

**DECISION  
PERMISSION**

<b>Date of Decision:</b>	June 14, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00102
<b>Application:</b>	Permission under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	TLC Development Group Inc.
<b>Property Address:</b>	296 Metcalfe Street
<b>Ward:</b>	14 - Somerset
<b>Legal Description:</b>	Lot 11, Part of Lot 12 & 14, Registered Plan 15558
<b>Zoning:</b>	R4UD [478]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	June 5, 2024, in person and by videoconference

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

- [1] The Applicant wants to construct an accessible three-storey addition on the south side of the existing building which will contain new entrances, stairs, and an elevator, as shown on the plans filed with the application. The existing shed and one storey addition on the south side will be demolished.

**REQUESTED PERMISSION**

- [2] The Applicant requires the Permission of the Committee to expand the legal non-conforming mixed-use building in the R4UD [748] zone, to permit the proposed addition.

**PUBLIC HEARING**

- [3] Jacob Bolduc and Gabi Scollon, both acting as Agents for the Applicant, and City Planner Margot Linker were present.
- [4] The Committee advised that the written comment received from an area resident regarding the cladding of the proposed addition was outside of its purview.
- [5] 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 Two-Part Test**

- [6] 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**

- [7] 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 plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 29, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with no concerns.
- Ottawa Carleton District School Board email received May 23, 2024, with no concerns.
- City of Ottawa Building Code Services email received May 23, 2024, with no comments.
- H. McGill, resident, email received June 5, 2024, with comments.

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

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application highlighting that "[t]he proposed addition, which will contain an elevator and secondary staircase to introduce barrier-free access, has a building footprint and envelope that is smaller than what would be permitted for a low-rise apartment on this lot."

- [11] 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.
- [12] 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.
- [13] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [14] 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 April 22, 2024, as they relate to the requested permission.

*"Simon Coakeley"*  
SIMON COAKELEY  
ACTING PANEL CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*Absent*  
SHARON LÉCUYER  
MEMBER

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 14, 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 **July 4, 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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