

DECISION CONSENT/SEVERANCE

Date of Decision:	October 11, 2024
Panel:	1 - Urban
File Nos.:	D08-01-24/B-00157 & D08-01-24/B-00158
Application:	Consent under Section 53 of the <i>Planning Act</i>
Applicant:	1000843856 Ontario Inc.
Property Address:	265 Churchill Avenue North
Ward:	15 - Kitchissippi
Legal Description:	Lot 21, Registered Plan 54
Zoning:	R3EE
Zoning By-law:	2008-250
Heard:	October 2, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create two new lots for the construction of two long semi-detached dwellings, one will be two storeys and the other will be three storeys, as shown on plans filed with the Committee. One long semi-detached dwelling is currently under construction.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [2] The Applicant requires the Committee's consent to sever. The property is shown as Parts 1, 2, 3, 4, & 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-00157	11.65 metres	30.18 metres	351.6 sq. metres	1 & 2	331 Bloomfield Avenue (two storey long semi-detached dwelling)
B-00158	9.24 metres	30.18 metres	279 sq. metres	3, 4 & 5	329 Bloomfield Avenue (three storey long-semi-detached dwelling)

- [3] It is proposed to establish the following easements/rights-of way:

- Over Part 2 in favor of Parts 3, 4, & 5 for pedestrian and vehicular access.
- Over Part 3 in favor of Parts 1 & 2 for pedestrian and vehicular access.

[4] Approval of these applications will have the effect of creating separate parcels of land. One of the parcels and the proposed dwelling will not be in conformity with the requirements of the Zoning By-law and therefore, minor variance application (File No. D08-02-24/A-00223) has been filed and will be heard concurrently with these applications.

PUBLIC HEARING

[5] These applications were heard together with related consent (D08-01-24/B-00159-161) and minor variance (D08-02-24/A-00224-225) applications for the abutting lot at 325 Bloomfield Avenue, to subdivide that lot for the construction of two long semi-detached dwellings.

Oral Submissions Summary

[6] Jeffrey Kelly and Murray Chown, the 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. Mr. Kelly highlighted that each principal semi-detached dwelling unit would contain two additional dwelling units, for a total of 24 dwelling units. He also referred to a tree planting plan and noted that his client was working with the rear neighbour on screening solutions for privacy and acceptable locations for tree planting on that property.

[7] Mr. Chown addressed the proposed parking, confirming that while parking was not required by the Zoning By-law, three parking spaces would be provided for each long semi-detached dwelling. It was his submission that, since each building would contain two three-bedroom, family-oriented units, it was necessary to provide parking to market those units.

[8] City Forester Nancy Young responded to questions from the Panel Chair regarding a revised condition requested by the City that would permit the Applicant to include off-site planting toward its compensation tree requirement. She explained that eight of the required compensation trees would be located on site, but they would be smaller trees due to the location of existing Hydro wires and would not contribute to the 40% tree canopy cover objective of the Official Plan, and so the City agreed to permit larger trees to be planted on other properties, subject to the Applicant obtaining permission from affected property owners. Ms. Young noted that this revised condition was developed shortly before the hearing and consideration was not given for the collection of securities, nor had the specific number of required trees been determined.

[9] Mr. Chown reiterated that eight of the required trees could be accommodated on site, whereas nine are required under the Tree Protection By-law, and noted that the by-law does not specifically require large-canopy trees. He highlighted,

however, that his client had nonetheless agreed to plant additional trees within the Westboro Beach community.

[10] In response to a question from the Panel Chair, City Planners Penelope Horn and Erin O'Connell indicated that the City had no concerns with the proposed parking configuration in the rear yards, despite there being no "hammerhead" turnaround areas provided to assist vehicle egress.

[11] The Committee also heard oral submissions from the following individuals:

- P. Saux and M. Bujold, Westboro Beach Community Association, highlighted drainage concerns related to existing flooding issues in the area and the importance of maintaining the tree canopy. The community association requested that permeable pavers be provided to manage water runoff.
- M. Beaubien, resident, highlighted additional concerns with water runoff.

[12] R. Shangavi of 1000843856 Ontario Inc., the Applicant, noted that the Tree Protection By-law contemplates off-site tree planting and elaborated on the importance of parking to the marketability of family-oriented dwelling units.

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

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

Application(s) Must Satisfy Statutory Tests

[14] 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

[15] 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 a planning rationale, tree information report, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 2, 2024, with no concerns; received September 26, 2024, with some concerns.
- Rideau Valley Conservation Authority email received September 25, 2024, with no comments.
- Hydro Ottawa email received September 27, with comments.
- Hydro One email received September 25, 2024, with no comments.
- P. Saux, Westboro Beach Community Association email received September 17, 2024, with comments.

Effect of Submissions on Decision

[16] The Committee considered all written and oral submissions relating to the applications in making its decision and refused 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 not also satisfied that the e proposal has adequate regard for the 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 application D08-02-24/A-00223 which is also refused.

[18] 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
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