

SCHEDULE TO APPLICATION FOR CONSENT

RE: 121 AND 125 Marketplace Ave. ("Subject Property")

APPLICANT: 9604430 Canada Inc. ("Applicant")

EXPLANATION OF PROPOSAL FOR CONSENT

This application for consent will permit the Applicant to finance the severed independent of the retained lands. No severance of ownership is contemplated. The applicant intends to continue to operate both the severed and retained lands as one property.

The buildings on the severed and retained lands were constructed in accordance with a common site plan and servicing plans and in accordance with a Site Plan Agreement registered on March 3, 2018 as Instrument No. OC1982943. The subject property is considered one lot for zoning purposes. As no severance of ownership is contemplated, no zoning by-law amendment or minor variances are required.

As explained in further detail below, we propose to register a mutual blanket easements as a precaution only in the event of a sale of the severed lands by the Chargee under the Charge/Mortgage.

Severance of the subject property could be achieved through: (i) an application for draft plan approval of a condominium for either of the severed or retained lands; or (ii) an application for exemption from part lot control; or (iii) an application to the Committee of Adjustment for consent.

Approach (i) is not appropriate for the subject lands because title is to be held in single ownership and there is therefore no purpose to be served in undertaking the consent through condominium approval. Approach (ii) is not appropriate for the subject lands because valid easements for the benefit of the Chargee and any future owners of the severed lands would only be effective upon conveyance of the severed lands to a third party and prior to the expiration of the PLCE By-law. The PLCE By-law would need to be in effect and/or extended for the term of the Charge/Mortgage. Approach (iii) best applies in this instance for creation of an individual parcel for financing and valid mutual easements that would be registered in connection with the Charge but would not take effect as long as the parcel remains in single ownership.

The subdivision criteria in Section 51(24) of the Planning Act is not applicable to this application as there will be no new lots created.

APPLICATION FORM – CONTINUED

SECTION 3:

LEGAL DESCRIPTION: Block 4, Plan 4M-1438, City of Ottawa (PIN 04732-4354), Block 3, Plan 4M-1438, City of Ottawa (PIN 04732-4353)

SECTION 4:

EXISTING EASEMENTS:

Block 4, Plan 4M-1438 is subject to easement over Part 2, Plan 4R-25484 as in OC1271635 in favour of Rogers Communications Inc., easement in gross over Part 1, Plan 4R-25484 as in OC1273612 in favour of Hydro Ottawa Limited, easement as in OC1271636 in favour of Bell Canada, easement as in OC1271634 in favour of Rogers Communications Inc.

Block 3, Plan 4M-1438 is subject to easement as in OC1271636 in favour of Bell Canada, easement as in OC1271634 in favour of Rogers Communications Inc.

PROPOSED CONVEYANCE:

The Applicant does not intend to convey the severed or the retained lands to a third party. This application is for consent for registration of Transfers of the severed and retained parcels from the Applicant to the Applicant, and registration of separate Charge/Mortgages on the severed lands and retained parcels only. We propose to register mutual blanket easements on title to the severed lands and the retained lands as a precaution only. The easements would take effect and/or be implemented only in the event of a sale of the severed lands by the Chargee under one or both of the Charge/Mortgages. ~~In the meantime, title to both the severed lands and the retained lands will remain in the name of the Applicant and cannot be independently conveyed by the Applicant or its successors in title absent further consent.~~

PROPOSED EASEMENTS/RIGHTS OF WAY:

Mutual blanket easements will be registered for the benefit of each of the severed and the retained lands as a precaution only, in the event of a sale of the severed lands by the Chargee under the Charge/Mortgage. The mutual blanket easements will be for the purpose of vehicular and pedestrian access, connection to shared servicing systems, access to and use of shared amenity areas, access for maintenance and repair, for encroachments of buildings and/or services, etc.

PROPOSED CONDITIONS TO CONSENT:

- Registration of the draft reference plan
- Registration of mutual blanket easements on title to the severed lands and the retained lands as required permit the operation, maintenance and repair of the shared facilities in the event of a transfer by the Chargee

CONFIRMATION OF SUBMISSION REQUIREMENTS:

Enclosures to this Application include:

1. Application Form
2. Detailed cover letter/schedule to Application.
3. Tree Information Report – not required – see e-mail from Nancy Young (March 22, 2024)
4. Draft reference plan
5. Parcel abstract page
6. Rural Requirements - Not applicable
7. Application fee - \$3,639.00 payable to City of Ottawa

