

**DECISION**  
**MINOR VARIANCE / PERMISSION**

**Date of Decision:** May 24, 2024  
**Panel:** 2 - Suburban  
**File No.:** D08-02-23/A-00280  
**Application:** Minor Variance under section 45 of the *Planning Act*  
**Owner/Applicant:** 1000447098 Ontario Inc.  
**Property Address:** 2335 Baseline Road  
**Ward:** 8 - College  
**Legal Description:** Part of Lots 333 and 334, Registered Plan 394911  
**Zoning:** R10  
**Zoning By-law:** 2008-250  
**Heard:** May 14, 2024, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner/Applicant wants to demolish the existing detached dwelling (leaving the foundation to remain) and reconstruct the dwelling as a two-storey rooming house with twelve units, as shown on plans filed with the Committee.
- [2] On March 19, 2024, the Committee adjourned the hearing to allow the Applicant time to amend the plans and confirm the requested variances.

**REQUESTED VARIANCES**

- [3] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:
  - a) To permit an increased number of units in a rooming house of 12, whereas the By-law permits a maximum of 7 rooming units where there is no secondary dwelling unit.
  - b) To permit 1 parking space, whereas the By-law requires a minimum of 0.25 parking spaces per rooming unit, in this case 3 parking spaces are required.
- [4] The application indicates that the property is not the subject of any other current application under the Planning Act.

**PUBLIC HEARING****Oral Submissions Summary**

- [5] Jacob Bolduc and Jacques Hamel, Agents for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [6] Mr. Bolduc highlighted that the property is well served by public transit and located along a planned Bus Rapid Transit system on Baseline Road. He also quoted Official Plan policies that direct the City to enable alternative, cooperative or shared accommodation housing forms, including rooming houses, and not to establish restrictions, including caps, which would limit the opportunity to provide such housing forms. He further highlighted that 12 total bedrooms would be permitted as of right in a detached dwelling containing two Additional Dwelling Units, and therefore submitted that the proposed density could be achieved in an alternate building form. Mr. Bolduc also summarized the revisions made to the plans on file, noting that a covered bicycle parking and garbage storage area was proposed at the rear of the building, and a barrier-free entrance would be provided at the front.
- [7] Mr. Hamel responded to questions from the Committee, referring to the proposed site plan and floor plans to address the size of the proposed rooming units relative to shared spaces, including the proposed kitchen areas. He submitted that the proposal provides generous private space to tenants and that the building form fits within its context.
- [8] In response to a question from the Committee regarding the possibility that an additional rooming unit might be added after construction is completed, Mr. Bolduc explained that rooming houses are inspected annually, and this would ensure that no units are created illegally.
- [9] The Committee also heard oral submissions from the following individuals:
- J. Walton, resident, expanded on the concerns raised in his written submission on file. He submitted that a rooming house containing twelve units is not equivalent to a dwelling containing three units and is an inflexible building form that could not easily be converted to another use in the future. He also argued that the Applicant had not demonstrated that complying with the Zoning By-law would cause any undue burden.
  - M. Craig, resident, raised concerns regarding development trends in the neighbourhood, with an increasing number of rooming houses, and associated impacts related to noise disturbances and property standards issues. He also raised concerns regarding drainage and the proposed location of an accessible rooming unit next to a kitchen.

- T. Long, resident, raised additional concerns with the proposal, citing the impacts of an existing rooming house on his enjoyment of his property. He submitted that the proposal would have an adverse impact on flooding, parking congestion, property standards, and would establish a precedent for future rooming houses in this neighbourhood.

[10] City Planners Erin O’Connell and Sharia Jalal were also present. Ms. O’Connell responded to the Committee’s questions regarding the intent of the rooming house limit, explaining that the 7-unit limit is out of date and inconsistent with Provincial policy and the new Official Plan, which emphasizes a form-based approach rather than limiting the number of potential residents or dwelling units within a building.

[11] In response to comments from residents, Mr. Bolduc noted that a rooming house is a permitted use on this property and that drainage would be regulated by the City through the building permit process. He also reiterated that rooming houses are subject to annual inspection and licensing, which includes consideration for property standards.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application(s) Must Satisfy Statutory Four-Part Test**

[12] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

### **Evidence**

[13] Evidence considered by the Committee included any 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 a planning rationale, plans, tree information, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 9, 2024, with no concerns; received March 14, 2024, with no concerns; received February 1, 2024, requesting adjournment.
- Rideau Valley Conservation Authority email received May 10, 2024, with no objections; received March 12, 2024, with no objections; received January 31, 2024, with no objections.

- Ontario Ministry of Transportation email received April 30, 2024, with no comments; received March 6, 2024, with no comments; received February 2, 2024, with no comments.
- Hydro Ottawa email received March 13, 2024, with comments; received January 30, 2024, with no concerns.
- J. Walton, resident, emails received May 11, 2024, opposed; received March 15, 2024, opposed; received February 1, 2024, opposed.
- J. Campbell, resident, email received March 5, 2024, in support.
- J. Seider-Bradley, resident, email received March 5, 2024, in support.
- G. Sion, resident, email received March 7, 2024, with comments.
- A. Short, resident, email received March 13, 2024, opposed.
- M. Radulescu, resident, email received January 28, 2024, opposed.
- E. Melyushchuk and R. Dias, residents, email received February 1, 2024, opposed.
- Y. and M. Craig, residents, email received February 1, 2024, opposed.
- C. Jenkins, resident, email received February 5, 2024, opposed.
- M. Perry, resident, email received February 5, 2024, opposed.

### **Effect of Submissions on Decision**

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [15] Based on the evidence, the majority of the Committee (Panel Chair F. Poulin and Member G. Barrett dissenting on the approval of variance (a) for the reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [16] The majority of the Committee notes that the City’s Planning Report raises “no concerns” regarding the application, highlighting that “the proposed increase in rooming units [...] [does] not seek to increase the permitted building envelope under the existing zoning.” Regarding the reduction in parking, the report states that this variance “would keep the single-car driveway without introducing tandem parking, allowing for more space for soft landscaping in the front and side yards.” The report also highlights that the property is located on a transit priority corridor.

- [17] The majority of the Committee also notes that a rooming house is a permitted use on the property and that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [18] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [19] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal contributes needed housing in a form that is compatible with the low-rise scale and character of the neighbourhood and close to public transit.
- [20] In addition, the majority of the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [21] Moreover, the majority of the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [22] Panel Chair F. Poulin and Member G. Barrett dissent regarding variance (a), finding that the extent of the increase in rooming units is too significant to be considered minor and that it is premature to conclude that the proposed density is appropriate in the absence of updated zoning standards.
- [23] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan and elevation drawings filed and Committee of Adjustment date-stamped May 10, 2024, as they relate to the requested variances.

*"Fabian Poulin"*  
(with noted dissent)  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
(with noted dissent)  
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 **MAY 24, 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 **JUNE 13, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> 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](mailto: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.

*Ce document est également offert en français.*

**Committee of Adjustment**  
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