

**DECISION  
CONSENT/SEVERANCE**

<b>Date of Decision:</b>	October 11, 2024
<b>Panel:</b>	3 - Rural
<b>File Nos.:</b>	D08-01-24/B-00138
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Applicant:</b>	15669481 Canada Inc.
<b>Property Address:</b>	1579 9 <sup>th</sup> Line Road
<b>Ward:</b>	20 - Osgoode
<b>Legal Description:</b>	Part of Lot 7, Concession 9, Geographic Township of Osgoode
<b>Zoning:</b>	AG
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	October 1, 2024, in person and by videoconference

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

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create one new lot for a surplus farm dwelling.

**CONSENT IS REQUIRED FOR THE FOLLOWING**

- [2] The Applicant requires the Committee's consent to sever land.
- [3] The severed land, shown on a sketch filed with the application, will have a frontage of 45 metres, a depth of 90 metres, and a lot area of 4,050 square metres. This parcel will contain the surplus farm dwelling and will be known municipally as 1587 9th Line Road.
- [4] The retained land, shown in green on said sketch, has a frontage of 67 metres on 9th Line Road, an irregular depth, and a lot area of 23,450 square metres. This parcel will contain the existing barn and be used for agricultural purposes. It will be known municipally as 1579 9th Line Road.

**PUBLIC HEARING**

- [5] On September 3, 2024, the Committee adjourned the scheduled hearing of the application to allow the Applicant time to submit a site plan to the Ottawa Septic System Office.

### **Oral Submissions Summary**

- [6] Vincent Carbonneau, Agent for the Applicant, provided an overview of the application.
  
- [7] City Planner Luke Teeft raised concerns regarding the nature of the farm operation on the retained lands, specifically how the existing structures on the retained lands were being used. Mr. Teeft stated any further concerns would be addressed through the department's requested conditions, including a Zoning By-Law Amendment on the retained land to prohibit any future residential development.
  
- [8] Mr. Carbonneau responded to Mr. Teeft's comments, stating that the existing structures on the retained land are used as storage to support the agricultural operation. Mr. Carbonneau confirmed that he was in agreement with all of the requested conditions.

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

#### **Application Must Satisfy Statutory Tests**

- [9] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as 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**

[10] Evidence considered by the Committee included all 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 cover letter, plans, parcel register, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 25, 2024, with concerns; received August 29, 2024, with some concerns.
- Mississippi Valley Conservation Authority email received September 25, 2024, with no objections.
- Hydro Ottawa email received September 27, 2024, with no comments.

- Hydro One email received September 25, 2024, with no comments; received August 16, 2024, with no comments.
- South Nation Conservation Authority email received August 28, 2024, requesting adjournment.

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

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, as highlighted at the hearing by the City Planner. The City Planner also highlighted that any additional concerns are addressed by the City's requested conditions agreed to by the Applicant's agent.
- [13] Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. The Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety. Additionally, the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Moreover, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [14] THE COMMITTEE OF ADJUSTMENT therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a two-year period from the date of this Decision**:
1. That the Owner(s) provide proof to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that the existing temporary dwelling/accessory structure on the severed lands has been removed.
  2. That the Owner(s) provide proof to the satisfaction of both **the Chief Building official and Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at their own cost.

3. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, which provides the following covenants/notices that run with the land and bind future Owner(s) on subsequent transfers:

“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”

“The property is located next to lands that have an existing source of environmental noise (9th Line Road - collector road) and may therefore be subject to noise and other activities associated with that use.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along 9th Line Road, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City’s Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
5. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that restricts residential development on the retained lands, with all levels of appeal exhausted.
6. That the Owner(s) provide evidence to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that the structures on the retained lands have either been demolished in accordance with a demolition permit or demonstrated to be retained for a use that is in conformity with the Zoning By-law.

7. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
8. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for a conveyance for which the Consent is required.

*“Terrence Otto”*  
TERRENCE OTTO  
VICE-CHAIR

*“Gary Duncan”*  
GARY DUNCAN  
MEMBER

*“Beth Henderson”*  
BETH HENDERSON  
MEMBER

*“Martin Vervoort”*  
MARTIN VERVOORT  
MEMBER

*“Jocelyn Chandler”*  
JOCELYN CHANDLER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **October 11, 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 **October 31, 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.

If a major change to condition(s) is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

## NOTICE TO APPLICANT

All technical studies must be submitted to the Planning, Development and Building Services Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

*Ce document est également offert en français.*

**Committee of Adjustment**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436