

**DECISION  
CONSENT/SEVERANCE**

|                           |   |
|---------------------------|---|
| <b>Date of Decision:</b>  | February 28, 2025                                   |
| <b>Panel:</b>             | 3 - Rural   |
| <b>File No.:</b>          | D08-01-24/B-00282                                   |
| <b>Application:</b>       | Consent under section 53 of the <i>Planning Act</i> |
| <b>Applicant:</b>         | Kevlar Holdings Inc.                                |
| <b>Property Address:</b>  | 74 Martin Street                                    |
| <b>Ward:</b>              | 21 - Rideau-Jock                                    |
| <b>Legal Description:</b> | Unit 17, Index Plan 4D-17                           |
| <b>Zoning:</b>            | V1C   |
| <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 APPLICATION**

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create a new lot for future residential development.
- [2] On October 15, 2021, the Committee conditionally approved consent application (D08- 01-21/B-00299) to subdivide the property into two lots. The conditions were not fulfilled within the statutory time period and the approval lapsed.

**CONSENT REQUIRED**

- [3] The Applicant seeks the Committee's consent to sever land.
- [4] The severed land, shown on a sketch filed with the application, will have a frontage of 25 metres onto Martin Street and 32.4 metres on Colonel Murray Street, a depth of 32.2 metres, and will contain a lot area of 816.9 square metres. This property will be known municipally as 74 Martin Street.
- [5] The retained land, shown on said sketch, will have a frontage of 24 metres on Martin Street, a depth of 32 metres, and a lot area of 775.3 square metres. This property is known municipally as 76 Martin Street.
- [6] The property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

- [7] At the scheduled hearing on February 4, 2025, the Committee adjourned the proceeding to allow the Applicant time to discuss the requested road widening condition with City staff.

### **Oral Submissions Summary**

- [8] Kenneth Blouin, agent for the Applicant, explained that they had a discussion with City staff about the potential impact the requested road widening may have on a future building envelope. Mr. Blouin requested that the condition be revised to not required road widening along Martin Street. He stated that he had no concerns with the City's request for the road widening along Colonel Murray Street.
- [9] In response to questions from the Committee, City Planners Luke Teeft and Erin O'Connell explained that they had discussions with the Applicant regarding the interpretation of how setbacks to a future building envelope would be measured after the road widening had been taken. Ms. O'Connell explained that as a result of the discussion, which included City transportation staff, the City reduced the requirement from 13 metres of road widening along Martin Street to 11 metres. Mr. Teeft further stated that the Applicant would benefit from a three-year grace period, where should they build within this time, they could measure the setbacks to the original lot lines,
- [10] Following the public hearing, the Committee reserved its decision.

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

### **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).

### **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:

- Application and supporting documents, including cover letter, plans, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 12, 2025, with no concerns; received January 30, 2025, with no concerns.
- Rideau Valley Conservation Authority email received February 14, 2025, with no objections; received January 27, 2025, with no objections.
- Hydro Ottawa email received February 5, 2025, with comments, received January 27, 2025, with comments.
- Hydro One email received February 13, 2025, with no comments.
- Ontario Ministry of Transportation email received February 12, 2025, with no comments; received January 22, 2025, with no comments.
- Ottawa Carleton District School Board email received January 27, 2025, with comments.
- M. and B. Walker, residents, email received January 31, 2025, with comments.

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

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, subject to the requested conditions.
- [15] The Committee also finds that, in this instance, the road widening condition is a reasonable and necessary condition of provisional consent and further finds that the implementation of this condition would not result in the lot being undevelopable in the future.
- [16] 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.
- [17] 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.

- [18] 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.
- [19] 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.
- [20] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.

*Absent*  
TERENCE OTTO  
VICE-CHAIR

*"Gary Duncan"*  
GARY DUNCAN  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
ACTING PANEL CHAIR

*"Jocelyn Chandler"*  
JOCELYN CHANDLER  
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  
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## APPENDIX A

### Conditions from Planning and Committee's standard conditions

1. 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.
2. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 11 meters from the existing centerline of pavement/the abutting right-of-way along Martin Street and measuring 10 meters from the existing centerline -of-way along Colonel Murray Street, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy Page 3 of 5 of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from **City Legal Services** that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner. Zoning by-law requirements (including any setback requirements) at the time of building permit shall be determined based on the lot lines as they existed prior to the conveyances, up to three years from the registration of the severance that includes this condition for road widening.
3. That the Owner convey a 9 m x 3 m corner sight triangle located at the intersection of Martin and Colonel Murray to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
4. 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, failing which the Owners construct a new well on the severed lot 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. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.



The Owners' report must demonstrate the following to the City of Ottawa:

- a) That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- b) That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c) That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- d) 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 a new well, if required, 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. In instances where the subject site has sensitive soils, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required. 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".

5. 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 for both the severed and retained properties, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**.
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 covenants/notices that shall run with the land and bind future owners 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 City of Ottawa has identified that there are potential sensitive marine clay soils, within the area that may require site specific detailed geotechnical engineering solutions to allow for development, 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 is located next to lands that have an existing source of environmental noise (collector road) and may therefore be subject to noise and other activities associated with that 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) 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.
8. 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.