

DECISION VALIDATION OF TITLE

Date of Decision	July 12, 2024
File No.:	D08-04-24/T-0001
Application:	Validation Certificate under section 57 of the <i>Planning Act</i>
Applicant:	2493483 Ontario Limited
Property Address:	469-471 Catherine Street
Ward:	14 - Somerset
Legal Description:	Part of Lots 43 and 44, Registered Plan 30
Zoning:	GM F(3.0) (H.19)
Zoning By-law:	2008-250
Hearing Date:	July 3, 2024

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant is seeking a Certificate of Validation to correct a title error. An owner mortgaged the subject property while owning abutting land, in contravention of the *Planning Act*. The mortgagee is seeking to transfer the property under power of sale.
- [2] A Certificate of Validation is requested to validate the title to the property and the mortgage, to permit the transfer of the property under power of sale.
- [3] The subject property has a frontage of 14.37 metres, to a depth of 30.25 metres, and contains a lot area of 439.69 square metres, and contains an existing semi-detached dwelling known municipally as 469 and 471 Catherine Street.
- [4] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [5] Sidney Troister, Agent for the Applicant, and City Planner Margot Linker were present.
- [6] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Test

- [7] 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

[8] 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 a cover letter.
- City Planning Report received June 27, 2024, with no concerns.
- Rideau Valley Conservation Authority email received June 28, 2024, with no objections.

[9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.

[10] 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.

[11] THE COMMITTEE OF ADJUSTMENT therefore issues a certificate of validation.

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

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