

**DECISION
CONSENT**

Date of Decision	June 14, 2024
Panel:	3 - Rural
File Nos.:	D08-01-23/B-00319
Application:	Consent under Section 53 of the <i>Planning Act</i>
Owner/Applicant:	Donevelyn Farms Ltd.
Property Address:	4053B Yorks Corners Road
Ward:	20 – Osgoode
Legal Description:	Part of Lots 37 & 38, Concession 10, Former Geographic Township of Osgoode
Zoning:	AG
Zoning By-law:	2008-250
Heard:	June 4, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] ~~The Owner wants to subdivide their property into two separate parcels of land to create one new lot for a surplus farm dwelling.~~ **The Owner wants to establish an easement/right of way in favour of the abutting property at 3973 Yorks Corners Road.**

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] ~~The Owner requires the Committee's consent for Conveyance and Grant of Easement/Rights of Way.~~
- [3] ~~The severed land, shown on a sketch filed with the application, will have a frontage of 30 metres, a depth of 410 metres and will contain a lot area of 1.4 hectares. The parcel will contain the existing dwelling and will be municipally known as 3995 Yorks Corners Road.~~
- [4] ~~The retained land, shown on a sketch filed with the application, will have a frontage of 330 metres, a depth of 2015 metres and will contain a lot area of 77 hectares. The parcel will contain a barn and six accessory structures and will be known municipally as 4053B Yorks Corners Road.~~

- [5] It is proposed to create an Easement/Right-of-Way, shown on a sketch, in favour of 3973 Yorks Corners Road for vehicular and pedestrian access.
- [6] The application indicates there is an existing easement as in OS17750 and OS17765.

PUBLIC HEARING

- [7] On February 6, 2024, the hearing of the application was adjourned to April 30, 2024, at the request of Jeff Shipman, Agent for the Applicant, for continued discussions with City Staff.
- [8] On April 30, 2024, with no one representing the Applicant in attendance, the hearing was adjourned to June 4, 2024.
- [9] Prior to the hearing on June 4, 2024, the Committee received an adjournment request for application D08-01-23/B-00318 from Mr. Shipman, to allow the Applicant additional time to address the City's concerns with the condition of the existing dwelling on the severed land.
- [10] At the hearing, the Committee heard from Mr. Shipman, who reiterated his request to adjourn application D08-01-23/B-00318, but proceed with application D08-01-23/B-00319 to establish an easement in favour of 3973 Yorks Corners Road.
- [11] City Planner Luke Teeft stated his support for the adjournment.
- [12] With all parties in concurrence, application D08-01-23/B-00318 was adjourned *sine die*.

Oral Submissions Summary

- [13] Mr. Shipman provided an overview of the application.
- [14] Mr. Teeft confirmed that no conditions were requested for the creation of the proposed easement.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Tests

- [15] 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

[16] 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:

- Application and supporting documents, including cover letter, parcel registry, road notice, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with no concerns; received April 29, 2024, with no concerns; received February 1, 2024, with no concerns.
- South Nation Conservation email received May 30, 2024, with no objections; received April 24, 2024, with no objections; received February 2, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with no comments; received April 23, 2024, with no comments; received January 30, 2024, with no comments.
- Ontario Ministry of Transportation email received April 18, 2024, with no comments; received February 2, 2024, with no comments.

Effect of Submissions on Decision

[17] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[18] The Committee notes that the City's Planning Report raises "no concerns" regarding the application

[19] 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.

[20] 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) 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 easement 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 sketch filed with the Application for Consent.
2. 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 Grant of Easement/Right of way for which the Consent is required.

“William Hunter”
WILLIAM HUNTER
VICE-CHAIR

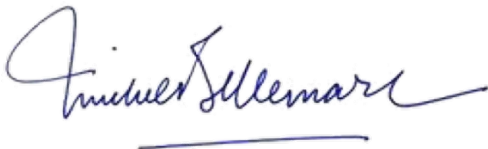
“Terence Otto”
TERENCE OTTO
MEMBER

“Beth Henderson”
BETH HENDERSON
MEMBER

“Martin Vervoort”
MARTIN VERVOORT
MEMBER

“Jocelyn Chandler”
JOCELYN CHANDLER
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

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
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