

DECISION VALIDATION OF TITLE

Date of Decision	December 22, 2023
File No(s):	D08-04-23/T-0006
Application:	Validation Certificate under section 57 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Lorna Margaret Russell
Property Address:	17 Chinook Crescent
Ward:	8 – College
Legal Description:	Part of Block B, Plan 420162, being Parts 6, 7, 28 & 29 on 5R-12052 and Lot 4, Plan 485692
Zoning:	R1E[1092]
Zoning By-law:	2008-250
Hearing Date:	December 12, 2023

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant seeks a Certificate of Validation to correct a title error discovered when the parcels were converted to Land Titles. It was noted at that time that there was a possible *Planning Act* violation and PIN 04697-0092 was not converted to the Land Titles Conversion Qualified system.
- [2] Lot 4, Plan 485692 has been in the current name owner since 1971. The owners of this lot received title to the “back-yard” lands, described as Part of Block B, Plan 420162, being parts 6, 7, 28 & 29 on 5R12052 in 1989 from Urbanetics Ltd. by a Quit Claim transfer. These lands were not included when the other back yard lands were conveyed to the adjoining property owners with *Planning Act* consent. The owners have had continued use of both parcels since 1971.

PUBLIC HEARING

Oral Submissions Summary

- [3] Christine Dewar, Agent for the Applicant, and City Planner Shahira Jalal were present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Test

- [4] Under the *Planning Act*, the Committee has the power to issue a certificate of validation if it is satisfied that an application has regard for 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

- [5] Evidence considered by the Committee included 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 registries, historic abstracts, and transfer documents.
 - City Planning Report received December 7, 2023, with no concerns.
 - Ministry of Transportation email received December 4, 2023, with no concerns.
- [6] The Committee notes that the City’s Planning Report raises “no concerns” regarding the application, highlighting that, “the subject lands were not included in the Quit Claim transfer from Urbanetics Ltd. and have continued the use of both lots since 1971.”
- [7] Based on the evidence, the Committee is satisfied that the application has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [8] THE COMMITTEE OF ADJUSTMENT therefore issues a certificate of validation.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

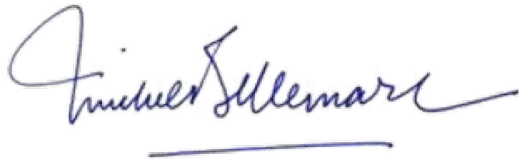
“Jay Baltz”
JAY BALTZ
MEMBER

“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 **December 22, 2023**.



Michel Bellemare
Secretary-Treasurer

Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
[Ottawa.ca/Comitedederogation](https://ottawa.ca/Comitedederogation)
cded@ottawa.ca
613-580-2436