



Soloway Wright LLP
700 - 427 Laurier Avenue West
Ottawa ON K1R 7Y2

T: 613.236.0111 | 1.866.207.5880
F: 613.238.8507
www.solowaywright.com

Ursula K. Melinz
Partner

Direct line: 613.782.3214
Email address: melinzu@solowaywright.com

FILE NO: 44737-1029

December 31, 2024 **Revised January 27 2025**

Committee of Adjustment
City of Ottawa
4th Floor, 101 Centrepointe Drive
Ottawa, ON K2G 5K7
Attn: Michel Bellemare, Secretary-Treasurer

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2025-01-29
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare:

Re: **JANUARY REVISIONS INDICATED IN RED**
Strata Severance & Minor Variance Applications
Severance Applications to create 2 office units on the second floor as separately conveyable parcels – East Block (Part 1) & West Block (Part 4);
Severance Application for easements – Parts 3 & 5 on 4R-24019;
Applications for minor variances to
(a) eliminate the requirement to assign a parking space to each office unit; and
(b) eliminate the minimum frontage requirement for the each office unit.
Owner – Bourk’s Property Management Limited
436 Richmond Road & 401 Golden Avenue, Ottawa, PIN 0397109411 (LT)
(the “Subject Property”)

Bourk’s Property Management Limited (“**Bourk’s**”) is the owner of a freehold “**Commercial Block**”, comprised of Part 1 on 4R-24019 within **430, 432, 434, 436, 438 and 440 Richmond Road and 401 Golden Avenue (collectively “436 Richmond Road”)**, an existing multi-storey, mixed-use commercial and residential condominium. Bourk’s is applying to sever two second storey office units (the “**Office Units**”) within the Commercial Block to create two separately conveyable parcels. In support of the consent applications are two corresponding minor variances, one seeking to reduce the minimum parking space requirements for both Office Units, and the second seeking to modify the frontage on a public street requirement as stated in Zoning By-law 2008-250. No new construction is proposed and there is no change of use, the two Office Units to be severed already exist.

A. Context & Overview

The Subject Property is the western portion of a mixed-use development with frontages on Richmond Road, Golden Avenue and Byron Avenue (indicated in red below in Figures 1 & 2). It is located on the western end of Westboro. Within the Subject Property is a commercial condominium, a residential condominium and the freehold Commercial Block. These applications apply to the freehold Commercial Block, owned by Bourk's, only.

Figure 1.



Figure 2.



The freehold Commercial Block fronts Richmond Road and Golden Avenue, and it is two storeys in height, including the second floor Office Units for which severance is being sought. None of the Richmond Road level commercial spaces (indicated in Figure 3) have access to the second storey Office Units.

Figure 3. Street View of Commercial Block from Richmond



Figure 4. Street View from Golden. Entrance to West Block & 2nd storey indicated in yellow.



The residential condo is Ottawa-Carleton Condo 830 (the “**Residential Condo**” or “**OC Condo 830**”) and it is located primarily on floors 3 to 10 (partially visible in Figure 3 behind the front commercial units), some common element parts on floors 1 and 2, with below grade parking located on floors P1 to P2. There is an existing joint use and maintenance agreement (the “**JUMA**”), between the Commercial Block and the remainder of the building, including the Residential Condo, that will continue to apply to the Office Units

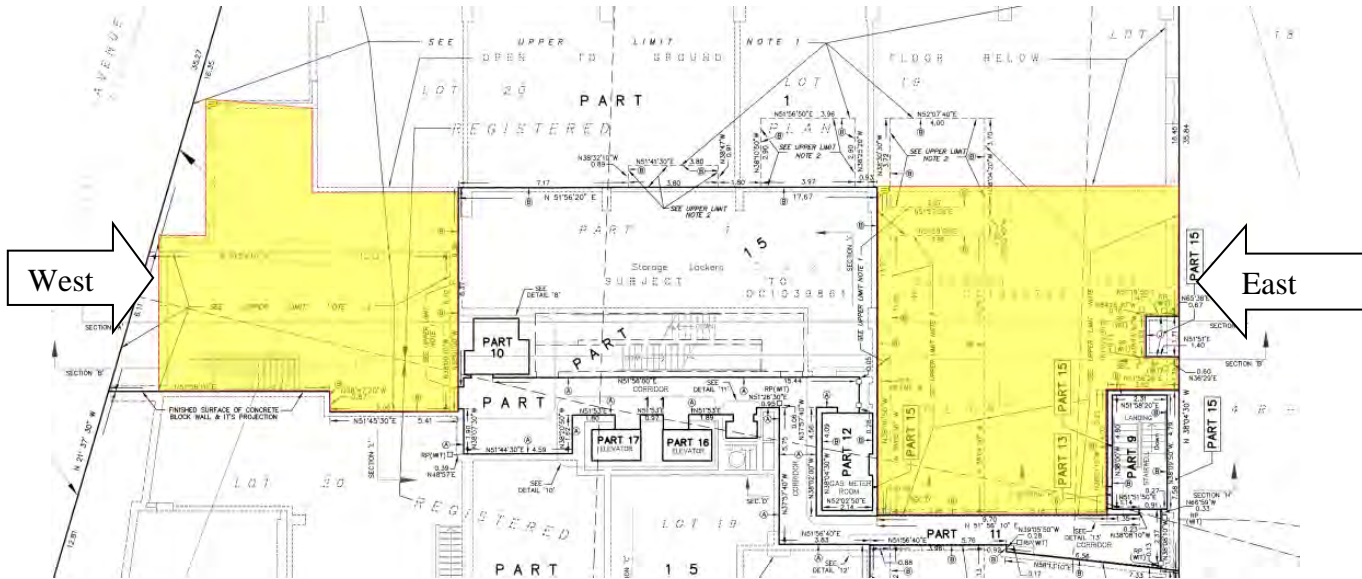
On the south side of the building, fronting on Byron Avenue, there are other separate commercial/office condos (the “**South Condos**”) that are located on the ground floor and second floor that are also subject to the JUMA.

B. Office Units to be Created

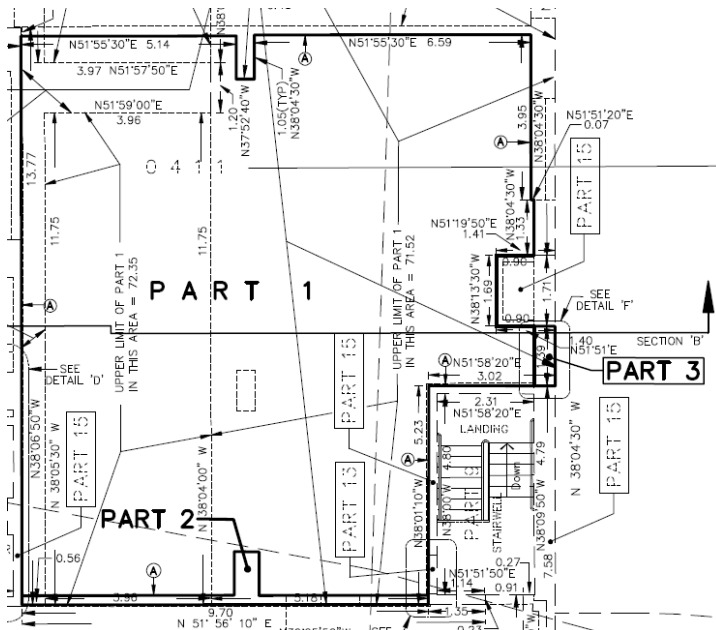
The consent applications seek to create two separately conveyable Office Units, described herein as the “**East Block**” (Part 1 on Draft 4R-Plan), to be known as 401 Golden Avenue Unit 202, and the “**West Block**” (Part 4 on Draft 4R-Plan), to be known as 401A Golden Avenue Unit 203, which are currently part of Part 1 on 4R-24019. The purpose of severing the two Office Units within the Commercial Block is to create greater market flexibility for these existing offices. The Office Units could be rented or sold after severance.

All terms of the joint use and maintenance agreements (the “**JUMA**”), between the Commercial Block and the remainder of the building, being the commercial South Condos and Residential Condo, will be assumed by the Office Units and will continue to apply to the separately conveyable Office Units. The existing JUMA includes a mandatory assumption clause, so a new JUMA is not required.

The following Figure 5 shows the location of the Office Units on the second floor of the freehold Commercial Block.

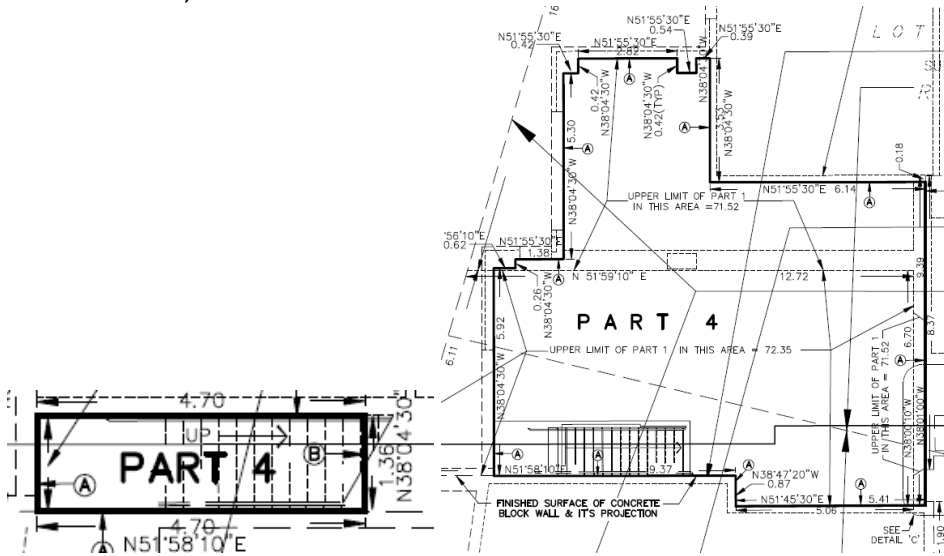


The **East Block** is defined by Part 1 on the Draft Reference Plan (indicated on Sheets 2 and 3), on the second storey of the Subject Property, with access to be provided by the Common Access easements (defined herein) including staircases and elevators, as defined in the JUMA and above with the Part 9 on Plan 4R-24019 being the most direct access. Parts 2 and 3 on the Draft Reference Plan are to remain part of the Commercial Block under the ownership of Bourk's.



The **West Block** will be defined by Part 4 on the Draft Reference Plan (indicated on Sheets 1, 2 and 3), which includes a second storey office space and the staircase from ground level which is an external

dedicated entrance (as indicated in Figure 4 above) in addition to the other Common Access staircases and elevators, as defined herein.



C. Common Access

The Office Units will be accessed by the entrances and corridors as defined by the “Common Access” easements, both existing and proposed, as defined herein. The Common Access areas for Residential Condo and the Commercial Block within the existing building are established through the Condominium Declaration for OC Condo 830 and defined as Parts 3, 4, 5, 9, 16 and 17 on Plan 4R-24019.

The Common Access easements are established through the Condominium Declaration for OC Condo 830, is defined as the staircase defined by Part 9 on Plan 4R-24019 (shown on Sheets 1 & 2 of Plan 4R-24019), and the common hallway on the ground floor defined by Parts 3, 4, 5 on Plan 4R-24019 (shown on Sheet 1 of Plan 4R-24019), common hallway on the second floor defined by Part 11 on Plan 4R-24019 (Sheet 2 of Plan 4R-24019), and the common elevators defined by Parts 16 and 17 (Sheets 1 & 2 of Plan 4R-24019) on Plan 4R-24019.

Part on 4R-24019	Owner	Purpose
3	Commercial Block - Bourk	Common hallway
4	OC Condo 830	Common hallway
5	Commercial Block - Bourk	Common hallway
9	OC Condo 830	Staircase
11	OC Condo 830	Common hallway
16	OC Condo 830	Common elevator
17	OC Condo 830	Common elevator

A Joint Use, Maintenance and Common Elements Agreement (“**JUMA**”) is registered on title to OC Condo 830 and the Commercial Block (Instrument No. OC1114028) to direct the common use and maintenance of the Common Access areas as well as other common elements/shared facilities.

See Appendix “A” which highlights the Common Access areas and Appendix “B” which lists the existing easements, which are to be maintained.

Additional easements over Parts 3 and 5 on Plan 4R-24019 are sought to be established in favour of the Office Units. (A separate severance application has been filed.)

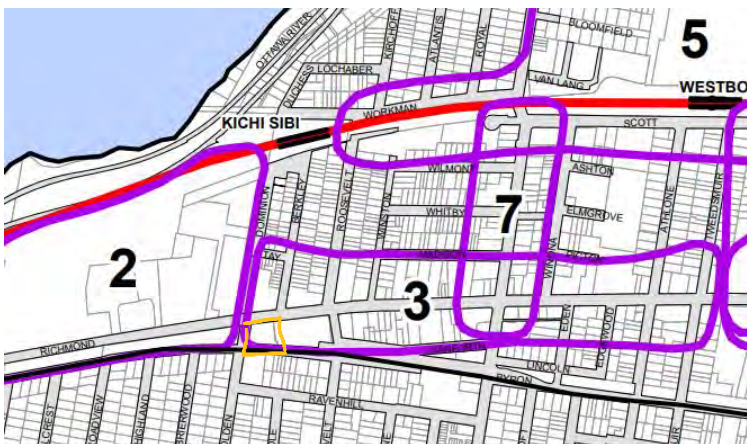
D. Planning Overview

City of Ottawa Official Plan

The Subject Property, 436 Richmond Road, is within the Inner Urban - transect policy area, Neighbourhood - designation, Evolving Neighbourhood – Overlay. Richmond Road is a Corridor – Mainstreet.

The Subject Property is located within the Richmond-Westboro Secondary Plan area – specifically planning area Sector 3 – Westboro Village, in Volume 2A of the Official Plan.

Figure 6 – extract from the secondary plan with Subject Property indicated in yellow



Policy 5.3(7) of the Secondary Plan states: “Encourage a mix of uses, including a continuity of ground floor retail/restaurant uses with residential and office uses on the upper floors.”

The Commercial Block, and the mix of uses, is consistent with the policy. The Applications will continue to implement this policy.

City of Ottawa Comprehensive Zoning By-law No. 2008-250 (the “Zoning By-law”)

The site is zoned, Traditional Mainstreet - TM[83] and is subject to the Mature Neighbourhood – overlay. Site-specific exemption 83 modifies the uses permitted on the site specific (related to automotive uses) but it is not relevant to these applications.

436 Richmond Road is within 400m of an existing bus transit station and future LRT station.

The parking and frontage on a public street requirements of the zoning by-law are addressed below. All other elements of the zoning by-law are complied with.

E. Application Details

Previous applications:

436 Richmond Road has been the subject of other consent applications and a plan of condominium for part of the building.

D08-01-10/B-00134 Severance approved in 2010 – To permit the Owner to convey the easterly portion of the property, as it was then, to construct Phases II & III of the Westboro Station Development.

D0801-11/B-00325 Severance approved on October 14, 2011 – To sever the freehold portions of the first and second floors of Phase I.

D07-12-09-0096 - Site plan approval February 5, 2010 (OC1109102)

D07-12-09-0133 - Site plan approval January 31, 2008 (OC854550)

Existing Easements: All existing easements are described in Appendix B & they will not be impacted by the approval of the consent applications.

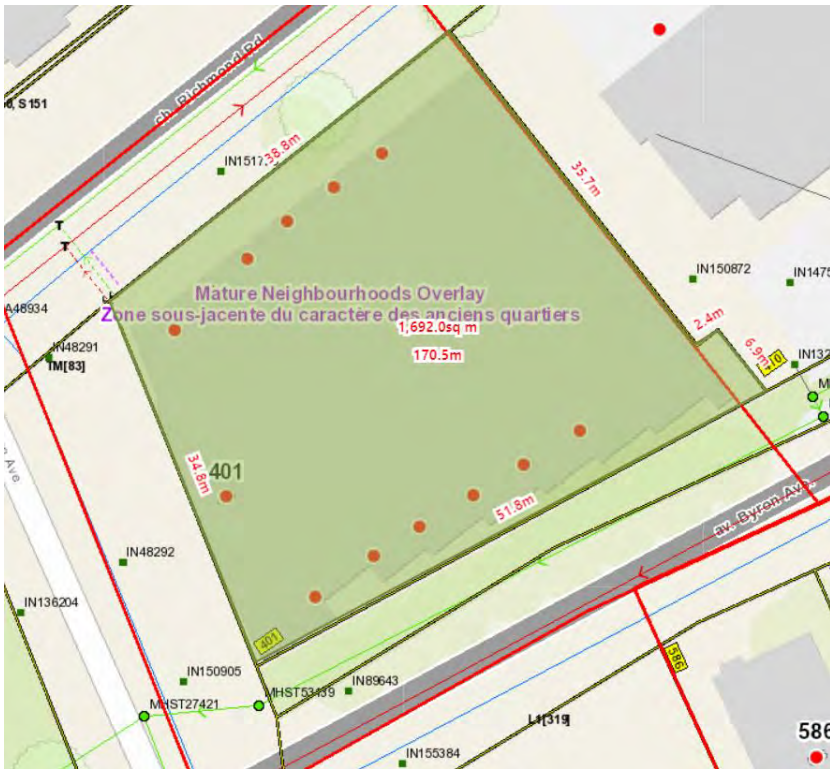
F. Consent Applications

Below is a chart of the proposed severances to create two new Office Units on the second storey of the existing Commercial Block along with the dimensions.

	West Block – Primary Application 401 A Golden Ave	East Block – Secondary Application 401 Golden Ave Unit 202	Retained Lands 436 Richmond Road
Part on Reference Plan	Part 4 – Draft Reference Plan	Part 1 – Draft Reference Plan	Parts 1, 3, 5, 6, 8 and 13 on Plan 4R-24019 less Parts 1 and 4 on Draft 4R-Plan.
Frontage (m)	On Golden Ave 1.36m Internal unit.	Internal unit. No frontage on a public Street	38.38m (Richmond Road)

	No direct frontage on a public Street *Minor variance requested below	*Minor variance requested below	22.46m (Golden Avenue)
Depth (m)	2 nd storey unit size Irregular -between 11.9 to 12.92m on east & west sides -between 12.31 to 14.78m on north & south sides	2 nd storey unit size Irregular -between 13.59 to 13.77m on east & west sides -12.16m on Richmond Rd (north) side -aprox 12.01m on Byron (south) side	Irregular
Area (m ²)	117.4	148	Estimated area of the parcel: 1,629 m ² - See Figure 7

Figure 7 – GeoOttawa Area Measurement of Subject Property



In this case consent is appropriate for the proper and orderly development of the land as further supported below. The existing building has been occupied and operational for many years.

	West Block – Primary Consent Application	East Block – Secondary Consent Application
	Severing Part 4 from the existing Freehold Commercial Block	Severing Part 1 from the existing Freehold Commercial Block
Draft Reference Plan Sheet 1	Part 4 – staircase from Golden	Not applicable
Draft Reference Plan Sheet 2	Part 4 – second storey office space Severance line is the interior finished surface of concrete block wall or concrete slab of floor & ceiling (refer to Sheet 2 Legend)	Part 1 Severance line is the interior finished surface of concrete block wall or concrete slab of floor & ceiling (refer to Sheet 2 Legend)
Draft Reference Plan Sheet 3	Cross Section B - depicts the 3-dimensional space of the second floor	Cross Section B - depicts the 3-dimensional space of the second floor Cross section A -depicts the 3-dimensional space of just the East Block
Support from remainder of Part 1 on Plan 4R-24019 of the existing Freehold Commercial Block	Both Office Units require a blanket easement for support from what will be the remainder of the Commercial Block to be located below and to the north of the Office Units.	
Stairs from Golden – Part 4 on Draft Reference Plan	Currently part of the Freehold Commercial Block but to be severed for the exclusive use of the West Block (second floor Part 4 office on the Draft Reference Plan) Shown on Sheets 1, 2 & 3 of the Draft Reference Plan	Not applicable

	West Block – Primary Consent Application	East Block – Secondary Consent Application
Walls bordering/common hallway being Part 11 on Plan-24019	Not applicable	Severance line is the underside of the finished surface of concrete block wall from the hallway side (refer to Sheet 2 Legend, Plan 4R-24019)
Additional Common Access Consent Application Parts 3 & 5 on 4-24019	<p>An access easement is required over Parts 3 & 5 on Plan 4R-24019.</p> <p>Part 3 is an existing corridor that is 14.32m long and up to approximately 1.95 wide (irregular) as shown on Sheet 1 of 4R-24019.</p> <p>Part 5 is an existing corridor that is L-shaped. It varies in length between 18.1m to 13.68m (irregular), and its width varies between 1.92m to 2.4m, as shown on Sheet 1 of 4R-24019.</p>	

Planning Act Criteria

We submit that a plan of subdivision is not required for the proper and orderly development of the municipality as provided in the *Planning Act* Section 53(1), and that the Committee has the authority to grant the requested consents pursuant to Ottawa's Official Plan section 11.5(5), Sections 50(3)(f) and 53 of the *Planning Act*, and as follows, considering Section 51(24):

Criteria - <i>Planning Act</i> s.51(24)	Applicability
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	<p>The proposed severances will allow for (h) the orderly development and use of an existing multi-use building including offering diverse office space that may be purchased, (p) at an appropriate location for growth and (q) in a development this is sustainable, supports public transit and is walkable to access.</p> <p>The severances will not frustrate any of the matters of provincial interest.</p>
(b) whether the proposed subdivision is premature or in the public interest;	<p>The proposed severances are not premature because they are severances within an existing mixed-use building. It is in the public interest because it will create freehold Office Units on a Mainstreet, in proximity to transit and in a community with a full range of services and</p>

Criteria - <i>Planning Act</i> s.51(24)	Applicability
	housing. The Office Units may be rented or sold after the applications which creates different forms of tenure that contributes to market diversity.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	The proposed severances conform to the OP and the Richmond-Westboro Secondary Plan.
(d) the suitability of the land for the purposes for which it is to be subdivided;	The land has already been developed and it is suitable for the development of residential, mixed-use and commercial uses.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;	N/A
(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 adequacy of them;	Not applicable in this case because this was addressed when the multi-use building was constructed. This is merely the severance of two internal Office Units and the corresponding access easement over Parts 3 and 5 on 4R-24019.
(f) the dimensions and shapes of the proposed lots;	The proposed Office Units to be severed are within an existing mixed-use building but the Office Units are able to function independently.
(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;	N/A
(h) conservation of natural resources and flood control;	N/A
(i) the adequacy of utilities and municipal services;	The existing building is on full municipal services.
(j) the adequacy of school sites;	N/A
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	N/A
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	N/A

Criteria - <i>Planning Act s.51(24)</i>	Applicability
(m) the interrelationship between the design of the proposed pan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a plan site plan control area designated under subsection 41(2) of this Act or subsection 114(2) of the <i>City of Toronto Act, 2006</i> .	Site Plan Control was previously granted for the construction of the mixed--use building. Site plan approval is not required for this severance.

G. Minor Variances – Parking

The Subject Property is located within Area X on Schedule 1A of the Zoning By-law. The minimum parking space rate according to Section 101 of the Zoning By-law is 1 per 100 m² of gross floor area. With the creation of separate parcels through the severance process, the East and West Blocks, with areas of 148 and 117.4 of gross floor area respectively, each require 1 parking space. A Minor Variance is requested for each of the two Office Units to reduce the minimum parking space rate to 0.

TABLE 101 – MINIMUM PARKING SPACE RATES

	I	II
Row	Land Use	Area X and Y on Schedule 1A
N59	Office	1 per 100 m ² of gross floor area

The elimination of parking for each of the Office Units is appropriate because the units do not currently have assigned parking, the Subject Property is served by bus transit on Richmond Road, it is within 400m of LRT at the Kitchi Sibi station, it is located in a very walkable area, and public parking is available within the existing below grade parking garage that provides public parking that may be used by the Commercial Block.

The Four Tests

The minor variance to reduce the minimum parking requirement for each office unit:

- (a) Is desirable for the appropriate use of the land and existing building

It is desirable to provide the minor variances because it will contribute to a more efficient use of the existing mixed-use building. The two Office Units already exist in the mixed-use building, within the Commercial Block, and the units do not currently have assigned parking spaces. There is public parking available underground. If two parking spaces must be provided then it would be very a very complex severance of the existing

parking garage with another strata severance being required to identify the ramps and separate parking spots. The underground parking is shared by the residential condo (OC Condo 830) owners and some public parking. Multiple parties would have to consent to the strata severance application to create the two spots for the two Office Units. Owners or occupiers of the Office Units will be advised that there is no assigned parking for these units.

It is not necessary or desirable to create two separate parking spots for the Office Units.

(b) Maintains the general intent and purpose of Ottawa's Official Plan

The Official Plan encourages, even requires, mixed-use development on Richmond Road and the use of modes of transportation other than a private vehicle is a principal tenement of the Official Plan. The Official Plan seeks to create mixed-use, walkable neighbourhoods. This building is located in a desirable location, within a very walkable neighbourhood, public transit is available both along Richmond Road and an LRT station is within a 400m walking radius. Providing parking is discouraged in this area as a means of encouraging people to use alternate modes of travel such as walking or public transit. Approving the minor variances so each Office Unit does not have to have a parking spot conforms to the Official Plan.

(c) Maintains the general intent and purpose of Ottawa's Zoning By-law

The minor variances maintain the intent of the zoning by-law which is to reduce the amount of parking provided at locations where alternate modes of access are available. As stated, this building is located in a desirable location, within a very walkable neighbourhood, public transit is available both along Richmond Road and an LRT station is within a 400m walking radius.

Not providing parking spaces maintains the intent and purpose of the zoning by-law; and

(d) The variances are indeed minor

The variances are minor as demonstrated by the fact that the two Office Units have operated to date without having any assigned parking. Most of the occupants of the Office Units walk, use public transit or other means to access the site. Future occupants or owners of the Office Units will be advised that there is no assigned parking.

There will be no public impact, nor any impact to the existing Residential Condo or other building occupants, due to the variances.

The Office Units do not currently have assigned parking, in an existing building, this is not a change of use or an intensification of use. The variance to eliminate one parking spot per Office Unit is indeed minor.

It is submitted the minor variance to eliminate the parking obligation of one space per Office Unit satisfies the criteria identified in the *Planning Act* section 45(1). The variances are required as part of the consents to create two Office Units which are desirable and appropriate uses in an existing building.

H. Minor Variances – Frontage on a Public Street

Each Office Unit will technically be considered a 'lot' after the severance, even though the units are internal to an existing building, hence a minor variance to the requirement to have frontage on a public street is required.

Section 50 of Zoning By-law 2008-250 states:

Frontage on a Public Street (Section 59)

59. (1) No person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3.0 metres; and (By-law 2015-190) (By-law 2017-302)
- (2) No person shall sever any land unless the land severed and the land retained each abut to a street, in accordance with subsection (1). (By-law 2015-190)
- (3) Where a severance involves more than two lots, subsection (1) applies with all necessary modification to each lot involved.
- (4) Subsections (1), (2) and (3) do not apply to a lot used for a marine facility, a utility installation, urban agriculture, a cemetery, a forestry operation, a military training facility, a park, an environmental preserve and education area, or an agricultural use excluding any accessory dwelling unit. (By-law 2017-148)
- (5) Despite subsections (1), (2) and (3), the following are deemed to be improved public streets for the purpose of this section:
- (a) a parkway, or
 - (b) a private way within a **planned unit development** that complies with the **planned unit development** provisions.

West Block – Part 4 - 401A Golden Avenue, Unit 203

Although the West Block includes a private staircase that extends down to the ground floor to a door that exits outside, facing Golden Avenue, the proposed Part 4 parcel does not fully extend to Golden Avenue. After exiting the grade level doorway from the West Block, a person is on land referred to as the Common Access easements. ~~The West Block currently has frontage on Golden Avenue with a street level entrance (1.36m in width as indicated in Figure 4) that leads to a private staircase that leads up to the second story Office Unit. The West Block Office Unit is an existing unit in an existing building. The 1.36m entrance provides direct access to the West Block, in addition to the Common Access easements as otherwise described.~~

The minor variance to ~~reduce~~ **eliminate** the frontage on a public street from 3m to ~~1.36~~ **0**m:

- (a) Is desirable for the appropriate use of the land and existing building
- As stated, the West Block is an existing unit in an existing building. Providing this variance will permit the West Block to be severed which will contribute to a more efficient use of the existing mixed-use building – which is both desirable and appropriate.
- (b) Maintains the general intent and purpose of Ottawa's Official Plan
- Approving the minor variance to ~~reduce~~ **eliminate** the frontage on a public street does not negatively impact any of the policies of the Official Plan but rather conforms to the intent of the Official Plan to permit a severance which will provide a variety of tenure options.

(c) Maintains the general intent and purpose of Ottawa's Zoning By-law

The minor variances maintain the intent of the zoning by-law which is to ensure that every 'lot', the West Block Office Unit, has access to a public street ~~via~~ ~~– The West Block Office Unit has direct access to Golden Avenue in addition to the Common Access easements –~~ it is not a landlocked lot. The minor variance maintains the intent and purpose of the zoning by-law; and

(d) The variances are indeed minor

The variances are minor as demonstrated by the fact that the West Block Office Unit is not/will not be landlocked and it has access directly to Golden Avenue and according to the Common Access easements as described.

It is submitted the minor variance to ~~reduce~~ **eliminate** the **requirement for** frontage on a public street ~~obligation from 3m to 1.36m, the width of the existing entrance on Golden Ave,~~ satisfies the criteria identified in the *Planning Act* section 45(1). The variance is required as part of the consent to create the West Block Office Unit which is a desirable and appropriate uses in an existing building.

East Block – Part 1 – 401 Golden Avenue Unit 202

The East Block does not currently have frontage on any public street because it is an Office Unit on the second storey of a mixed-use building, within a Commercial Block. Access to the East Block is secured through the Common Access easements. The minor variance to eliminate the requirement to have frontage on a public street of 3m;

(a) Is desirable for the appropriate use of the land and existing building

As stated, the East Block is an existing unit in an existing building. Providing this variance will permit the East Block to be severed which will contribute to a more efficient use of the existing mixed-use building – which is both desirable and appropriate.

(b) Maintains the general intent and purpose of Ottawa's Official Plan

Approving the minor variance to reduce the frontage on a public street does not negatively impact any of the policies of the Official Plan but rather conforms to the intent of the Official Plan to permit a severance which will provide a variety of tenure options.

(c) Maintains the general intent and purpose of Ottawa's Zoning By-law

The minor variances maintain the intent of the zoning by-law which is to ensure that every 'lot', the East Block Office Unit, has access to a public street. The East Block Office Unit has access to public streets through the Common Access easements – it is not a landlocked lot. The minor variance maintains the intent and purpose of the zoning by-law; and

(d) The variances are indeed minor

The variances are minor as demonstrated by the fact that the East Block Office Unit is not/will not be landlocked. Appropriate and required access easements are already in place as defined in the Common Access documents.

It is submitted the minor variance to eliminate the frontage on a public street obligation, satisfies the criteria identified in the *Planning Act* section 45(1). The variance is required as part of the consent to create the East Block Office Unit which is a desirable and appropriate uses in an existing building.

I. Additional Certificate Retained Lands Request

~~In addition to the two severance applications for the Office Units, being Parts 1 and 4 on the draft reference plan, a certificate for both the severed and retained parcels, being part 1 on Plan 4R-24019 is requested in accordance with subsection 53(42.1) of the *Planning Act*.~~

In addition to the two severance applications for the Office Units, being Parts 1 and 4 on the Draft Reference Plan, and the application for easements including over Parts 3 and 5 on 4R-24019 (the retained lands), a certificate for the retained parcels, being Parts 1, 3, 5, 6, 8 and 13 on Plan 4R-24019 less Parts 1 and 4 on Draft 4R-Plan is requested in accordance with subsection 53(42.1) of the *Planning Act*. There is no land abutting the subject land that is owned by the owner of the Subject Property other than land that could be conveyed without contravening section 50 of the Act.

In accordance with Section 53(42.1) of the *Planning Act*, the Owner is entitled to a certificate for the retained land resulting from the consent. The registrable legal description of the **Retained Lands** will be as follows:

PART OF LOTS 18, 19 AND 20, SOUTH SIDE OF RICHMOND ROAD, PLAN 179;
PART OF LOTS 18 AND 19, NORTH SIDE OF JAMES STREET, PLAN 179;
PART OF LOTS 18, 19 AND 20, SOUTH SIDE OF RICHMOND ROAD, PLAN 204;
BEING PARTS 1, 3, 5, 6, 8 AND 13 ON PLAN 4R24019 LESS PARTS 1 AND 4 ON PLAN 4R-XXXX.
CITY OF OTTAWA

(Note: To include all Subject to and Together with easements listed as per the PIN)

Conclusion

It is our opinion that the consent to create the two Office Units and the requested easements should be granted, and the requested minor variances should be authorized. The Office Units are within a Freehold Commercial Block in an existing mixed-use building, on a Mainstreet, in proximity to transit and are in an area where additional employment options should be made available. The severances and minor variances combined, and the creation of the two Office Units, will not have any public impact.

Enclosures (Provided with original and not updated unless indicated)

In support of the Application, please find enclosed the following:

1. Consent Application for Part 1
2. Consent Application for Part 4
3. Minor Variance application for Part 1 – Elimination of parking & removal of obligation to have frontage on a public street

4. Minor Variance application for Part 4– Elimination of parking & ~~reduction~~ **removal** of obligation to have frontage on a public street * **updated January 2025**
5. Draft Reference Plan 4R-XXXX – 3 Sheets
6. Authorization for Soloway Wright LLP to submit the applications
7. Parcel Abstract for PIN 03971-0411
8. Plan 4R-24019
9. Confirmation that a Tree Information Report is not necessary
10. Our cheques in the amount of \$5448 for the primary consent and minor variance, \$328 for the secondary consent and minor variance and \$250 for the additional Certificate

Do not hesitate to reach out if you have any questions.

Yours very truly,



Ursula K. Melinz
Ursula K. Melinz Professional Corporation
UKM/KL/asc

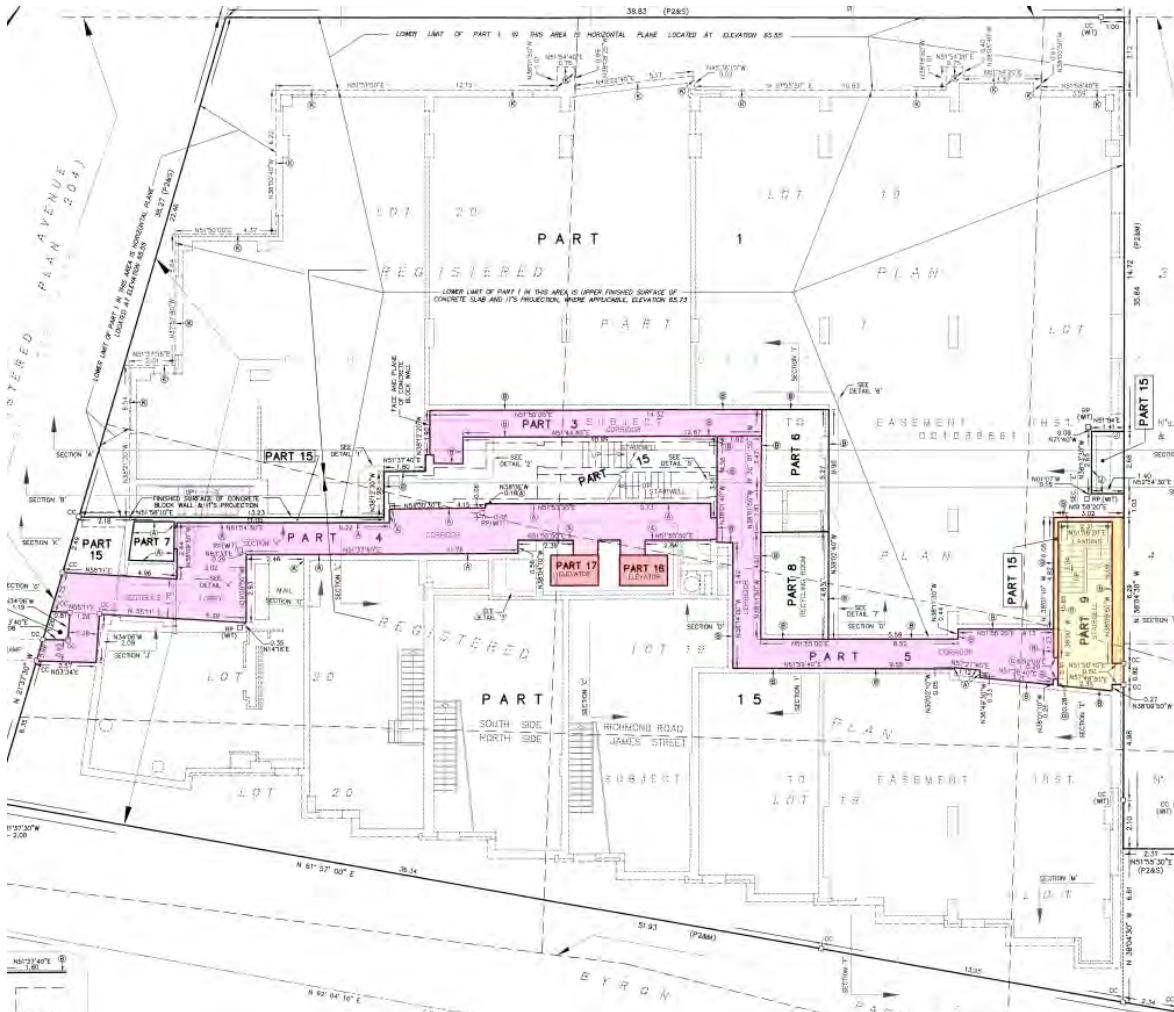
Appendix A
Common Access

Sheet 1 of Plan 4R-24019

Purple - Parts 3, 4 & 5 -Common Hallway

Yellow – Part 9 – Common Staircase

Pink – Parts 16 & 17 – Common Elevator

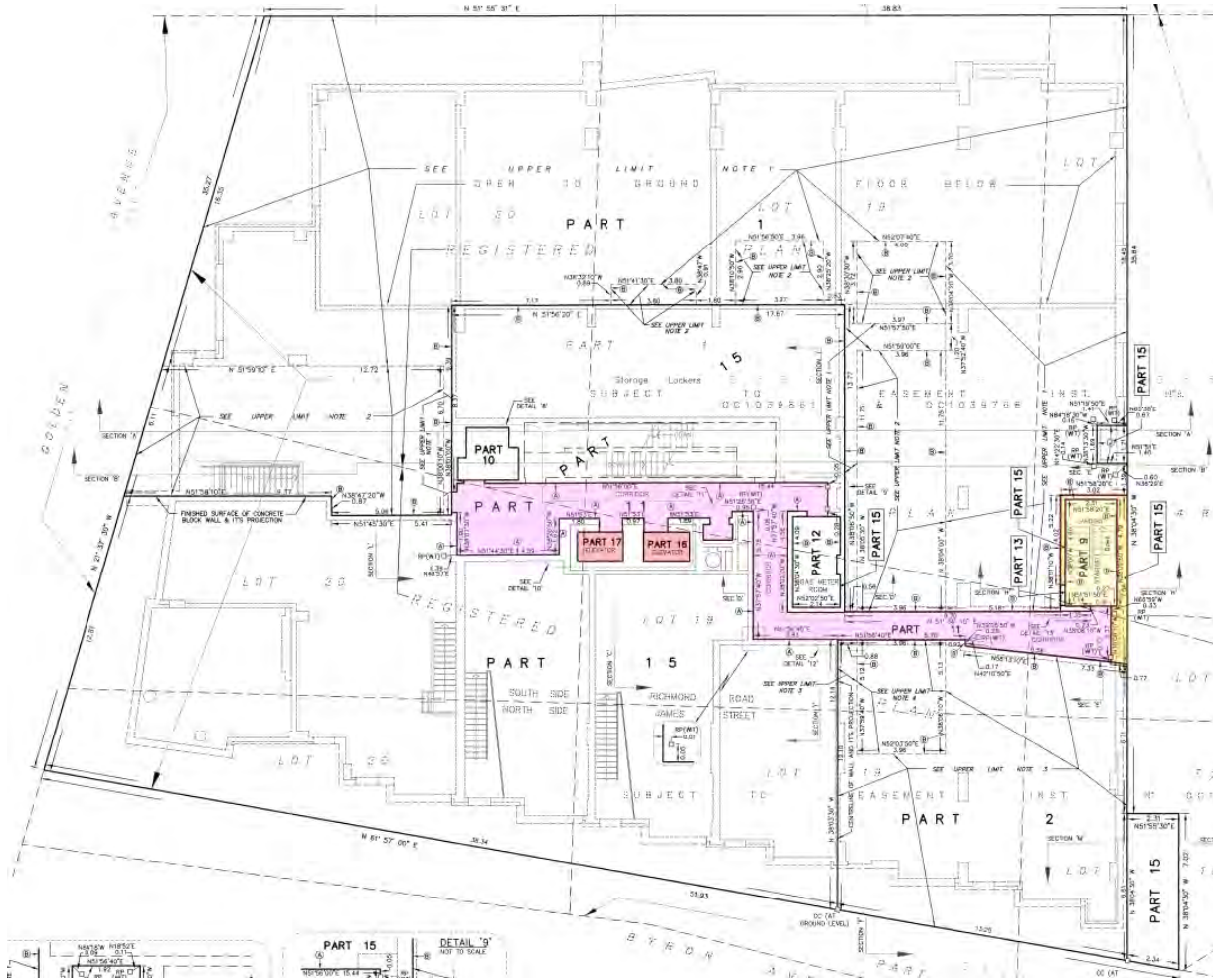


Sheet 2 of Plan 4R-24019

Purple – Part 11 -Common Hallway

Yellow – Part 9 – Common Staircase

Pink – Parts 16 & 17 – Common Elevator



Appendix B
Easement List
PIN 03971-0389 (LT)

SUBJECT PROPERTY: PART OF LOTS 18, 19 AND 20, SOUTH SIDE OF RICHMOND ROAD, PLAN 179; PART OF LOTS 18 AND 19, NORTH SIDE OF JAMES STREET, PLAN 179; PART OF LOTS 18, 19 AND 20, SOUTH SIDE OF RICHMOND ROAD, PLAN 204; **BEING PARTS 1, 3, 5, 6, 8 AND 13 ON PLAN 4R24019.**

OCC 830: PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019

Dacok: PART 2, PLAN 4R24019

INSTRUMENT NO.	Parts on Strata Plan 4R-24019 SUBJECT TO	Parts on Strata Plan 4R-24019 TOGETHER WITH	PURPOSE OF EASEMENT / ROW
OC1065862 – Condominium Declaration for OCC 830	PARTS 1, 3, 5, 6, 8, 13 on Plan 4R24019	PARTS 9, 10 AND 11 PLAN 4R24019 AS IN OC1065862	easement for pedestrian purposes over the corridors and walkways as reasonably required
		PARTS 4, 16 AND 17 PLAN 4R24019 AS IN OC1065862	access easement for the purpose of access to the corridor and elevators for handicap pedestrian and emergency uses only.
		PART 7 PLAN 4R24019 AS IN OC1065862	access easement for the purpose of access to the fire monitoring room during emergencies only.
		PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019 AS IN OC1065862.	an easement, right-of-way and right in the nature of an easement for the purpose of installing, maintaining, operating, altering, repairing, replacing, inspecting and

INSTRUMENT NO.	Parts on Strata Plan 4R-24019 SUBJECT TO	Parts on Strata Plan 4R-24019 TOGETHER WITH	PURPOSE OF EASEMENT / ROW
			monitoring such lines, pipes, wires including hydro wires...
		PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019 AS IN OC1065862.	right of support
	PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019 AS IN OC1065862.	for an access easement for pedestrian purposes over the public corridors and walkways
	PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019 AS IN OC1065862.	access easement for general vehicular purposes over the parking garage, ramps and driveways as presently located or subsequently relocated, including the right to remove snow and ice as required.
	PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019 AS IN OC1065862.	easement, right-of-way and right in the nature of an easement for the purpose of installing, maintaining, operating, altering, repairing, replacing, inspecting and monitoring such lines, pipes, wires including hydro wires...
	PARTS 1, 3, 5, 6, 8 AND 13 PLAN	PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17	easement for the right of support

INSTRUMENT NO.	Parts on Strata Plan 4R-24019 SUBJECT TO	Parts on Strata Plan 4R-24019 TOGETHER WITH	PURPOSE OF EASEMENT / ROW
	4R24019 AS IN OC1065862	PLAN 4R24019 AS IN OC1065862.	
PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	easement for pedestrian purposes		
PART 5 PLAN 4R24019 AS IN OC1065862	access easement for the purpose of emergency access		
PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	easement, right-of-way and right in the nature of an easement for the purpose of installing, maintaining, operating, altering, repairing, replacing, inspecting and monitoring such lines, pipes, wires including hydro wires...		
PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	easement for right of support		
PARTS 1, 3, 5, 6, 8 AND 13 PLAN 4R24019 AS IN OC1065862	an easement in, on, over and along those external parts of the Commercial Space, not encumbered by buildings or structures for the purpose of permitting the Residential Condominium to seasonally plant trees, flowers or shrubs or to remove snow and ice		

INSTRUMENT NO.	Parts on Strata Plan 4R-24019 SUBJECT TO	Parts on Strata Plan 4R-24019 TOGETHER WITH	PURPOSE OF EASEMENT / ROW
OC933256	SUBJECT TO AN EASEMENT AS IN OC933256;		Blanket easement in favour of Rogers
OC1039762	SUBJECT TO AN EASEMENT IN GROSS OVER PART 1 PLAN 4R23857 EXCEPT PARTS 4, 7, 9, 10, 11, 12, 14, 15, 16 AND 17 PLAN 4R24019 AS IN OC1039762;		Blanket easement in favour of Hydro Ottawa
OC1039768	SUBJECT TO AN EASEMENT AS IN OC1039768		Blanket easement in favour of Bell
OC1039861	SUBJECT TO AN EASEMENT AS IN OC1039861		Blanket easement in favour of Rogers