

**DECISION
CONSENT/SEVERANCE**

Date of Decision:	December 20, 2024
Panel:	2 - Suburban
File No.:	D08-01-24/B-00233
Applications:	Consent under section 53 of the <i>Planning Act</i>
Applicant:	U-Haul Co. (Canada) Ltd. U-Haul Co. (Canada) Ltée
Property Address:	3636 Innes Road
Ward:	19 - Orléans South-Navan
Legal Description:	Part of Lot 4, Concession 3 (Ottawa Front), Geographic Township of Gloucester
Zoning:	4L2-H(14) AM10[2986] H(14) and IL2[2987] H(13.5)
Zoning By-law:	2008-250
Heard:	December 10, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create one new lot for future development.

CONSENT REQUIRED

- [2] The Applicant seeks the Committee's consent to sever land.
- [3] The land to be severed, shown as Part 1 on Plan 4R-35585 filed with the application, will have a frontage of 30.67 metres, an irregular depth and a lot area of 1,164.6 square metres. This parcel will be known municipally as 3646 Innes Road.
- [4] The land to be retained, shown as Part 2 on Plan 4R-35583 filed with the application, will have a frontage of 118.03 metres, an irregular depth and a lot area of 33,154.4 square metres. This parcel contains a U-Haul self-storage and truck and trailer rental facility and will be known municipally as 3636 Innes Road.
- [5] The property is the subject of a Zoning By-law Amendment application (File No. D02-02-24-0025) under the *Planning Act*.

PUBLIC HEARING**Oral Submissions Summary**

- [6] Panel Chair noted that the zoning designation should be amended as follows:
~~IL2-H(14) and IL2-H(14)~~ **AM10[2986] H(14) and IL2[2987] H(13.5)**
- [7] Nico Church and Genessa Bates, agents 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.
- [8] When questioned by the Committee, City Planner Nithevini Jekku Einkaran confirmed that the existing structures on the retained land and their distances to the proposed property line would comply with the requirements of the Zoning By-law.
- [9] Brian Casagrande, also acting as agent for the Applicant, confirmed that the property had recently undergone a Zoning By-law amendment where the site specific zoning reflected the current conditions on site. He further stated that he was not opposed to adding a condition of approval requiring evidence that the buildings on the retained land were in conformity with the Zoning By-law.
- [10] Mr. Church requested that the conditions outlined in the City's Planning Report requiring an infrastructure agreement and a site servicing brief not be imposed as the serviceability report was provided. He also asked that the requested condition requiring 5 m x 15 m corner triangle also be removed given that no development on the retained land is proposed at this time.
- [11] Responding to the Committee, City Planner Nithevini Jekku Einkaran agreed that the conditions could be removed.
- [12] Mr. Church further asked that the City's requested condition for a notice on title warning of environmental noise also not be imposed as it would require the Applicant to enter into a development agreement which, in his opinion, was onerous.
- [13] City Planner Wendy Tse confirmed that the notice on title warned of noise from Innes Road could be removed as it would be captured on a future site plan control application should the property be redeveloped.
- [14] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Tests

[15] 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

[16] 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 abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received December 5, 2024, with no concerns.
- Rideau Valley Conservation Authority email dated December 9, 2024, with no comments.
- Hydro Ottawa email received December 9, 2024, with comments.
- Hydro One email received December 3, 2024, with no comments.
- Ontario Ministry of Transportation email received November 22, 2024, with no comments.

Effect of Submissions on Decision

[17] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[18] The Committee notes that the City's Planning Report raises "no concerns" regarding the application subject to the requested conditions.

[19] The Committee finds that the requested conditions requiring an infrastructure agreement, site servicing brief, corner sight triangle and a notice on title are not

reasonable and necessary, and that the provisional consent should not be subject to these requirements.

- [20] 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.
- [21] 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.
- [22] 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.
- [23] 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.
- [24] THE COMMITTEE OF ADJUSTMENT therefore grants the provisional consent, subject to the conditions set out in Appendix "A" to this decision.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **December 20, 2024**



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on January 9, 2025**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to cofa@ottawa.ca. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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 you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

NOTICE TO APPLICANT(S)

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.

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APPENDIX "A"

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) satisfy **the Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on Part 2 on 4R-35585 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the East property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, 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 with 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.
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 18.75 meters from the existing centerline of pavement/the abutting right-of-way along Innes, 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) 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 Manager of the All Wards Branch 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) provide evidence to the satisfaction of the **Development Review Manager of All Wards within Planning, Development and Building Services Department, or their designate**, to be confirmed in writing from the Department to the Committee, that all existing building(s) are zoning compliant, or they have been relocated in conformity with the Zoning By-law or been demolished in accordance with a demolition permit.
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.