

## DECISION VALIDATION OF TITLE

<b>Date of Decision</b>	August 25, 2023
<b>File No(s):</b>	D08-01-23/T-0003
<b>Application:</b>	Validation Certificate under section 57 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Antonio Falbo and Maria Falbo
<b>Property Address:</b>	2722 Diamondview Road
<b>Ward:</b>	5 - West Carleton-March
<b>Legal Description:</b>	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 West Carleton
<b>Zoning:</b>	AG3
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	August 15, 2023

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

- [1] The Applicant seeks a Certificate of Validation to correct a title error which resulted in the current owner not having legal title to his property.
- [2] The property is shown as Parts 1, 2, & 3 on Plan 5R-9380 and the adjacent property, shown as the Northeast half of Lot 27, Concession 4.
- [3] The Validation of Title relates to the Property described as Parts 1, 2 and 3 on Plan 5R-9380, being Part of Lot 27, Concession 5 (Huntley), part of the road allowance between Concessions 4 and 5, and part of Lot 27 Concession 4 (Huntley). In 1985, William George Greene conveyed the lands without obtaining consent under the *Planning Act*, and as a result, that Transfer contravened the *Planning Act*.
- [4] Antonio Falbo and Maria Falbo are now seeking to validate the title of the properties.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [1] Krista Libman, Agent for the Applicants, was present and responded to questions from the Committee.
- [5] City Planner Jack Graham was also present and confirmed that he had no concerns with the application.

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

### **Application Must Satisfy Statutory Test**

- [6] Under the *Planning Act*, the Committee has the power to issue a certificate of validation if it is satisfied that an application has regard for 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**

[7] Evidence considered by the Committee included the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including a cover letter, parcel register and transfer documents, and plans.
- City Planning Report received August 10, 2023, with no concerns.
- Mississippi Valley Conservation Authority email dated August 8, 2023, with no objections.
- Hydro Ottawa email dated August 15, 2023, with no comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.

[8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "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."

[9] Based on the evidence, the Committee is satisfied that the application has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.

[10] THE COMMITTEE OF ADJUSTMENT therefore issues a certificate of validation.

*Absent*  
WILLIAM HUNTER  
VICE-CHAIR

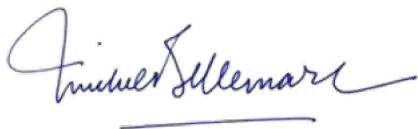
*"Terence Otto"*  
TERENCE OTTO  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
ACTING PANEL CHAIR

*Absent*  
JOCELYN CHANDLER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 25, 2023**.



Michel Bellemare  
Secretary-Treasurer

*Ce document est également offert en français.*

**Committee of Adjustment**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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