

Committee of Adjustment

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City of Ottawa | Ville d'Ottawa

Comité de dérogation



**PERMISSION APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 3**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 2722 Diamondview Road

Legal Description: Part of Lot 27, Concession 4 and part of the Road Allowance between Concessions 4 & 5 and Part of Lot 27 Concession 5 Geographic Township of Huntley

File No.: D08-04-23/T-0003

Report Date: August 10, 2023

Hearing Date: August 15, 2023

Planner: Jack Graham

Official Plan Designation: Agricultural Resource Area

Zoning: AG3 – Agricultural Zone, Subzone 3

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

**DISCUSSION AND RATIONALE**

Section 57 of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits a council to grant a validation certificate in respect of land described in the certificate providing the contravention of section 50 of the *Planning Act* does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land.

The subject property is known as 2722 Diamondview Road, and is agricultural land bisected by the Carp River. The portion of the property southwest of the river was transferred in 1985 without obtaining municipal consent. The owner at the time transferred the land under the assumption that the Carp River created a *natural severance*, which exempts the transfer from requiring consent due to the navigable waterway being held as crown land.

The lands were not converted to Land Titles Conversion Qualified (LTCQ) when the PINs were created in 1999 and remain in the Registry System. The owners wish to have the

lands brought into LTCQ. The Land Registry Office (LRO) did not accept the validity of the 1985 transfer, as there was no proof provided that the water was indeed navigable.

After consulting with City legal staff, planning staff are satisfied that if there was a contravention of the *Planning Act* with the 1985 transfer, staff would not object to validating the transfer, and therefore staff have no concerns with the application.



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Jack Graham  
Planner I, Development Review, Rural  
Planning, Real Estate and Economic  
Development Department



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Adam Brown  
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Planning, Real Estate and Economic  
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