

**DECISION  
CONSENT/SEVERANCE**

<b>Date of Decision:</b>	November 29, 2024
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-01-24/B-00199
<b>Application:</b>	Consent under Section 53 of the <i>Planning Act</i>
<b>Applicant:</b>	Parkway House Developments Inc.
<b>Property Address:</b>	2475 Regina Street
<b>Ward:</b>	7 - Bay
<b>Legal Description</b>	Part of Lot 23, Concession 1 (Ottawa Front), former Township of Nepean
<b>Zoning:</b>	R5C [2905] S483-h
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	November 19, 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 phased development, as shown on plans filed with the Committee.

**CONSENT REQUIRED**

- [2] The Applicant seeks the Committee's consent to subdivide land and to grant an easement/right of way, and for a mortgage/partial discharge of mortgage.
- [3] The severed land, shown as Parts 1, 3 and 4 on a Draft 4R-Plan filed with the application, will have frontage of 20 metres, an irregular depth of 122.64 metres and will contain a lot area of 7,261.6 square metres. This parcel will be known as 2477 Regina Street.
- [4] The retained land, shown as Part 2 on said Plan, will have frontage of 0 metres, an irregular depth of 64.2 metres and a lot area of 3,090.1 square metres. This parcel is known as 2475 Regina Street.
- [5] It is proposed to grant an easement/right of way over Part 3 in favour of Part 2 for servicing and access.

- [6] The application indicates that the severed and retained land will be considered one lot for Zoning By-law purposes.
- [7] The property is also the subject of pre-application consultation for Site Plan Control (File No. PC2024-0150) under the *Planning Act*.

## **PUBLIC HEARING**

- [8] Philip Osterhout, agent for the Applicant, and Ross Ferris of Parkway House Development Inc., the Applicant, were in attendance.
- [9] The Panel Chair noted that, prior to the hearing, the agent and City Planner Elizabeth King had submitted revised wording for a requested condition of provisional consent, to address servicing on the lots. Ms. King noted that servicing would also be addressed through the Site Plan Control process.
- [10] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application Must Satisfy Statutory Tests**

- [11] 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**

[12] 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 register, photo of the posted sign, and a sign posting declaration.
- City Planning Report received November 14, 2024, with no concerns; received October 31, 2024, with no concerns.

- Rideau Valley Conservation Authority email dated November 14, 2024, with no objections; dated November 1, 2024, with no objections.
- Hydro Ottawa email dated November 4, 2024, with comments; dated November 1, 2024, with comments.
- Hydro One email dated November 12, 2024, with no objections; dated October 30, 2024, with no comments.
- Ontario Ministry of Transportation email dated October 18, 2024, with no comments.
- D. Cope, resident, email dated November 3, 2024, opposed.

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

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, subject to the requested conditions agreed to by the Applicant's agent.
- [15] 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.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore grants the provisional consent, subject to the conditions set out in Appendix "A" to this decision, **which must be fulfilled within a two-year period from the date of this Decision.**

*Absent*  
FABIAN POULIN  
VICE-CHAIR

*"Gary Duncan"*  
GARY DUNAN  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Jay Baltz"*  
JAY BALTZ  
ACTING PANEL CHAIR

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*Absent*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 29, 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 December 19, 2024**.

- **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](mailto: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, 4<sup>th</sup> 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)

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 **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**  
City of Ottawa  
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[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
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613-580-2436

**APPENDIX “A”**

1. 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.
2. That the Owner(s) grant to **Hydro Ottawa**, without cost, such easements as may be required, the consent to which is hereby granted.
3. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the **Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, to be confirmed in writing from the Department to the Committee, that each proposed building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, the Owner(s) must obtain the appropriate legal mechanisms, must obtain Ontario Ministry of the Environment and Conservation and Parks (Environmental Compliance Approval – ECA), and must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services.

4. 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 of the Development Review 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 of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
5. That the Owner(s) submit a Site Servicing Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the **Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, to be confirmed in writing from the Department to the

Committee, outlining the municipal servicing requirements for each unit and indicating, if required, that capacity exists within existing City infrastructure.

6. 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.
7. 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 severance and grant of easement/right of way for which the consent is required.