

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

<b>Date of Decision:</b>	February 28, 2025
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-01-25/B-00005 & D08-02-25/A-00011
<b>Applications:</b>	Consent under section 53 of the <i>Planning Act</i> Minor Variances under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Ethos Infill and Developments Inc.
<b>Property Address:</b>	23 Harris Place
<b>Ward:</b>	8 - College
<b>Legal Description:</b>	Part of Lot 43 Registered Plan 299087
<b>Zoning:</b>	R1FF
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	February 18, 2025, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Applicant wants to subdivide the property into two separate parcels of land for future development. The existing dwelling will remain.

**CONSENT REQUIRED:**

- [2] The Applicant seeks the Committee of Adjustment's consent to sever land.
- [3] The severed land, shown as Part 2 on a draft 4R-plan filed with the application, will have a frontage of 15 metres, a depth of 32 metres and will contain a lot area of 477.1 square metres. This parcel will be vacant and known municipally as 25 Harris Place.
- [4] The retained land, shown as Part 1 on said plan, will have a frontage of 21.52 metres, a depth of 32.7 metres and will contain a lot area of 709.3 square metres. This parcel will be known municipally as 23 Harris Place and contain the existing detached dwelling.
- [5] Approval of these applications will have the effect of creating separate parcels of land and development that will not be in conformity with the requirements of the

Zoning By-law and therefore, minor variance application D08-02-25/A-00011 has been filed and will be heard concurrently with these applications.

## **REQUESTED VARIANCES**

[6] The Applicant seeks the Committee of Adjustment's authorization for minor variances from the Zoning By-law as follows:

### **A-00011 25 Harris Place, Part 2 on 4R-Plan, future development:**

- a) To permit a reduced lot area of 477.1 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 14.96 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- ~~c) To permit a reduced front yard setback of 5 metres, whereas the By-law requires a minimum front yard setback of 6 metres.~~

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [7] The Panel Chair noted that variance (c) was no longer being requested, based on revised plans filed prior to the hearing.
- [8] Gillian Henderson, agent 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.
- [9] Brian Cassagrande, also agent for the Applicant, requested that the condition requesting an agreement be registered regarding environmental noise in the City's planning report be amended to allow the Applicant to register a noise warning on title but not have to enter into an agreement with the City.
- [10] City Planner's Elizabeth King and Erin O'Connell highlighted that the wording of the requested condition is to ensure that the noise warning could not be removed from title to the property without the consent of the City.
- [11] Following the public hearing, the Committee reserved its decision.

### **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:

- Applications and supporting documents, including cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 14, 2025, with no concerns; received February 12, 2025, requesting adjournment.
- Rideau Valley Conservation Authority email dated February 13, 2025, with no objections.
- Hydro Ottawa email dated February 5, 2025, with no concerns.
- Hydro One email dated February 13, 2025, with no concerns.
- Ontario Ministry of Transportation email dated February 12, 2025, with no comments.

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

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

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

[13] 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**

[14] 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

- [15] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [16] 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 Applicant's agent. The Committee finds that the City's requested condition of provisional consent that a noise warning be registered on title is both reasonable and necessary, as worded in the City's planning report.
- [17] 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.
- [18] 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.
- [19] 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.
- [20] 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.
- [21] Based on the evidence, the Committee is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [22] The Committee notes that the City's Planning Report raises "no concerns" regarding the minor variance application.
- [23] The Committee also notes that no evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [24] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, 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.
- [25] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.

- [26] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [27] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [28] **THE COMMITTEE OF ADJUSTMENT THEREFORE 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.
- [29] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is granted and the variances to the Zoning By-law are authorized subject to the following conditions: the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped February 6, 2025, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"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 28, 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 20, 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 APPLICANT(S)

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



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436



## APPENDIX A

1. The Owner provide evidence that the accompanying minor variance applications D08-02-25/A-00011 have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide proof that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal cost. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended.
3. That the Owner/Applicant(s) provide a revised site and/or grading plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**. The Tree Information Report must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.
4. That the Owner/Applicant(s) provide a survey with measurements from the trunk face to the property line to accurately determine the ownership of all adjacent or boundary trees to the satisfaction of the **Manager of the applicable branch within the Planning, Building and Development Department, or their designate(s)**. This may require confirmation from the arborist in addition to the survey. If the identified trees are determined to be boundary or adjacent trees, they shall provide a signed letter of permission from owner(s), for the proposed removal or operations impacting the tree(s). The applicant acknowledges that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plans must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
5. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**, showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.
6. That the Owner(s) provide evidence to the satisfaction of both **the Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

7. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (airport) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be 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**. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

8. 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**.
9. 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.
10. 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 a conveyance for which the Consent is required.