

DECISION CONSENT/SEVERANCE

Date of Decision:	October 11, 2024
Panel:	1 - Urban
File Nos.:	D08-01-24/B-00114 to D08-01-24/B-00116
Application:	Consent under Section 53 of the <i>Planning Act</i>
Applicants:	Fawaz Saleh and Lindsay Monroe
Property Address:	633 Edison Avenue
Ward:	15 – Kitchissippi
Legal Description:	Lot 43 (East Edison Avenue), Registered Plan 204
Zoning:	R4UA [2686] H(8.5)
Zoning By-law:	2008 - 250
Heard:	October 2, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants wants to subdivide their property into three separate parcels of land for the construction of a detached dwelling and a semi-detached dwelling, as shown on the plans filed with the Committee. The existing dwelling and detached garage will be demolished.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Applicants require the Committee's consent to sever land and grant easements/rights-of-way. The property is shown as Parts 1-5 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00114	8.4 m	18.76 m	157.8 sq. m	1	633 Edison Street One half of the proposed semi-detached dwelling.
B-00115	11.71 m	18.76 m	219.8 sq. m	2, 3	635 Edison Street One half of the proposed semi-detached dwelling.
B-00116	11.69 m	20.12 m	235.6 sq. m	4, 5	329 Dovercourt Avenue Proposed detached dwelling.

- [3] The applications propose to establish the following easements/rights-of-way.
- Easement/right-of-way over Part 3 in favor of Parts 1, 4 & 5, for access.
 - Easement/right-of-way over Part 4 in favor of Parts 1, 2 & 3, for access.
- [4] Approval of these applications will have the effect of creating separate parcels of land, which along with the proposed development, will not be in conformity with the requirements of the Zoning By-law and therefore, minor variance applications (File Nos. D08-02-24/A-00169 to D08-02-24/A-00171) have been filed and will be heard concurrently with this these applications.

PUBLIC HEARING

- [5] On August 7, 2024, the scheduled hearing of the applications was adjourned to allow the Applicants more time to consult City staff, residents, and the local community association. With the concurrence of all parties, the applications were adjourned to October 2, 2024.

Oral Submissions Summary

- [6] Chris Jalkotzy, Agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] The Committee also heard oral submissions from the following individuals:
- K. Fharas, resident, highlighted concerns about misleading and inaccurate information in the application materials, including an outdated photograph in the Applicants' presentation that did not accurately reflect the number of trees on his property. He also objected to the overall scale and density of the development and its incompatibility with the existing neighbourhood character.
 - G. Yemensky, resident, highlighted additional concerns with the accuracy of the Applicants' submissions, as well as the number and extent of the requested variances and their impact on neighbours, including on parking and traffic.
 - T. Gray, Westboro Community Association, highlighted concerns about inadequate community consultation, the cumulative impacts of the requested variances, and the importance of maintaining the intent and purpose of the Westboro Development Overlay provisions of the Zoning By-law.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

Applications 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:

- Applications and supporting documents, with revisions, including a planning rationale, plans, tree information report, tree planting plan, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 27, 2024, with concerns; received September 26, 2024, with concerns; received August 1, 2024, with concerns.
- Rideau Valley Conservation Authority email received September 25, 2024, with no comments; received August 2, 2024, with no comments.
- Hydro Ottawa email received September 27, 2024, with comments; received August 2, 2024, with comments.
- Hydro One email received September 25, 2024, with no comments; received July 24, 2024, with no comments.
- J. Kubacki, resident, email received October 2, 2024, opposed; received August 7, 2024, opposed.
- G. Yemensky, resident, email received October 1, 2024, opposed; received August 6, 2024, requesting an adjournment.
- J. and J. Cameron, residents, email received October 1, 2024, opposed; received August 6, 2024, requesting an adjournment.
- T. Gray, Westboro Community Association, email received October 1, 2024, opposed.
- S. Burton, resident, email received October 1, 2024, opposed.

- S. Barclay, resident, email received October 1, 2024, opposed; received August 6, 2024, opposed.
- J. Tubman, resident, email received October 1, 2024, opposed.
- B. Ross and L. Takahashi, residents, email received October 1, 2024, opposed; received August 6, 2024, requesting an adjournment.
- N. Othmer, resident, email received October 1, 2024, opposed.
- J. Bailey, resident, email received October 1, 2024, opposed.
- V. Elliott, resident, email received October 1, 2024, opposed.
- F. Kharas, resident, email received October 1, 2024, opposed; received August 2, 2024, requesting adjournment; received July 30, 2024, opposed.
- M. Petrou, resident, email received August 6, 2024, opposed.
- G. Vachon, resident, email received August 6, 2024, requesting an adjournment.
- B. Kiefl, resident, email received August 6, 2024, opposed.
- S. Kharas, resident, email received August 6, 2024, requesting adjournment; received July 29, 2024, with comments; received July 22, with comments.
- J. Piper, resident, email received July 31, 2024, opposed.
- C. Grenier, resident, emails received October 1, 2024, opposed; received August 6, 2024, requesting adjournment; comments received by phone August 1, 2024, opposed.

Effect of Submissions on Decision

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

[12] Based on the evidence, the Committee is not 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 not satisfied that the proposal has adequate regard for criteria specified under subsection 51(24) of the *Planning Act*, including the suitability of the land for the purpose for which it is to be subdivided, as well as the requested variances considered under minor variance applications D08-02-24/A-00169 to D08-02-24/A-00171 which are also refused.

[13] THE COMMITTEE OF ADJUSTMENT therefore does not grant the provisional consent.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

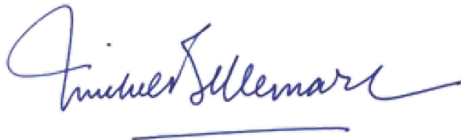
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"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 **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 and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th 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.

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(S)

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
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederoation
cded@ottawa.ca
613-580-2436