

DECISION

CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision:	March 14, 2025
Panel:	3 - Rural
File Nos.:	D08-01-25/B-00017 & D08-02-25/A-00018
Applications:	Consent under section 53 of the <i>Planning Act</i> Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Shehla Qayyum and Mohammed Tarique
Property Address:	6 Basswood Avenue
Ward:	6 - Stittsville
Legal Description:	Lot 3, Registered Plan 869, Geographic Township of Goulbourn
Zoning:	RID
Zoning By-law:	2008-250
Heard:	March 4, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to subdivide the property into two separate parcels of land to create a new parcel for the construction of a two-storey detached dwelling, as shown on plans filed with the application. The existing dwelling will remain, and the existing garage will be demolished.

CONSENT REQUIRED

- [2] The Applicants seek the Committee's consent to sever land. The property is shown as Parts 1 and 2 on a draft 4R-plan filed with the applications and the separate parcels will be as follows:
- [3] The severed land, shown as Part 1 on the draft 4R-plan, will have a frontage of 12.65 metres, a lot depth of 45.61 metres and a lot area of 577.1 square metres and will be known municipality as 6A Basswood Avenue.
- [4] The retained land, shown as Part 2 on the draft 4R-plan, will have a frontage of 22.71 metres, a lot area of 45.60 metres and a lot area of 1035.1 square metres

and will is known municipally as 6 Basswood Avenue and contain the existing dwelling.

- [5] Approval of these applications will have the effect of creating a separate parcel of land that will not be in conformity with the requirements of the Zoning By-law and therefore, a minor variance application (D08-02-25/A-00018) has been filed and will be heard concurrently with this application these applications.

REQUESTED VARIANCES

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

A-00018: 6A Basswood Avenue, Part 1 on 4R-plan, proposed detached dwelling:

- a) To permit a reduced lot width of 12.65 metres, whereas the By-law requires a minimum lot width of 20 metres.
- b) To permit a reduced lot area of 576.81 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [7] Sarkis Khawaja, agent for the Applicants, provided an overview of the applications, and confirmed no concerns with the City's requested conditions of provisional consent. He also advised that the roof pitch could be adjusted, or provisions could be implemented to mitigate the impact of water runoff on neighbouring properties.
- [8] City Planner Luke Teeft highlighted that the application is in keeping with the direction in the Official Plan for densification in a suburban transect area. In response to questions from the Committee, Mr. Teeft confirmed that the condition requiring a grading and servicing plan, as outlined in the City's Planning Report, will ensure that grading does not impact neighbouring properties. He also confirmed that any concerns regarding the roofline or side yard setback would be reviewed at the building permit stage.
- [9] The Committee also heard oral submissions from the following individuals:
- J. Duvivier, resident, expressed opposition to the applications and noted the requested variances are not minor in nature nor in keeping with the streetscape.

- L. St. George, resident, raised concerns over the proposed development and the impact of flooding and drainage issues on neighbouring properties, the impact on trees and parking.
- [10] W. Wilson, resident, raised concerns over flooding and drainage issues and the reduction in green space, as well as the impact of the development on the neighbourhood as a whole.
- [11] Shelha Qayyum, the Applicant, highlighted that there is a mix of various housing types in the neighbourhood similar to the proposed development.
- [12] Following the public hearing, the Committee reserved its decision.

Evidence

- [13] 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, parcel register abstract, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Reports received February 27, 2025, with no concerns; revised report received March 3, 2025, with no concerns.
 - Rideau Valley Conservation Authority email dated February 28, 2025, with no objections.
 - Hydro Ottawa email dated February 21, 2025, with comments.
 - D. Glover, resident, email dated February 28, 2025, in opposition.
 - J. Duvivier, resident, email dated March 3, 2025, in opposition.
 - J. Duggan, resident, email dated March 3, 2025, in opposition.
 - A. Wilson, resident, email dated March 3, 2025, in opposition.
 - N. Hass, resident, email dated March 3, 2025, in opposition.
 - L. and J. St. George, residents, email dated March 3, 2025, in opposition.
 - A. Kongkhaw, resident, email dated March 3, 2025, in opposition.

DECISION AND REASONS OF THE COMMITTEE:

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

Consent Application Must Satisfy Statutory Tests

[14] 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

- [15] 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

- [16] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [17] 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.
- [18] 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.
- [19] 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.

- [20] 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.
- [21] 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.
- [22] 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*.
- [23] The Committee notes that the City's Planning Report raises "no concerns" regarding the minor variance application.
- [24] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [25] 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.
- [26] 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.
- [27] 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.
- [28] 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.
- [29] **THE COMMITTEE OF ADJUSTMENT THEREFORE ORDERS** that the consent application is granted, and provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [30] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is granted and the variances to the Zoning By-law are authorized.

Absent
TERENCE OTTO
VICE-CHAIR

"Gary Duncan"
GARY DUNCAN
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
ACTING PANEL CHAIR

Absent
JOCELYN CHANDLER
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 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 April 3, 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](#)

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.

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APPENDIX “A”

1. The Owner(s) provide evidence that the accompanying minor variance application (D08-02-25/A-00018) has been approved, with all levels of appeal exhausted.
2. That the Owner(s) satisfy the requirements of Hydro Ottawa with respect to the relocation of the existing overhead services or grant an easement as required, the consent to which is hereby granted.
3. That the Owner(s) provide evidence 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 costs. The value of 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. Information regarding the appraisal process can be obtained by contacting the Planner.
4. That the Owner(s) provide evidence, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, that each existing parcel has its own independent sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
5. The Owner(s) shall prepare an Environmental Noise Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any environmental noise attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (Abbott Street E.) The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
6. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

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

7. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate.**
8. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan with the proposed elements/structures (driveways, retaining walls, projections, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate.** The TIR must meet the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the as-of-right building envelope and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
9. That the Owner/Applicant(s) provide a signed letter of permission from the owner(s) of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). A tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plan must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
10. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, 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.
11. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on Part 2 on Draft plan of survey Lot 3 plan 869 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance of along the North west proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
12. 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.

5. 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 severance for which the Consent is required.