retained lands and the deed or Instrument conveying the retained lands to the owner of the

abutting properties to the west, municipally known as 2503 Mer Bleue Road, in accordance with paragraph (b) below:

- b. 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 retained land (Part of PIN 14563-0547) and the abutting land (PIN 14563-3506). 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”.

- c. Where the solicitor’s Undertaking in paragraph (b) 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 retained 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, 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:

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

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner 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 within 21 days of the registration of the document.

2. That the Owner(s) provide proof to the satisfaction of the **Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing dwelling and detached garage has been removed from the severed parcel, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.

3. 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.
4. 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 for which the Consent is required.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

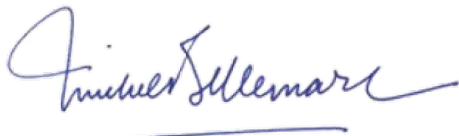
“Jay Baltz”
JAY BALTZ
MEMBER

“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
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Ottawa.ca/CommitteeofAdjustment
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613-580-2436



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