

**DECISION
PERMISSION**

Date of Decision:	January 24, 2025
Panel:	1 - Urban
File No.:	D08-02-24/A-00301
Application:	Permission under section 45 of the <i>Planning Act</i>
Applicant:	2138912 Ontario Inc.
Property Address:	38 Clarey Avenue
Ward:	17 - Capital
Legal Description:	Lot 16, Registered Plan M-13
Zoning:	R3Q
Zoning By-law:	2008-250
Hearing Date:	January 15, 2025, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

[1] The Applicant wants to construct an addition at the front of the existing dwelling, as shown on plans filed with the Committee.

REQUESTED PERMISSION

[2] The Applicant seeks the Committee’s permission to enlarge or extend a legal non-conforming dwelling for a proposed addition.

PUBLIC HEARING

Oral Submissions Summary

[3] Chad Richardson, agent for the Applicant, provided an overview of the application and responded to questions from the Committee.

[4] Mr. Richardson confirmed that he would be in agreement with removing the front yard parking space.

[5] City Planner Penelope Horn advised that the parking space appeared to be non-conforming rather than legal non-conforming.

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

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Two-Part Test

[7] The Committee has the power to permit the enlargement or extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

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 cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 9, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated January 9, 2025, with no concerns.
- Hydro Ottawa email dated January 13, 2025, with no concerns.
- Ontario Ministry of Transportation email dated December 24, 2024, with no comments.
- B. X, resident, email dated January 2, 2025, with comments.
- T. Gray, resident, email dated January 9, 2025, with comments; dated January 6, 2025, with comments.

Effect of Submissions on Decision

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

[10] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.

- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "[t]he addition will be used to bring the building into compliance with the Building Code and to accommodate an additional unit. The proposal will improve functionality on the site and is not anticipated to negatively impact surrounding properties."
- [12] The Committee also notes that no evidence was presented that the proposal would create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [13] Considering the circumstances, the Committee finds that, because the proposal fits well within the area, the requested permission is, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands.
- [14] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [15] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the enlargement or extension is permitted subject to the following condition: the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped November 26, 2024 as they relate to the requested permission.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

Absent
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 **January 24, 2025**



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 February 13, 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](#)

Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436