

**DECISION
CONSENT/SEVERANCE**

Date of Decision:	November 15, 2024
Panel:	1 - Urban
File Nos.:	D08-01-24/B-00174 and D08-01-24/B-00175
Application:	Consent under Section 53 of the <i>Planning Act</i>
Applicant:	16123970 Ontario Inc.
Property Address:	259 Bradley Avenue
Ward:	12 - Rideau-Vanier
Legal Description:	Lots 100 & 101 Registered Plan 246
Zoning:	R4UA
Zoning By-law:	2008-250
Heard:	November 6, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant owns two full lots on a plan of subdivision and wants to construct two, two-storey long semi-detached dwellings, with one on each lot, as shown on plans filed with the Committee. Each principal semi-detached unit will contain two additional dwelling units, for a total of 12 units. The existing dwelling will be demolished.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Applicant requires the Committee's consent to grant the use of land for easements/rights of way. The easements lands are shown as Parts 1 and 2 on a plan of survey filed with the applications and will be established as follows:
- Easement over Part 1 on Lot 101, in favour of Lot 100, for passage and access (D08-01-24/B-00174).
 - Easement over Part 2 on Lot 100, in favour of Lot 101, for passage and access (D08-01-24/B-00175).
- [3] The proposed parcels of land and 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-00240 & D08-02-24/A-00241) have been filed and will be heard concurrently with these applications.

PUBLIC HEARING

- [4] On October 16, 2024, the Committee adjourned the scheduled hearing of the applications to allow the Agent time to complete a servicing plan and to submit to City Staff for review.

Oral Submissions Summary

- [5] Chris Jalkotzy, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [6] Mr. Jalkotzy explained the need for the variances for the driveway slope were a result of the topography of the site, he noted that the change in grade was approximately 3 metres from the front of the site to the back. Mr. Jalkotzy further explained that the consent applications were to establish reciprocal easements for a shared driveway which would lead to four parking space spaces as well as garbage and recycling storage facilities.
- [7] In response to questions from the Committee, Mr. Jalkotzy explained that the shared driveway would be heated and either a catch basin or a dry well would be installed near the rear of the subject property to handle stormwater runoff.
- [8] Additionally, Mr. Jalkotzy requested that the conditions outlined in the City's Planning Report requiring a cash-in-lieu payment, the demolition of the existing dwelling, proof of independent services, and a tree planting plan not be imposed as requirements of provisional consent .
- [9] City Planners Penelope Horn and Erin O'Connell and City Forester Nancy Young highlighted no concerns with the removal of these conditions.
- [10] The Committee also heard oral submissions from the following individuals:
- C. Szubzda, resident, raised concerns over the proposal's lack of adequate parking, and noted that the proposed building does not meet the character of the neighbourhood.
 - J. Soogee, resident, raised concerns over the proposed driveway slope, and the size of the apartments for families and lack of yard amenity space. Ms. Soogee also noted that the number of proposed units is not reasonable for the neighbourhood.
 - F. Cormier, resident, raised concerns over rainwater management, snow removal, and noted that the proposed development is too dense for the neighbourhood.

- N. Lutful, resident, raised concerns over waste management and garbage collection, stormwater runoff, parking, and privacy issues from the unit balconies.

[11] In response to resident concerns, Mr. Jalkotzy confirmed that a heating mechanism would be implemented to mitigate snow on the driveway and expressed that the property would not impact snow removal on Bradley Avenue. Mr. Jalkotzy further explained that stormwater management would be reviewed at the building permit stage and added that all run off would be handled on site or diverted to the City's right-of-way.

[12] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

Applications Must Satisfy Statutory Tests

[13] 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

[14] 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, including cover letter, plans, tree information, land transfer, revised grading and drainage plan, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 31, 2024, with no concerns; received October 10, 2024, with no concerns.
- Rideau Valley Conservation Authority email dated November 1, 2024, with no objections; received October 9, 2024, with no objections.

- Hydro Ottawa email dated November 1, 2024, with comments; received October 11, 2024, with comments.
- F. Cormier, resident, email received October 31, 2024, in opposition.
- M. Hayes, resident, email received November 4, 2024, in opposition.
- N. Lutful, resident, email received November 4, 2024, with concerns.
- J. Soogree, resident, email received November 5, 2024, in opposition.
- C. Szubzda et al., neighbourhood petition with 17 signatures, email received November 5, 2024, in opposition; neighbourhood petition with 15 signatures email received October 15, 2024, in opposition.
- Hydro One email received October 9, 2024, with no comments.
- Ontario Ministry of Transportation email received October 1, 2024, with no comments.
- K. Walsh, resident, email received October 15, 2024, with comments.

Effect of Submissions on Decision

- [15] The Committee considered all written and oral submissions relating to the applications in making its decision and refused the applications.
- [16] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [17] 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 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 not 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 not 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore does not grant the provisional consent.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
ACTING PANEL CHAIR

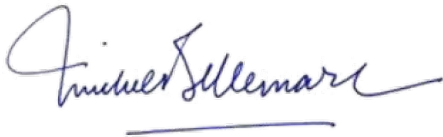
"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

ABSENT
SHARON LÉCUYER
MEMBER

"Heather Maclean"
HEATHER MACLEAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 15, 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 **December 5, 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

All technical studies must be submitted to Planning, Real Estate and Economic Development 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 **30 working days** prior to lapsing date of the consent and should include all required documentation including that related to transfers, easements, and postponements, and all approved technical studies. If you do not fulfill the conditions of provisional consent within the two-year period, the *Planning Act* provides that your application “shall be deemed to be refused”.

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/Comitedederogation
cded@ottawa.ca
613-580-2436