

**DECISION
CONSENT/SEVERANCE**

Date of Decision	June 14, 2024
Panel:	2 - Suburban
File Nos.:	D08-01-24/B-00054 & D08-01-24/B-00055
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner/Applicant:	Marek Pasierb
Property Address:	176 Oakridge Boulevard
Ward:	8 – College
Legal Description:	Lot 75, Registered Plan 348978
Zoning:	R1FF
Zoning By-law:	2008-250
Heard:	June 4, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide the property into two separate parcels of land to create one new lot for future residential development. The existing dwelling is to remain.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Applicant requires the Committee’s consent to sever land. The property is shown as Parts 1, 2 and 3 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 No.	Municipal Address
B-00054	7.51 m	20.71 m (irregular)	301.90 sq. m	1	28 Donna Street Proposed vacant lot for future residential development
B-00055	25.45 m	20.71 m	526.90 sq. m	2 & 3	176 Oakridge Boulevard Existing detached dwelling

PUBLIC HEARING

Oral Submissions Summary

- [3] Shibinn Manivannan and Johnny Kulwartian, both acting as Agents for the Applicant, provided an overview of the applications and responded to questions from the Committee.
- [4] Mr. Manivannan explained that the new lot line was located as proposed to minimize the changes needed to the existing dwelling, driveway or shed. Mr. Manivannan highlighted that there are no development plans.
- [5] In response to the Committee's questions, City Planner Samantha Gatchene explained that, during pre-consultation with the Applicant, two lots of a more equal size had been considered. However, to achieve this the existing driveway would have had to have been removed. She further explained that on-site parking was a requirement in this zone and with a narrow interior side yard setback, it may have led to front yard parking, which would not have been supported by the department.
- [6] Mr. Manivannan questioned the need for the condition outlined in the City's Planning Report requiring the payment of cash-in-lieu of parkland. Mr. Manivannan requested that the condition be removed given that no development is proposed at this time.
- [7] When questioned by the Committee, City Planner Samantha Gatchene confirmed that cash-in-lieu of parkland is required regardless of the absence of any proposed development at this time or in the future and that it is the City's preference to receive payment at the earliest opportunity, which in this case is the severance application. She requested that the condition remain.
- [8] The Committee also heard oral submissions from the following individuals:
- K. Mitchell, resident, highlighted concerns about the proposed lot sizes and questioned the number of units that could go on the new lot.
 - D. Monsou, resident, highlighted concerns about the impact of a future development on the neighbourhood.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

Application(s) Must Satisfy Statutory Tests

- [10] 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

[11] 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, plans, tree information report, Parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 29, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with comments.
- E. McMahon and M. Pierce email received May 28, 2024, with comments.

Effect of Submissions on Decision

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

[13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.

[14] Based on the evidence, the Committee is not 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 not satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act*, including whether the proposal is premature or in the public interest, as well as the reduced dimensions of the lots considered under minor variance applications D08-02-24/A-00076 and D08-02-24/A-00117 which are also refused.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
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 **June 14, 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 **July 4, 2024**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th 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.

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 the Planning, Development and Building Services 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
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436