

**DECISION****CONSENT/SEVERANCE AND MINOR VARIANCE**

<b>Date of Decision:</b>	February 14, 2025
<b>Panel:</b>	3 - Rural
<b>File Nos.:</b>	D08-01-24/B-00243 & D08-02-24/A-00292
<b>Applications:</b>	Consent under section 53 of the <i>Planning Act</i> Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	Wolfgang Delfing and Carole Proulx
<b>Property Address:</b>	2620A River Road
<b>Ward:</b>	20 - Osgoode
<b>Legal Description:</b>	Part of Lot 21, Concession 1, Geographic Township of Osgoode
<b>Zoning:</b>	RR2
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	February 4, 2025, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Applicants want to convey a portion of their property to the owners of the property to the west, known municipally as 2610B River Road.

**CONSENT REQUIRED:**

- [2] The Applicants require the Committee's consent for a lot line adjustment. The severed land is shown as Part 1 on a Draft 4R-Plan filed with the application, is landlocked, and contains an area of 169 square metres. This land will be merged with the abutting property to the west known municipally as 2610B River Road.
- [3] The retained land, shown on a sketch filed with the application, will have a frontage of 86.53 metres, an irregular depth, and an area of 4,685 square metres. This land is known municipally as 2620A River Road.
- [4] Approval of this application will have the effect of creating a parcel of land that will not be in conformity with the requirements of the Zoning By-law and therefore, a minor variance application has been filed and will be heard concurrently with this application.

## REQUESTED VARIANCE

- [5] The Applicants seek the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced lot area of 4,685 square metres, whereas the By-law requires a minimum lot area of 8,000 square metres.
- [6] The property is not the subject of any other current application under the *Planning Act*.

## PUBLIC HEARING

- [7] At the scheduled hearing on January 14, 2025, the Committee adjourned the proceeding to allow the Applicants time to consult with the Ottawa Septic System Office.

### Oral Submissions Summary

- [8] Arjan Soor, agent for the Applicants, and City Planner Luke Teeft were present.
- [9] There were no objections to granting these unopposed applications as part of the Panel's fast-track consent agenda.

### Evidence

- [10] Evidence considered by the Committee, 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, parcel abstract, plans, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received January 30, 2025, with no concerns; revised received January 13, 2025, with no concerns; received January 9, 2025, with concerns.
  - Rideau Valley Conservation Authority email received January 27, 2025, with no comments; received January 9, 2025, with no comments.
  - Ottawa Septic System email received January 27, 2025, with no objections; received January 9, 2025, requesting an adjournment.
  - Hydro Ottawa email received January 27, 2025, with no comments; received January 13, 2025, with no comments.
  - Hydro One email received January 6, 2025, with no comments.
  - Ontario Ministry of Transportation email received January 22, 2025, with no comments; received December 24, 2024, with no comments.

**DECISION AND REASONS OF THE COMMITTEE:**

- **CONSENT APPLICATION GRANTED**
- **MINOR VARIANCE APPLICATION GRANTED**

**Consent 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).

#### **Minor Variance Application Must Satisfy Statutory Four-Part Test**

- [12] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

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

- [13] The Committee of Adjustment considered all written relating to the applications in making its decision and granted the applications.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the consent application, subject to the requested conditions agreed to by the Applicants' 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] Based on the evidence, the Committee is also satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [20] The Committee notes that the City's Planning Report raises "no concerns" regarding the minor variance application, highlighting that "the proposed variance for reduced lot size improves the existing condition of the neighbouring lot at 2610 B River Road without any significant negative impact on the retained lot".
- [21] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [22] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance is, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [23] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [24] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [25] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [26] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [27] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is granted and the variance to the Zoning By-law is authorized.

*Absent*  
TERENCE OTTO  
VICE-CHAIR

*"Gary Duncan"*  
GARY DUNCAN  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
MEMBER

*"Jocelyn Chandler"*  
JOCELYN CHANDLER  
ACTING PANEL CHAIR

*"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 **February 14, 2025**.

*"Michel Bellemare"*  
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 March 6, 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](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 APPLICANTS

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.*

**Committee of Adjustment**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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613-580-2436

## APPENDIX "A"

Conditions from Planning and Committee's standard conditions

1. The Owner(s) provide evidence that the accompanying minor variance application (D08-02-24/A-00292) has been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide proof to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at their own cost.
3. 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 the **Manager of the Development Review All Wards Branch, 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 on the severed property and immediately adjacent lands, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**.
4. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

"The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner."

"The property contains a septic bed equipped with a tertiary treatment system. It is the responsibility of the owner(s) and any future owner(s) to maintain this system."

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
5. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development. If the well is to be drilled on the receiving lands at 2610B River Road, then the Owners must construct this new well on the property and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the



adequacy of the aquifer with respect to quality and quantity to support the proposed development. If the well is to be drilled on Part 1 of the draft R plan (severed lands), then the Owners must provide a report to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

6. The Owners' report must demonstrate the following to the City of Ottawa:
- That the construction of any new well on the property at 2610 B River Road or the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks;
  - That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
  - That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements; and
  - That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling the new well, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations and any required notices on title. Both the report and any required Development Agreement shall be prepared to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**.

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment"

7. That the Owner(s) file with the Secretary-Treasurer of the Committee of Adjustment the following:
- a. A copy of the Reference Plan and/or legal description of the severed land and the deed or Instrument conveying the severed land to the owner of the abutting property to the north-west known municipally as 2610B river Road, so that no new lot is being created, in accordance with paragraph (b) below;
  - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained. The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction”;

- c. An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under subsection 50 (12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within 30 days of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (*PIN insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s Undertaking in paragraph (c) above cannot be reasonably completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the Land Titles Act must be registered on the Title of both the severed lands and on the abutting parcel that is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment”.

- e. In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.

8. 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.
9. 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 lot line adjustment for which the Consent is required.