

## DECISION CONSENT/SEVERANCE

<b>Date of Decision:</b>	October 25, 2024
<b>Panel:</b>	1 - Urban
<b>File Nos.:</b>	D08-01-24/B-00180 and D08-01-24/B-00181
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Applicants:</b>	Tobias Kenneth Sanger and Narissa Somji
<b>Property Address:</b>	52, 54 Grosvenor Avenue
<b>Ward:</b>	17 – Capital
<b>Legal Description:</b>	Part of Lot 1, Registered Plan 36, W/S Grosvenor Avenue
<b>Zoning:</b>	R3Q [487]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	October 16, 2024, in person and by videoconference

### APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to subdivide their property into two separate parcels of land to create separate ownership for each half of the existing semi-detached dwelling.

### CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Applicants require the Committee's consent to sever and grant the use of and right in land for an easement, and for a joint-use and maintenance agreement. The property is shown as Parts 1 and 2 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-00180	5.16 m	40.40 m (irregular)	424.8 sq. m	1	54 Grosvenor Avenue
B-00181	8.12 m	14.19 m (irregular)	111.6 sq. m	2	52 Grosvenor Avenue

- [3] It is proposed to establish an easement over Part 2 in favour of Part 1 for the existing eave encroachment of 54 Grosvenor Avenue.
- [4] The property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [5] Christine McCuaig, Agent for the Applicant, provided an overview of the applications and confirmed that an amendment was required to the frontage for Part 1, to read **5.16** ~~5.15-m~~. Application D08-01-24/B-00180 was amended accordingly.
- [6] City Planner Elizabeth King confirmed that she had no concerns with the applications, as amended.

### **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS AS AMENDED GRANTED**

#### **Application(s) Must Satisfy Statutory Tests**

- [7] 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**

[8] 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 a cover letter, plans, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 9, 2024, with no concerns.
- Rideau Valley Conservation Authority email received October 9, 2024, with no comments.
- Hydro Ottawa email received October 11, 2024, with comments.
- Hydro One email received October 9, 2024, with no comments.

- Ontario Ministry of Transportation email received October 1, 2024, with comments.

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

- [9] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the requested conditions agreed to by the Applicant's agent.
- [11] 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.
- [12] 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 evidence to the satisfaction of the Chief Building Official, or designate, that the party wall meets the Ontario Building Code, O. Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
  2. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager of All Wards, Planning, Development and Building Services Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

3. That the Owner(s) enter into Joint Use, Maintenance and Common Elements Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;
  - a) "The property is located next to lands that have an existing source of environmental noise (collector road) and may therefore be subject to noise and other activities associated with that use".
  - b) The Agreement shall be to the satisfaction of **Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate**. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
5. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of **Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate.
6. That the Owner(s) shall provide evidence that the pathway and soft landscaping has been re-instated at 54 Grosvenor as per the drawing

submitted by Flynn Architect dated October 26, 2023, to the satisfaction of Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate

7. That the Owner(s) satisfy the requirements of Hydro Ottawa with respect to the provision of a Common Elements Agreement to provide each property with mutual access, maintenance, and cost sharing responsibilities for the electrical supplies.
8. 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.
9. 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 the conveyance, grant of easement/right of way and joint-use and maintenance agreement for which the consent is required.

*“Simon Coakeley”*  
SIMON COAKELEY  
ACTING PANEL CHAIR

*“John Blatherwick”*  
JOHN BLATHERWICK  
MEMBER

*“Ann M. Tremblay”*  
ANN M. TREMBLAY  
CHAIR

*“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 25, 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 **November 14, 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(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**  
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