

March 4th, 2024

Secretary- Treasurer
Committee of Adjustment
101 CentrepoinTE Drive
Ottawa, ON K2G 5K7
cofa@ottawa.ca



Application for Consent: 1380 / 1390 Corkery Rd, Carp, ON K0A 1L0

Attention: Michel Bellemare, Secretary-Treasurer

As landowners we, Tammy and Nick Thornton, would like to file for a consent to sever a 2.11 acre lot located at 1380 Corkery Road from 1390 Corkery Road. This is the second application for 1380 / 1390 Corkery Road severance as the previous application lapsed due to a client/ lawyer misunderstanding. The subject property is described as located at 1390 (1380) Corkery Road in West Carleton-March Ward, zoning EP3-RU with by-law 2008-250, Part Lot 13, Concession 8 Huntley, Part 8, 5R1582 and 4R-35169. The property is zoned as EP3- RU under zoning by-law: 2008-250.

The purpose of the consent application is to obtain approval to complete a severance on the land of 1380 Corkery Road. The following prior conditions placed on the property have all been met, registered and detailed information for all of these conditions is available.

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Development Review Manager of the Relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers: "The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner." The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
2. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or

his/her designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers: "The City of Ottawa has identified that there are potential and inferred karst topography, thin soils, unstable slopes, and organic soils within the area that may require site specific detailed geotechnical engineering solutions to allow for development, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner." The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it h 4 File No.: 008-01-21/B-00408

3. That the Owner(s) convey, if required, at no charge to the City of Ottawa, sufficient frontage across the severed and retained lands to provide for a road right-of-way measuring 13 metres from the centerline of Corkery Road. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. If the Owner's Surveyor determines that the widening condition has already been satisfied, it must be indicated on the Draft Reference Plan and submitted to the City Surveyor for approval. The Committee requires written confirmation from the City Surveyor confirming that the widening is not required. If the Owner(s) wish to temporarily retain the existing fence within the widening lands until the City develops the widening lands, the Owner(s) shall enter into (and register, if necessary) an encroachment agreement and/or letter of tolerance to the satisfaction of the General Manager, Planning, Infrastructure, and Economic Development. The Committee requires written confirmation from City Legal Services confirming either that a letter of tolerance/encroachment agreement has been executed (and registered if necessary) or will not be required.

4. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer. The Owners' report must demonstrate 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, Conservation and Parks b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives; 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.

5 File No.: 008-01-21/8-00408 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. In instances 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 Development Review Manager of the Relevant Branch within Planning, Infrastructure 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".

6. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, which is to be registered on the title of the property, which includes the recommendations of the revised Environmental Impact Statement.

7. That the Owner(s) provide proof that Ministry of Northern Development, Mines, Natural Resources and Forestry, has approved the updated Provincially Significant Wetland boundaries and that a minimum 20 metre setback is maintained from all new lot lines, prior to the stamping of the deeds to the satisfaction of the Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.

8. 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 severed 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 Draft Reference Plan filed with the Application for Consent. 6 File No.: D08-01-21/B-00408

9. That upon completion of the above conditions, and within the one-year period outlined above, the Owner(s) file with the Committee, the "electronic registration in preparation documents" for a Conveyance for which the Consent is required.

To complete the above requirements was a very expensive and a lengthy process particularly during Covid. As the landowners, it was our understanding that all conditions had been met and the said lot was registered on title with the land registry office as indicated by our lawyer. Our lawyer gave us the go-ahead to place the lot in real estate,

which we did. We now have a firm and binding sale for 1380 Corkery Road with a closing date in the near future. When I sent our lawyer the legal closing documents for the lot, the following day he called to indicate he had not completed the final transfer for the lot into our name, and my husband and I were shocked. He indicated the City of Ottawa had not stamped one document, and that he would take care of it.

Upon further investigation, it was brought to our attention that the timelines for our severance had lapsed (December 17, 2023) and one final condition of \$7000 park fee was outstanding. My husband and I were fully aware of the \$7000 per fee. When the registration and consent of applications for the lot were filed through the land registry office and we paid the lawyers fees for both the City and our lawyer, it was our understanding everything was completed. We thought the fees were longer needed because the city and lawyer had completed all transactions and there was no mention by anyone of these funds.

In speaking with the Committee of Adjustment Office, it is our understanding that the \$7000 can no longer be paid for the park fees and a new application with a cost of \$4000 needed to be submitted in order to move forward. This is the reason for this new application. As I am sure you can imagine, we are just sick over this situation and are pleading with the City of Ottawa to work with us to complete this application as soon as possible. The outlined condition 5 below in the original approval was as follows:

5. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

We are not a big builder or corporation. We are a family trying to complete a severance that was to our understanding already completed. The original application process depleted our savings and the reason why we put the lot for sale once the land registry transactions were completed as directed by our lawyer. We are very concerned and hope for some help and understanding to complete whatever is needed for us to move forward. Thank you for your time and consideration and please do not hesitate to contact me for clarification with respect to the application for 1380 Corkery Road.

Respectfully,

Nick and Tammy Thornton

613-355-0151