

Committee of Adjustment



Comité de dérogation

**DECISION  
CHANGE OF CONDITION**

<b>Date of Decision</b>	February 14, 2025
<b>Panel:</b>	1 – Urban
<b>File Nos.:</b>	D08-01-23/B-00169, D08-01-23/B-00170 and D08-01-23/B-00173
<b>Application:</b>	Change of Condition under Section 53 of the <i>Planning Act</i>
<b>Applicants:</b>	Hassani Raja Mohammad Reza and Siadatmousavi Haleh
<b>Property Address:</b>	470 Mutual Street
<b>Ward:</b>	13 – Rideau-Rockcliffe
<b>Legal Description:</b>	Lot 131 and Part of Lot 130, Registered Plan 300
<b>Zoning:</b>	R3A
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	February 5, 2025, in person and by videoconference

**PURPOSE OF THE REQUEST**

- [1] On September 6, 2023, the Committee of Adjustment granted provisional consent for a conveyance at 470 Mutual Street.
- [2] The Applicants request that condition number 9 requiring a noise attenuation study be amended to require a noise warning registered on title.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Mohsen Ebrahimipour, agent for the Applicant, provided a brief overview of the requested change of condition and confirmed that the subject dwellings have been constructed to the drywall stage, including the foundation, framing, plumbing, HVAC and windows.
- [4] Mr. Ebrahimipour advised that the windows that are installed do not face any potential source of environmental noise.

- [5] City Planner Penelope Horn stated that common noise mitigation measures could still be implemented at the framing stage.
- [6] City Planner Erin O'Connell confirmed that if the condition was maintained, the Owner would have to complete any remediation outlined in the noise study for the condition to be cleared.
- [7] Following the public hearing, the Committee reserved its decision.

#### **DECISION AND REASONS OF THE COMMITTEE: REQUEST REFUSED**

- [8] The Committee considered any written and oral submissions relating to the request in making its decision and refused the request.
- [9] Under subsection 53(23) of the *Planning Act*, the Committee has the power to change the conditions of a provisional consent at any time before a consent is given.
- [10] The Committee notes that the City's Planning Report raises "concerns" with the change of condition request, highlighting that subsection 10.2.1 of the Official Plan requires development proposals for a new noise sensitive land use to complete a noise study within 100 metres of an existing or proposed arterial road. The report also highlights that the subject property "is in close proximity to many existing noise sources, including being located approximately 33 metres away from McArthur Street, which is recognized as an arterial road and transit priority corridor, as well as within 100 metres of stationary noise sources located at 435 McArthur and 440 McArthur Ave." Additionally, the report highlights that "[t]he proliferation of environmental noise has potential to negatively affect quality of life and human health, and the goal of environmental noise control is to provide guidance between land uses that are noise sensitive and land uses that are sources of noise." Moreover, the report states that a condition requiring a noise study and a development agreement registered on title is recommended "to implement any recommended noise control attenuation measures and also deal with any covenants/notices recommended in the approved study."
- [11] Based on the evidence, the Committee is satisfied that condition 9 as imposed in its September 15, 2023, decision is both reasonable and necessary because it conforms with the City's Official Plan policies relating to environmental noise control and noise attenuation measures that may be required further to a noise study
- [12] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the change of condition request is refused.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Absent*  
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 **February 14, 2025**.

*"Michel Bellemare"*  
MICHEL BELLEMARE  
SECRETARY-TREASURER

*Ce document est également offert en français*

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