

**DECISION  
CONSENT/SEVERANCE**

<b>Date of Decision</b>	April 12, 2024
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-01-23/B-00354 & D08-01-24/B-00030
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	The Ottawa Hospital
<b>Property Address:</b>	1919, 1967 Riverside Drive
<b>Ward:</b>	18 – Alta Vista
<b>Legal Description:</b>	Part of Lots 15 and 16, Concession Junction Gore and Part of the Road Allowance between Lots 15 and 16 Concession Junction Gore (as closed by By-law 174-88, Inst. N451929), Geographic Township of Gloucester
<b>Zoning:</b>	I2F (1.0)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 2, 2024, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS:**

- [1] The Owner wants to construct a seniors' retirement community located in the northeast corner of the property and enter into a long-term lease.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [2] The Owner requires the Committee’s consent for a long-term lease in excess of 21 years and for easements/rights of ways.
- [3] The subject property is shown as Parts 1 to 47 on the draft 4R-Plan filed with the applications and Part 52 on Plan 4R-19213.

**23B-00354: 100 Smyth Road (leased lands for the proposed seniors' retirement community), Parts 5 to 8, 10 to 21, 37 and 39 to 45 on draft 4R-Plan.**

- [4] The leased lands are shown as Parts 5 to 8, 10 to 21, 37 and 39 to 45 on the said plan, will have a frontage of 400 metres along Symth Road and contain a lot area of 1.95 hectares. This parcel will contain the proposed seniors' retirement community and will be municipally known as 100 Smyth Road.
- [5] It is proposed to establish easements/rights-of-ways as follows:

- Over Parts 8, 39 and 44 in favour of the retained lands (Parts 1 to 4, 22 to 24, 26 to 30, 32, 34 to 36 and 38) for sanitary sewer services.

**24B-00030: 1919, 1967 Riverside Drive (existing medical buildings), Parts 1 to 4, 22 to 24, 26 to 30, 32, 34 to 36 and 38 on draft 4R-Plan and Part 52 on Plan 4R-19213.**

[6] The retained lands are shown as Parts 1 to 4, 22 to 24, 26 to 30, 32, 34 to 36 and 38 on the said plan, will have a frontage of 100 metres along Riverside Drive and contain a lot area of 5.581 hectares. This parcel contains the existing medical buildings and their associated parking, known municipally as 1919 and 1967 Riverside Drive.

[7] It is proposed to establish easements/rights-of-ways as follows:

- Over Parts 1 to 4 and Part 52 on Plan 4R-19213 in favour of the leased lands (Parts 5 to 8, 10 to 21, 37 and 39 to 45) for vehicle and pedestrian access.
- Over Parts 22 to 24, 27 to 30, 32, 34 and 35 in favour of the leased lands (Parts 5 to 8, 10 to 21, 37 and 39 to 45) for vehicle and pedestrian access.
- Over Parts 24 and 30 in favour of the leased lands (Parts 5 to 8, 10 to 21, 37 and 39 to 45) for water and stormwater services.
- Over Parts 32 and 38 in favour of the leased lands (Parts 5 to 8, 10 to 21, 37 and 39 to 45) for watermain services.
- Over Parts 26, 27 and 36 in favour of the leased lands (Parts 5 to 8, 10 to 21, 37 and 39 to 45) for stormwater services.

[8] Parts 9, 25, 31, 33, 46 and 47 are proposed to be parkland dedication to the City of Ottawa.

[9] The property is subject to the following easements as set out in OC166375, OC547905, N468782, N581099, OC547904 and OC547907.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

[10] Thomas Freeman, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Freeman confirmed that the subject lease and easements would be for a 75-year period.

[11] City Planner Samantha Gatchene noted no concerns with the application, recognizing that the requested easements are between private landowners, and any easements provided to the City will be part of the Site Plan Agreement.

[12] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications Must Satisfy Statutory Tests**

[13] 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**

[14] 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, appendix with easements and part summary, parcel register, plans, tree information, intention to lease, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 27, 2024, with no concerns.
- Rideau Valley Conservation Authority email received March 27, 2024, with no objections.
- Hydro Ottawa email received March 26, 2024, with comments.
- Ottawa Macdonald-Cartier International Airport Authority email received March 20, 2024, with no comments.
- Ministry of Transportation email received March 20, 2024, with no comments.
- A. Chiappa, resident, email received March 31, 2024, with comments.

### **Effect of Submissions on Decision**

[15] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.

- [16] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "the requested easements are between private landowners; the onus is on the Applicant to provide the City with any easements required as part of the Site Plan Agreement."
- [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(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 leased 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" a long-term lease in excess of 21 years and for easements/rights of ways for which the Consent is required.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

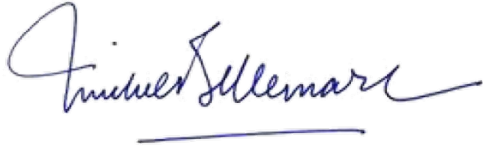
*Declared Interest*  
JAY BALTZ  
MEMBER

*"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 **April 12, 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 **May 2, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436