

**DECISION  
PERMISSION**

<b>Date of Decision:</b>	July 12, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00135 and D08-02-24/A-00136
<b>Application:</b>	Permission under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Roberto Campagna
<b>Property Address:</b>	1112 Lisgar Road, 1 Maple Lane
<b>Ward:</b>	13 – Rideau-Rockcliffe
<b>Legal Description:</b>	Lots 128, 129 and 143, Registered Plan 4M-33
<b>Zoning:</b>	R1C [1260]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	July 3, 2024, in person and by videoconference

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

- [1] The Applicant wants to construct a new semi-detached dwelling on their property, as shown on plans filed with the Committee. The existing semi-detached dwelling will be demolished.

**REQUESTED PERMISSION**

- [2] The Applicant requires the Permission of the Committee as follows:

**A-00135, 1112 Lisgar Road, semi-detached dwelling unit**

- a) To enlarge or extend a legally non-confirming building or structure for the reconstruction of a semi-detached dwelling.

**A-00136, 1 Maple Lane, semi-detached dwelling unit**

- b) To enlarge or extend a legally non-confirming building or structure for the reconstruction of a semi-detached dwelling.

## PUBLIC HEARING

### Oral Submissions Summary

- [3] Simran Soor and Murray Chown, Agents for the Applicant, and Todd Duckworth, project architect, were present. Ms. Soor provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Ms. Soor highlighted that the existing semi-detached dwelling was deemed to be uninhabitable and recommended for demolition, and a heritage permit for the proposed demolition and construction was issued by City Council on December 6, 2023. She referred the Committee to a table in her written planning rationale identifying the existing and proposed building setbacks and highlighting the extent of the proposed expansion of the building into the rear and corner side yards.
- [4] Mr. Duckworth responded to a question from the Committee, explaining that the building was purchased by the current owner in 2016 and, based on information provided by the previous owner, estimated that it had remained vacant since 2008. He also summarized the Applicant's consultation with City Heritage Planning staff and the Rockcliffe Park Residents Association prior to and throughout the heritage permit application process.
- [5] City Planner Elizabeth King confirmed that the existing semi-detached dwelling is a legal non-conforming building. Ms. King also responded to a question from the Committee regarding the maximum lot coverage permitted by the Zoning By-law, explaining that the R1C subzone does not include zoning standards for a semi-detached dwelling since it is not a permitted use in the zone. She noted that the maximum lot coverage for a detached dwelling is 33% of the lot area but cautioned that, if a standard existed for a semi-detached dwelling, it would likely be different.
- [6] The Committee also heard oral submissions from the following individuals:
- S. Peterson, representing the Rockcliffe Park Residents Association highlighted concerns that the legal non-conforming use on the property had not continued until the date of this application because the building had remained vacant for many years. She believed that rendered the property ineligible for a permission under subsection 45(2) of the *Planning Act*. She also highlighted concerns about the impact of the increased building footprint, ongoing issues related to demolition by neglect, and the impact on the heritage character of the area. Ms. Peterson submitted that, while the residents association supports redevelopment on the site, it should respect the footprint and mass of the existing heritage building.
  - Scott Heatherington, also representing the Rockcliffe Park Residents Association, summarized the discussions regarding this proposal at the Built Heritage Sub-Committee and concerns raised regarding the mass and design of the proposed construction, and the direction to City staff to continue to work

with the Applicant to address them. It was the submission of both Mr. Heatherington and Ms. Peterson that the revised plans that were subsequently approved by City Council and submitted with this application do not adequately respond to those concerns.

[7] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED**

### **Application Must Satisfy Two-Part Test**

[8] The Committee has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

### **Evidence**

[9] 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:

- Applications and supporting documents, including a planning rationale, plans, tree information, heritage permit, photo of the posted sign, and a sign posting declaration.
- City Planning Report received June 26, 2024, with no concerns.
- Rideau Valley Conservation Authority email received June 28, 2024, with no objections.
- Ontario Ministry of Transportation email received June 28, 2024, with no comments.
- Hydro Ottawa email received July 1, 2024, with comments.
- S. Peterson, Rockcliffe Park Residents Association, emails received July 2, 2024, opposed.
- Heritage Ottawa email received July 2, 2024, opposed.

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

[10] The Committee considered all written and oral submissions relating to the applications in making its decision and refused the applications.

- [11] Based on the evidence, the majority of the Committee (Chair A.M. Tremblay and Member S. Lécuyer dissenting for reasons noted below) is not satisfied that the requested permission meets the two-fold test relating to desirability and impact.
- [12] The majority of the Committee finds that insufficient evidence was presented that the use of the semi-detached building, which has been unoccupied for many years, can be deemed to have continued within the meaning of subsection 45(2) of the *Planning Act*, and is therefore not persuaded that these applications meet a necessary precondition for approval. Nonetheless, in considering the merits of the applications, the majority of the Committee also finds that the proposed enlargement or extension of the building is not desirable from a planning and public interest point of view and relative to neighbouring lands, and that the increased height and significant extension into the rear and corner side yards would cause an unacceptable adverse impact on abutting properties and the neighbourhood in general.
- [13] THE COMMITTEE OF ADJUSTMENT therefore does not grant the application and the enlargement or extension is not permitted.
- [14] *Chair A. Tremblay and Member S. Lécuyer dissent, finding that the use has been continuous. They also find that the proposed redevelopment is desirable from a planning and public interest point of view and would result in improved conditions on the property and have a positive impact on the neighbourhood in general.*

*Dissent*  
ANN M. TREMBLAY  
CHAIR

*John Blatherwick*  
JOHN BLATHERWICK  
MEMBER

*Simon Coakeley*  
SIMON COAKELEY  
MEMBER

*Arto Keklikian*  
ARTO KEKLIKIAN  
MEMBER

*Dissent*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 12, 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 **August 1, 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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