

## DECISION CONSENT/SEVERANCE

<b>Date of Decision</b>	May 10, 2024
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-01-24/B-00034 to D08-01-24/B-00041
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Rullingnet Corporation
<b>Property Address:</b>	149 King George Street
<b>Ward:</b>	13 – Rideau-Rockcliffe
<b>Legal Description:</b>	Part of Lot 220, Lots 221 to 226, and Part of Lot 8, Junction Gore (Geographic Township of Gloucester) Registered Plan 342
<b>Zoning:</b>	R3M [1461] S218
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	May 1, 2024, in person and by videoconference

### APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their property into 9 separate parcels of land to create eight new lots for the construction of eight three-storey townhomes. The existing school will remain.

### CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Owner requires the Committee's consent to sever land and to grant Easements/Rights-of-Way. The property is shown as Parts 1-19 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

*Table 1 Proposed Parcels*

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00034	7.74 m	22.60 m	175.9 sq. m	2, 3, 4	14 Quill Street
B-00035	6.07 m	22.62 m	137.3 sq. m	5, 6	16 Quill Street

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00036	6.07 m	22.65 m	137.4 sq. m	7, 8	18 Quill Street
B-00037	6.07 m	22.68 m	137.6 sq. m	9, 10	20 Quill Street
B-00038	6.07 m	22.71 m	137.8 sq. m	11, 12	22 Quill Street
B-00039	6.07 m	22.73 m	137.9 sq. m	13, 14	24 Quill Street
B-00040	6.07 m	22.76 m	138.1 sq. m	15, 16	26 Quill Street
B-00041	13.76 m	22.82 m	313.8 sq. m	17, 18, 19	28 Quill Street

- [3] The retained land is shown as Part 1 on said plan and will have a frontage of 31.94 metres, a depth of 58.09 metres and an area of 1853 square metres. This lot contains the existing school and is known municipally as 149 King George Street.
- [4] The applications indicate the property is subject to existing easements as set out in instrument OC186318.
- [5] Approval of these applications will have the effect of creating separate parcels of land that will not be in conformity with the requirements of the Zoning By-law and therefore, minor variance applications (File Nos. D08-02-24/A-00052 to D08-02-24/A-00058) have been filed and will be heard concurrently with these applications.
- [6] Except for the above-noted minor variance applications, the applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [7] Peter Hume, 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.
- [8] In response to questions from the Committee, Mr. Hume, along with Krista Libman, also acting as Agent for the Applicant, clarified that proceeding with multiple consent applications is the appropriate process to obtain separate ownerships for each of the townhouse units, rather than proceeding with a plan of subdivision application. Ms. Libman added that a plan of subdivision was not necessary in this case as the proposal will not have internal services. Mr. Hume further noted that a condominium agreement would not be necessary as there would be no shared features as the units all front a public street and would each have their own access and independent services. Ms. Libman noted that the requested condition for a Joint Use, Maintenance and Common Elements Agreement would cover any shared elements, such as the roof and party walls.
- [9] In response to questions from the Committee, Mr. Hume explained that the requested reduced corner side yard setback was a result of having to shift the development north rather than centering it on the block. This was done to preserve the protected heritage view of the Vinci School building from the King George and Quill intersection. Mr. Hume confirmed that the back (north façade) of the Vinci School had no heritage value.
- [10] In response to questions from the Committee regarding the City's requested condition requiring a Development Agreement for the construction of the sidewalk along Quill Street, City Planner Margot Linker confirmed that the agreement would remain on title and would apply to subsequent property owners. City Planner Erin O'Connell added that if the Applicant's Agents were agreeable, the condition could be amended to include securities to ensure the sidewalk would be completed as part of the development.
- [11] Mr. Hume and Ms. Libman confirmed they were agreeable to revising the condition to include securities for the sidewalk's construction.
- [12] With the concurrence of all parties, the condition requiring a Development Agreement for the construction of the sidewalk was revised to include securities.
- [13] The Committee also heard oral submissions from the following individuals:
- P. Hilchie, resident, highlighted concerns over the future of the development and the removal of a play structure on the abutting lot.
- [14] City Forester Julian Alvarez-Barkham advised that the Tree Information Report on file was reflective of the previous site plans and that a revised report was required.

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

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

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

[16] 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**

[17] 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, revised plans, revised elevations, revised tree information report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received April 24, 2024, with some concerns.
- Rideau Valley Conservation Authority email received April 29, 2024, with no objections.
- Hydro Ottawa email received April 23, 2024, with comments.
- Hydro One email received April 29, 2024, with no comments.
- C. Lever, resident, email received April 25, 2024, with comments.
- K. Gupta, resident, emails received April 30, 2024, and May 1, 2024, in opposition.
- J. de las Mercedes Carbonell Alfonso and five other parents of Vinci School students, email received April 30, 2024, in opposition.
- N. Benamra, resident, email received April 30, 2024, in opposition.
- Overbrook Community Development Coalition, email received April 30, 2024, in opposition.

### Effect of Submissions on Decision

- [18] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [19] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the conditions agreed to by the Applicant's Agents, including the revised condition to include securities for the sidewalk construction.
- [20] 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.
- [21] 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 that the accompanying Minor Variance Applications have been approved, with all levels of appeal exhausted.
  2. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
  3. The Owner/Applicant(s) shall prepare and submit a tree planting plan, to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**, showing the location(s), species/ultimate size of one new 50 mm tree to be planted on the property frontage or right-of-way of each lot, and a tree along Glynn Ave following construction, to enhance the urban tree canopy and streetscape.
  4. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an

Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of **Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

5. 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 have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
6. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Quill Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the **City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch** and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
7. That the Owner(s) enter into a Development Agreement **or Infrastructure Agreement** with the City of Ottawa, to design and construct a sidewalk at the sole expense of the Owner(s), within public rights-of-way on Quill Street, **and post the necessary securities for the work** to the satisfaction of the Relevant Manager of the Relevant Branch within the City's Planning, Development and Building Services Department, or his/her designate. The sidewalk shall be constructed to City Standards. The Agreement shall be drafted by the City Legal services department to its satisfaction and shall be registered on title. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment in order to satisfy the condition.
8. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Quill Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the

approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If the Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

9. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Relevant Manager of the Relevant Branch within **Planning, Real Estate and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

10. That the Owner convey a 3 m x 3 m corner sight triangle located at the intersection of Quill & King George Ave, and Quill & Glynn Ave to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
11. 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.

12. 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 conveyances and grants of Easements/Rights-of-Way for which the Consent is required.

*“Ann M. Tremblay”*  
ANN M. TREMBLAY  
CHAIR

*Absent*  
JOHN BLATHERWICK  
MEMBER

*“Simon Coakeley”*  
SIMON COAKELEY  
MEMBER

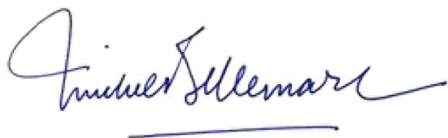
*“Arto Keklikian”*  
ARTO KEKLIKIAN  
MEMBER

*Absent*  
SHARON LÉCUYER  
MEMBER

*“Julianne Wright”*  
JULIANNE WRIGHT  
MEMBER

*“Heather MacLean”*  
HEATHER MACLEAN  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 10, 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 30, 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**  
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