

**DECISION  
PERMISSION**

<b>Date of Decision:</b>	July 12, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00150
<b>Application:</b>	Permission under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Ryan Garlock
<b>Property Address:</b>	998 Colonel By Drive
<b>Ward:</b>	17 - Capital
<b>Legal Description:</b>	Part of Lots 20 and 21, Registered Plan 173
<b>Zoning:</b>	R3Q[2051] H(9)
<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 APPLICATION**

- [1] The Applicant wants to construct a two-storey addition on the east side of the existing dwelling, replacing an existing one-storey portion of the dwelling, as shown on the plans filed with the application.

**PERMISSION**

- [2] The Applicant requires the Permission of the Committee to enlarge or extend a building that is legally non-conforming, to permit the proposed addition.
- [3] The property is not the subject of any other current application under the *Planning Act*.

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

- [4] In response to questions from the Committee, Simran Soor, Agent for the Applicant, confirmed that the legal non-conforming use of the building continued until the date of the application.
- [5] Murray Chown, also acting as Agent for the Applicant, noted that the building has continued to operate as a detached dwelling.
- [6] The Committee also heard oral submissions from the following individuals:

- S. Peterson, resident, inquired about the definition of continuous use for *Planning Act* purposes.

[7] City Planner Margot Linker responded to a question from the Committee, noting that there was no evidence indicating the property had been used for any purpose other than a detached dwelling.

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

### **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:

- Application and supporting documents, including a planning rationale, plans, tree information report, photo of the posted sign, a sign posting declaration, and letters of support from area residents.
- City Planning Report received June 26, 2024, with no concerns.
- Rideau Valley Conservation Authority email received June 28, 2024, with no objections.
- Hydro Ottawa email received July 1, 2024, with no comments.

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

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

[11] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.

[12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "The proposed addition reinstates a more formal primary entrance facing Colonel By rather than the side yard, and allows the building to better address Colonel By. The rear renovation will formalize rear yard vehicular parking from an existing easement."

- [13] The Committee further notes that no evidence was presented that the proposal would create any unacceptable impact on abutting properties or the neighbourhood in general.
- [14] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested permission is, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands.
- [15] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [16] THE COMMITTEE OF ADJUSTMENT therefore permits the extension or enlargement of the dwelling, **subject to** the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped **June 3, 2024**, as they relate to the requested permission.

*Ann M. Tremblay*  
ANN M. TREMBLAY  
CHAIR

*John Blatherwick*  
JOHN BLATHERWICK  
MEMBER

*Simon Coakeley*  
SIMON COAKELEY  
MEMBER

*Arto Keklikian*  
ARTO KEKLIKIAN  
MEMBER

*Sharon Lécuyer*  
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 Centrepointhe 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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