

**DECISION
CHANGE OF CONDITION**

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| Date of Decision | June 14, 2024 |
| Panel: | 1 - Urban |
| File No(s).: | D08-01-21/B-00186 |
| Application: | Change of Consent under Section 53 of the <i>Planning Act</i> |
| Owner(s)/Applicant(s): | Ottawa Trim & Door Incorporated |
| Property Address: | 7665 Bleeks Road |
| Ward: | 21 – Rideau-Jock |
| Legal Description: | Lot 11, Concession 6 |
| Zoning: | RU |
| Zoning By-law: | 2008-250 |
| Heard: | June 4, 2024, in person and by videoconference |

PURPOSE OF THE CHANGE OF CONDITION REQUEST

- [1] At its hearing in September 2021, the Committee of Adjustment refused provisional consent for a conveyance at 7665 Bleeks Road. On June 30, 2022, the decision of the Committee of Adjustment was appealed to the Ontario Land Tribunal which granted the applications subject to several conditions requested by the City.
- [2] The Owner requests that Condition No. 5 requiring a hydrogeological study be amended to recognize that sodium levels exceed the maximum concentration established by Ministry of the Environment, Conservation and Parks D-5-5 guidelines, to be satisfied through the installation of a reverse osmosis unit.

PUBLIC HEARING

- [3] Tony Faranda, Agent for the Applicant, provided a brief overview of the requested change of condition, and submitted that the sodium content on the subject lot is treatable through the installation of a reverse osmosis system. Mr. Faranda requested that this system be permitted to fulfill the condition.
- [4] The Committee heard from City Planner Luke Teeft who stated that the City does not support the request due to the importance of adhering to Ministry guidelines and the possibility of setting a precedent for future hydrogeological conditions. In response to questions from the Committee, Mr. Teeft clarified that

a reverse osmosis system would be unsuitable as the sodium concentration exceeds the minimum that is considered treatable.

- [5] Colleen Vermersch, Engineer for the Applicant, explained that the maximum treatable concentration of sodium identified by the Ministry of Health is 200 ml, whereas the concentration identified in this case is at 216 ml. She noted that this exceedance is marginal and would not pose a health risk.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: REQUEST GRANTED

- [7] The Committee considered any written and oral submissions relating to the request in making its decision.
- [8] Under subsection 53(23) of the *Planning Act*, the Committee has the power to change the conditions of a provisional consent at any time before a consent is given.
- [9] Based on the evidence, the Committee finds that the requested change of condition is reasonable and appropriate.
- [10] The Committee therefore grants the change of condition request. Condition No.5 as requested by the City and approved by the Ontario Land Tribunal is deleted and replaced as follows:

5. That the Owners report prepared by Kollaard Associate Engineers that was provided to the City of Ottawa on May 10, 2024, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development be accepted with the acknowledgement that sodium was the only aesthetic exceedance of the MCCRT. This will be addressed by installing a reverse osmosis unit on the kitchen tap to treat the water.

The report included a septic impact assessment to evaluate the water quality impact of the on-site system on the receiving aquifer. The Owners' report demonstrated the following to the City of Ottawa:

- a) That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservations and Parks;
- b) That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives – with the exception of sodium aesthetic exceedance which will require separate water treatment systems.

- c) That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements;
- d) That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements. A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well if required and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. Where the subject site has sensitive soils, the drilling of a well or the conveyance of a 30-centimetre reserve may be required.

Both the report and any required Development Agreement shall be prepared to the satisfaction of the Development Review Manager of the relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical guideline for Private Wells: Water Supply Assessment."

(Note: Severance #1 has a drilled well, Severance #2 does not have a drilled well and the conveyance of a 30 centimetre reserve may be required on Severance #2 only.)

The Committee also finds that this change to the conditions is not minor and is therefore giving notice of the change pursuant to subsection 53(24) of the *Planning Act*.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR


"Terence Otto"
TERENCE OTTO
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

Declared Interest
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 OLT 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 individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

NOTICE TO APPLICANT:

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

Ce document est également offert en français.

Committee of Adjustment
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