

2024-09-12



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 461 Tweedsmuir Avenue  
Legal Description: Part of Lot 16, Registered Plan 272  
File No.: D08-01-24/B-00162  
Report Date: September 12, 2024  
Hearing Date: September 18, 2024  
Planner: Penelope Horn  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Zoning: R2G

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **requests an adjournment of** the application. Staff have become aware of an ongoing property dispute between the owners of the subject property and the owners of the adjacent property. Depending on the resolution, minor variances may be required. Further, issues relating to the potential removal of trees are required to be resolved.

**DISCUSSION AND RATIONALE**

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

**ADDITIONAL COMMENTS**

**Planning Forestry**

This site is currently under construction. The TIR notes that the plan will require removal of three trees (one City and two boundary); a permit has been issued and compensation paid for the City tree. Neither the tree permit applications for the boundary trees nor written permission from the owners have been received by the City has not received written permission. The proposed plans, particularly the proposed retaining wall along the property line, conflict with these existing trees and must be revised to allow for their

protection if the neighbours' permission cannot be obtained - this will require revised site and grading plans as well as a TIR. Compensation requirements are determined through the permitting process, but the TIR and planting plan must be accurate for COA review.

Adjournment is recommended to provide time to either provide permission from the neighbours for removal of the two boundary trees or to revise the plans to allow for their retention; the building permit has already been issued without addressing these conflicting plans.

## **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent Application as there appears to be two private approach permits already issued in May, 2024 for the construction of two new private approaches at 459 and 461 Tweedsmuir Ave.

## **CONDITIONS**

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
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 a Joint Use, Maintenance and Common Elements, 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 Manager of All Wards 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 Manager of All Wards 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 confirmation that it has been or will be registered on title.

5. That the Owner/Applicant(s) provide a revised site and/or grading plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s). The Tree Information Report must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.
6. That the Owner/Applicant(s) provide a signed letter of permission from the owner(s) of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). The owner/applicant(s) acknowledge(s) that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plan must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
7. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s) and species or ultimate size of all compensation trees required under the Tree Protection By-law and/or one new tree (50 mm caliper) per lot, whichever is greater. Compensation for any required trees which cannot be planted shall be paid to Forestry Services.

*Penelope Horn*

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Penelope Horn  
Planner I, Development Review All Wards  
  
Planning, Development and Building  
Services Department

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Wendy Tse  
Planner III (A), Development Review All  
Wards  
  
Planning, Development and Building  
Services Department