



March 3, 2025

Committee of Adjustment
101 Centrepointe Drive
Ottawa, Ontario
K2G 5K7

Committee of Adjustment
Received | Reçu le
2025-03-04
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Committee Members,

RE: Application for Minor Variance
1231 Shillington Avenue
LT 83, PL 314 ; OTTAWA/NEPEAN
City of Ottawa
Owner: Sol Noah Ackerman, Rachel Levine-Katz

HP Urban Inc and The Stirling Group have been retained by the Property Owner to assist with a Minor Variance application for the property located at 1231 Shillington Avenue, described as LT 83, PL 314 ; OTTAWA/NEPEAN. The property is a corner lot, rectangular in shape and resides within the River neighbourhood, Ward 16. The property owner is proposing to build a semi-detached unit with two additional dwelling units in each side – 6 units total.

The subject property is located within the Inner Urban Transect and is identified as Neighbourhood on Schedule B2 of the Official Plan. The subject property is zoned Residential Third Density, subzone A (R3A) in the City of Ottawa Zoning By-Law.

To proceed with the development as proposed, a Minor Variance is required to amend the provisions of Lot Area, Lot Width, Corner Side Yard setback, and Front Yard setback.

Attached with this letter are copies of the following documents:

- Committee of Adjustment Application requesting minor variances
- Site Plan and Elevations
- Topographic Survey
- Tree Report

SITE LOCATION

The subject property is a corner rectangular lot located on Shillington Avenue at the intersection of Shillington Avenue and Hollington Street. The lot is approximately 463 m² and currently contains a one and a half storey detached residential dwelling.

Figure 1 shows an aerial view of the subject property outlined in Orange. As shown in the aerial image, the surrounding land uses are predominantly residential. A small commercial plaza exists diagonally to the subject property.

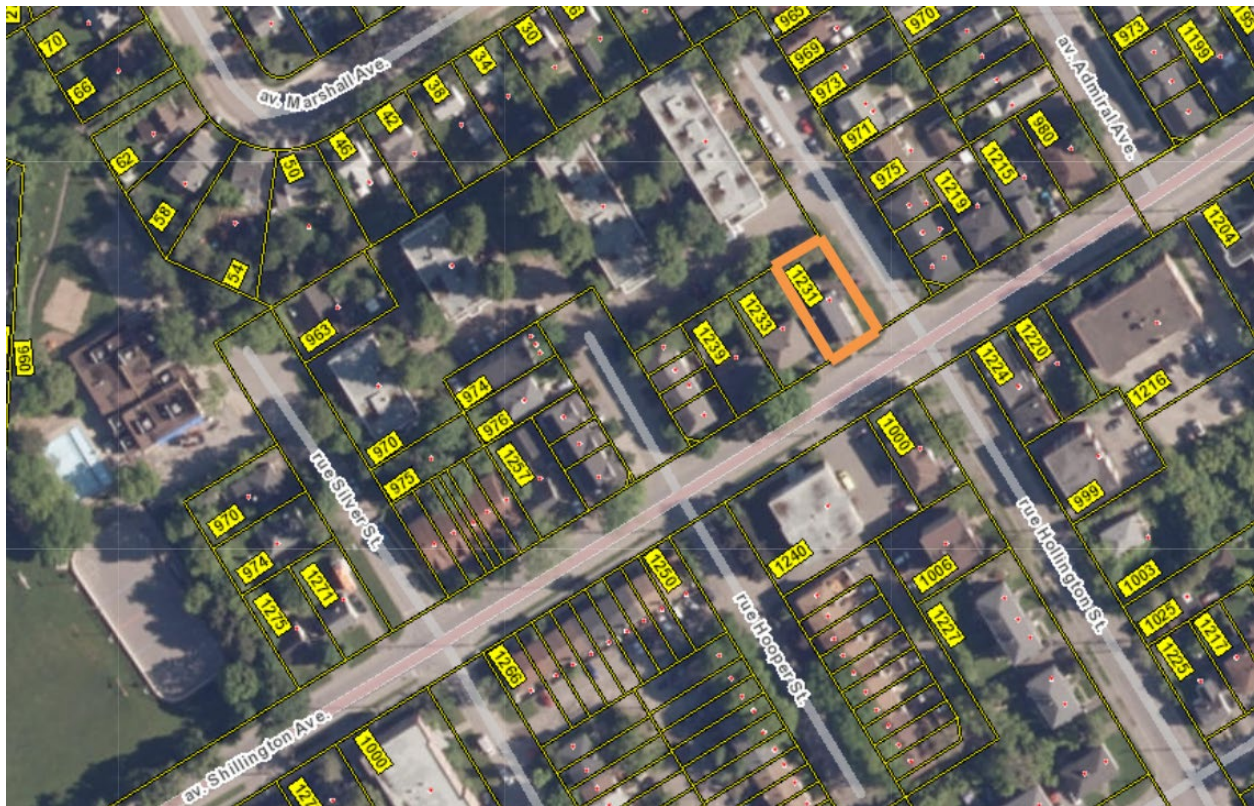


Figure 1 – Aerial view of the subject property, 1231 Shillington Avenue

PROVINCIAL POLICY STATEMENT, 2024

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020. The PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Section 2.2 notes that “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market by:

- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
 - *The proposed development efficiently uses land, existing resources and infrastructure. It is well positioned within the City for residents to use active transportation modes; the property is located close to Major Corridors in Merivale Road and Carling Road and a Minor Corridor in Fisher Avenue.*
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
 - *As noted, the proposed development would see the introduction of 6 rental units on a lot where a single residential dwelling is located. The subject property is in close proximity to transit and both minor / major Corridors.*

Section 3.1 speaks to General Policies for Infrastructure and Public Service Facilities and Policy 2. a) notes “the use of existing infrastructure and public service facilities should be optimized”

- *The proposed development would utilize existing services along Shillington Avenue that have the capacity to serve this development.*

Section 4.1 discussed Natural Heritage and Policy 1. Says “Natural features and areas shall be protected for the long term.

- *The subject property does not have any Natural Features on site.*

As demonstrated above, the proposed development and subsequent minor variance application aligns with the Provincial Policy Statement (2024).

CITY OF OTTAWA OFFICIAL PLAN, 2022

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B2 – Inner Urban Transect – of the Official Plan identifies the land designation for the subject property as Neighbourhood.

The City of Ottawa’s Growth Management Framework is set out in Section 3 of the Official Plan. It focuses on the goal of providing sufficient development opportunities to increase sustainable transportation mode shares and use of existing and planned infrastructure, while reducing greenhouse gas emissions.

The intent of the City’s Growth Management Framework is:

- To provide an appropriate range and mix of housing that considered the geographic distribution of new dwelling types and/or sizes to 2046;
- To prioritize the location of residential growth to areas with existing municipal infrastructure, including piped services, rapid transit, neighbourhood facilities and a diversity of commercial services;
- To reduce greenhouse gas emissions in the development and building sectors and in the transportation network; and,
- To establish a growth management framework that maintains a greater amount of population and employment inside the Greenbelt than outside the Greenbelt.

The proposed minor variance application at 1231 Shillington which would allow for intensification on the subject site meets the following Growth Management Framework policies among others:

- **Policy 3 in Section 3.2** states that the vast majority of residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors, and adjacent Neighbourhoods.
 - *The subject property is designated Neighbourhood and is within walking distance to both Minor and Major Corridors.*
- **Policy 4 in Section 3.2** states that intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services.
 - *The subject property has municipal water and sewer services along Shillington Avenue*
- **Policy 8 in Section 3.2** states that intensification should occur in a variety of dwelling unit floor space sizes to provide housing choices.
 - *The proposed development seeks to develop the subject site with six rental units of various sizes.*

Section 4.2.1 of the new Plan’s housing policy provides that the City will support mid density low rise multi unit housing by allowing housing forms that are denser, of smaller scale, of 3 or more units in appropriate locations.

- *The proposed semi detached unit – with 6 units – conforms to the new plans housing direction.*

As defined in the Official Plan... *“Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of this Plan that they, along with hubs and corridors, permit a mix of building forms and densities.”*

Section 6.3.1 of the Plan speaks to the function of Neighbourhoods and Policy 4) notes that “the Zoning By-law and approvals under the Planning Act shall allow a range of residential and nonresidential built forms within the Neighbourhood designation”, including: b) “Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

Section 6.3.2 1) further notes that “The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order to strengthen, guide towards or seed conditions for 15- minute neighbourhoods. Innovative building forms include, but are not limited to:... development of a single lot or a consolidation of lots to produce missing middle housing;”

- *As noted on the cover page, if approved, these applications would allow for the creation of missing middle housing units on a single lot where one single detached dwelling had previously existed all while meeting the intent of the R3Azoning.*

Finally, the Inner Urban Transect designation is intended to provide flexibility in lot area and lot configurations that allow the community to meet the regeneration goals outlined the Plan’s Growth Management Strategy. The proposed minor variances and resulting construction of a semi-detached dwelling creating 6 new units would be consistent with and strongly supported by the Official Plan.

As demonstrated above, the proposed development and subsequent minor variance comply with and are supported by the policies found within the City of Ottawa Official Plan (2022).

CITY OF OTTAWA ZONING BY-LAW, 2020-288

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. As noted on Page 1, the subject site is zoned Residential Third Density, subzone A (R3A).

The R3A zoning notes semi-detached dwelling as a permitted use.

The below table outlines how the proposed development meets the R3A zoning provisions as provided by Table 160A.

R3A	Required	Provided – Left Unit	Provided – Right Unit
Minimum Lot Width	9m	7.34m	7.9m
Minimum Lot Area	270 m ²	223.72 m ²	240.79 m ²
Building Height	8m	8m	8m
Minimum Front Yard	6m	3.97m	3.97m
Minimum Rear Yard	8.53m (28% lot depth)	9.73m	9.73m
Minimum Interior Side Yard	1.2m	1.2m	N/A
Minimum Corner Side Yard	4.5m	N/A	1.8m

As shown above, the proposed development complies with the R3A zoning provisions but requires a variance to the Minimum Lot Width, Minimum Lot Area, Minimum Front Yard and Minimum Corner Side Yard provisions.

To evaluate the requested variances, in context of the four tests of a minor variance as described in Section 45 of the Planning Act, a review of the site plan is required. The evaluation should show how the new buildings differs from the existing in context of the surrounding environment and streetscape and should demonstrate that the new construction will not have any adverse impacts.

The proposed Site Plan is provided on the subsequent page as Figure 2.

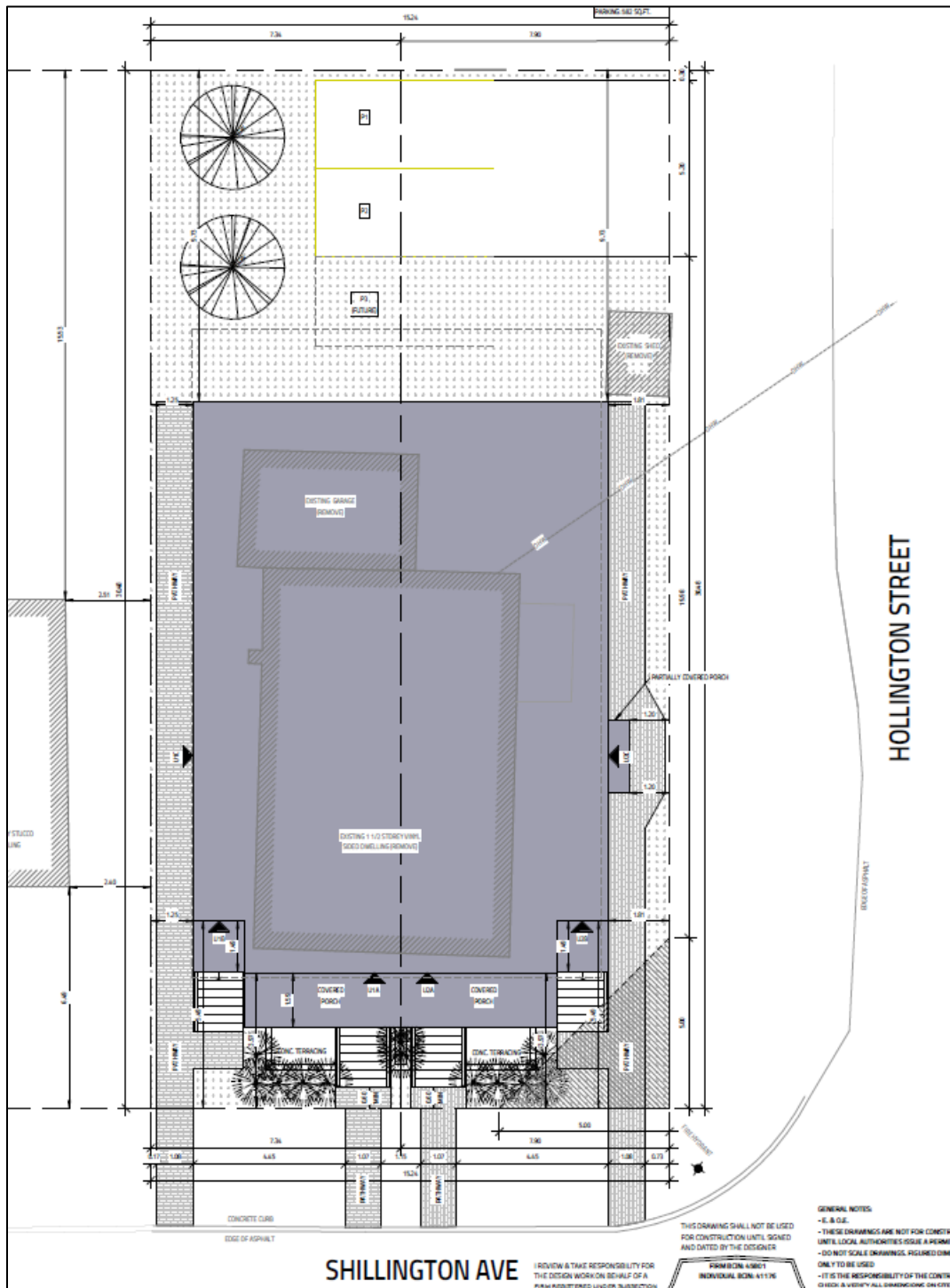


Figure 2 – proposed Site Plan for 1231 Shillington Avenue

COMMUNITY CONTEXT

Figure 3, below, shows the existing house today at 1231 Shillington Avenue. Noted in the background, along Hollington Street, is a row of townhomes. These townhomes are further illustrated in Figure 4.



Figure 3 – existing dwelling at 1231 Shillington Avenue



Figure 4 – townhomes located at the adjacent corner of Shillington and Hollington.

Across the street at 1240 Shillington Avenue, a low-rise apartment exists.



Figure 5 – low-rise apartment at 1240 Shillington Avenue

An additional low-rise apartment exists at 1216 Shillington Avenue as shown in Figure 6.



Figure 6 – 1216 Shillington Avenue

As illustrated in the Community Context letter of this report, the development of a semidetached unit on the subject property is certainly in keeping with the fabric and density of the existing neighbourhood.

DISCUSSION

As noted, the proposed development complies with the intent of the R3A zoning provisions but requires a variance to the Minimum Lot Width, Minimum Lot Area, Minimum Front Yard and Minimum Corner Side Yard provisions.

In June 2021 the property (985, 987, 989 Hollington Street) directly across the street to the east of the subject site – shown in Figure 4, above – was before Panel 2 of the Committee of Adjustment (D08-02-21/A-00035 to A-00037 – notice attached).

The Committee granted variances which had the effect of creating a reduced yard facing Shillington of 3.85 metres, a reduced yard facing Hollington of 1.71m and reduced lot areas. The approved Hollington plan is attached and shows how the development fits on the site.

The proposed development at 1231 Shillington mirrors those setbacks – the yard facing Shillington is set at 3.97 and the side yard on Hollington is set at 1.81.

The key difference in the two developments is that 1231 Shillington exceeds the rear yard setback requirements of 8.5m providing a setback of 9.73 m. This is important in that the setback and associated open space provides an appropriate transition to the parking lot that abuts the subject site.



Additionally, the reduced yard on Hollington Street has no impact on the streetscape as the distance from the current curb line of the roadway and the property line is 5.66 metres and when taken from the building face is 7.47 metres or 24.5 ft. The space between the curb and

the property line is large enough to host new tree planting and landscaping thereby improving the streetscape. This is illustrated in Figure 7, below.

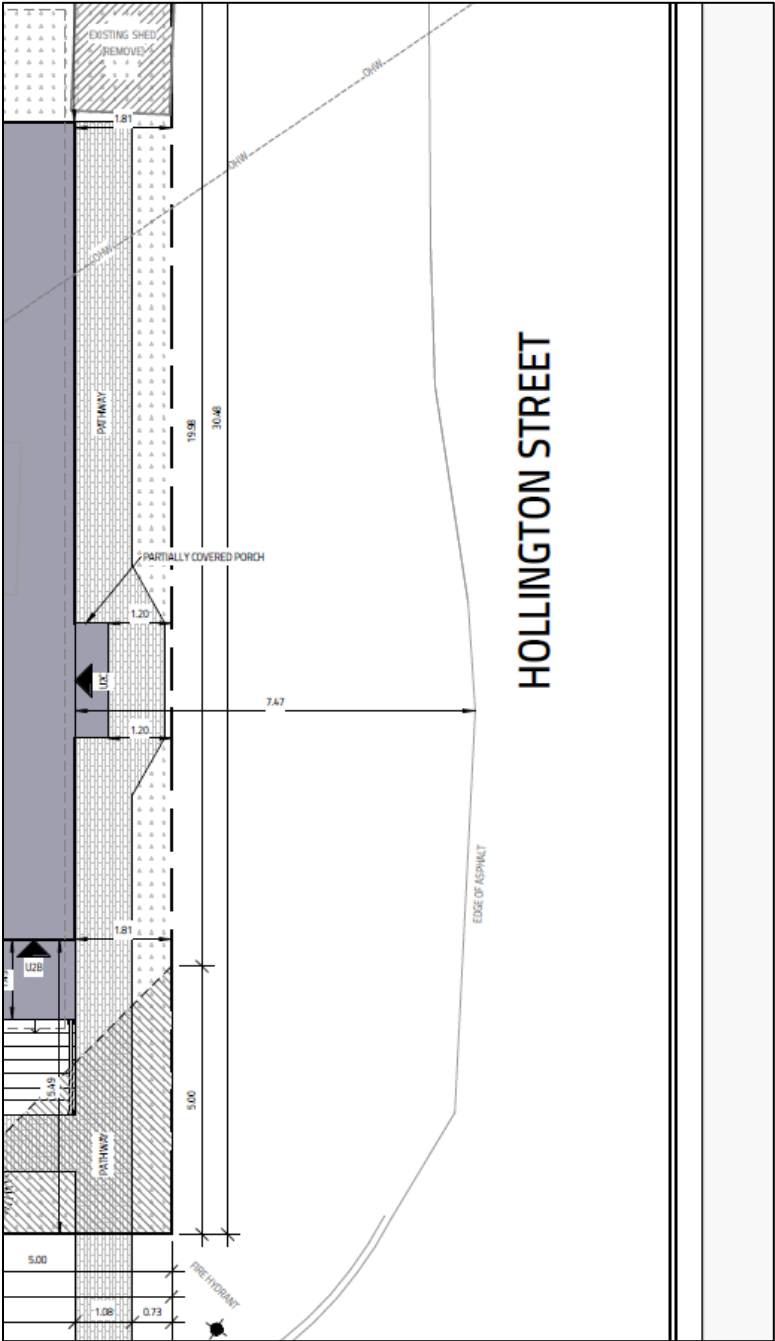


Figure 7 – Corner side yard along Hollington illustrating ample space from proposed building to edge of asphalt

New Zoning Bylaw

The City of Ottawa has started to update the zoning bylaw to conform to the approved Official Plan. Version 1 has been released, and version 2 should be released later in 2025 and while not in force the new bylaw provides context in relation to conformity to the City of Ottawa Official Plan.

The recommended zoning for this property would be Neighbourhood Zone subzone 4B (N4B). This new zoning bylaw does away with traditional lot area calculations and instead moves to a units per hectare calculation to determine the appropriate density on the site. The proposed 6 units would comply with the density provisions of the N4B zone.

Similarly, the proposed development would comply with the new front yard set (3m), lot width (7.5M), height limit (14.5m) and rear yard (25% of lot depth) provisions.

This compliance to the new zoning bylaw is a strong indicator that this proposed development conforms to the purpose and intent of the provisions of the City of Ottawa Official Plan.

FOUR TESTS

Based on the rationale provided, the proposed variance meets the four tests of a minor variance as described in Section 45 of the Planning Act.

1. The variance is minor.

The requested variance is minor in nature and will have no impact on adjacent properties.

2. The variance is desirable for the appropriate development or use of the property.

The requested variance is appropriate so that a new semidetached unit can be constructed.

3. The general intent and purpose of the Zoning By-law is maintained.

A semidetached unit is a permitted use in the R3A zone. The surrounding properties are all zoned R3A as well. As shown in the Community Context section above, several of the surrounding properties are developed in a similar manner to what is proposed; multi unit, low-rise developments.

4. The general intent and purpose of the Official Plan is maintained.

The site is designated Neighbourhood and as such the construction of a semidetached unit is consistent with the strategic direction of the Official Plan.



CONCLUSION

The lot fabric, scale of the proposed construction, and the ability to meet the intent of the R3A zone demonstrates that the proposed minor variances are desirable and will have little to no effect on adjacent properties. The approval of the minor variance will allow the proposed construction to take place in a manner consistent with the Official Plan and community expectations.

As a result, it is our opinion that the requested minor variances represent good planning and urban development.

Sincerely,

Peter Hume
HP Urban Inc.

Alison Clarke
The Stirling Group



**Committee of Adjustment
Public Hearing Notice**

**Minor Variance Applications
Section 45 of the *Planning Act***

**Wednesday, June 16, 2021
6:30 p.m.**

**613-580-2436
cofa@ottawa.ca**

By Electronic Participation

This hearing will be held through electronic participation in accordance with the *Statutory Powers Procedure Act*. The City of Ottawa remains in a State of Emergency to help stop the spread of COVID-19. The Committee of Adjustment will hold online hearings until further notice.

This hearing may be viewed online on the Committee of Adjustment YouTube Channel <https://www.youtube.com/channel/UCZ9Z3-VJcSMSqrWRORMiRjQ>

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by calling the Committee information number at least 48 hours in advance of the hearing.

File Nos.: D08-02-21/A-00035 to A-00037
Owner(s): 5010693 Ontario Corporation
Location: 985, 987, 989 Hollington Street
Ward: 16-River
Legal Description: Lot 82, Reg. Plan 314
Zoning: R3A
Zoning By-law: 2008-250

PURPOSE OF THE APPLICATIONS:

At its Hearing on April 7th, 2021 the Committee adjourned these applications to permit the Owner time to file additional minor variances. The Owner has now submitted additional minor variances to bring the existing two-storey, three-unit townhouse dwelling into conformity with the requirements of the Zoning By-law.

In 2018, the Committee of Adjustment approved (Applications D08-02-18/A-00129, D08-02-18/A-00133 and D08-02-18/A-00134) pertaining to the development of this property, which was not completed within the statutory timeframe. The Owner is now reapplying to subdivide his property into three separate parcels of land for separate ownerships for the existing two-storey, three-unit townhouse dwelling, with one dwelling unit on each of the parcels.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00035: 985 Hollington Street, Part 1 on the Draft 4R-Plan filed with the applications, one unit

- a) To permit a reduced lot area of 150.6 square metres whereas the By-law requires a minimum lot area of 180 square metres.
- b) To permit a reduced front yard setback of 2.0 metres whereas the By-law requires a minimum front yard setback of 6.0 metres.
- c) To permit a reduced rear yard setback of 3.45 metres, whereas the By-law requires a minimum rear yard setback of 3.81 metres.
- d) **To permit a reduced rear yard area of 22.94 % of the lot area or 34.55 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 37.65 square metres.**

A-00036: 987 Hollington Street, Part 2 on said plan filed, one unit

- e) To permit a reduced lot area of 125.7 square metres whereas the By-law requires a minimum lot area of 180 square metres.
- f) To permit a reduced front yard setback of 1.88 metres, whereas the By-law requires a minimum front yard setback of 6.0 metres.
- g) To permit a reduced rear yard setback of 3.59 metres, whereas the By-law requires a minimum rear yard setback of 3.81 metres.
- h) **To permit a reduced rear yard area of 23.56 % of the lot area or 29.62 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 31.43 square metres.**

A-00037: 989 Hollington Street, Parts 3, 4 and 5 on the plan filed, one unit

- i) To permit a reduced front yard setback of 1.71 metres, whereas the By-law requires a minimum front yard setback of 6.0 metres.
- j) **To permit a reduced corner side yard setback of 3.85 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 metres.**

THE APPLICATIONS indicate that the Property is the subject the above-noted consent applications under the *Planning Act*.

YOU ARE ENTITLED TO PARTICIPATE in the Committee of Adjustment Public Hearing concerning these applications because you are an assessed owner of one of the neighbouring properties. See *Annex A – Public Participation Details* below on providing written submissions or verbal comments in advance of the hearing, and how to register to speak at the hearing. The Committee asks that any presentations be limited to five minutes or less, and any exceptions will be at the discretion of the Committee Chair. You may require the Committee to hold the hearing as an oral (in person) hearing if you satisfy the Committee that holding the hearing as an electronic hearing is likely to cause you significant prejudice. To do so, you must provide written submissions to the Committee at least 48 hours in advance of the hearing.

IF YOU DO NOT PARTICIPATE in this Public Hearing, it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceedings. If you have specific comments regarding these applications, you may submit a letter to the Secretary-Treasurer of the Committee at the address shown below, and such written submissions shall be available for inspection by any interested person. Information you choose to disclose in your correspondence, including your personal information, will be used to receive your views on the relevant issues to enable the Committee to make its decision on this matter. The information provided will become part of the public record. Every attempt should be made to file your submission five days prior to the Public Hearing date.

A COPY OF THE DECISION of the Committee will be sent to the applicant/agent, and to each person who appeared in person or who was represented at the Public Hearing AND who filed with the Secretary Treasurer a written request to receive the decision. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the Decision since the Committee of Adjustment's Decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public.

ADDITIONAL INFORMATION regarding these applications is available online at <https://ottawa.ca/en/planning-development-and-construction/committee-adjustment>, by navigating to "Public Hearings" and selecting the Panel 2 agenda under the applicable Hearing date. The website also contains additional information about the mandate of the Committee and its processes.

DATED: May 31, 2021

Committee of Adjustment

City of Ottawa

101 CentrepoinTE Drive

Ottawa, ON K2G 5K7

613-580-2436

cofa@ottawa.ca

Annex A - Public Participation Details

Remote Participation – Committee Members, Staff and General Public

City facilities are temporarily closed to help stop the spread of COVID-19. Although in-person Committee of Adjustment hearings have been postponed until further notice, there are several ways in which the general public can participate in this electronic hearing.

The chosen technology for this hearing is Zoom (<https://zoom.us/>) which allows for participation by computers and mobile devices. To reduce the number of participants in the electronic hearing and to allow for a more efficient process, the general public will be asked to participate by viewing the webcast via the Committee of Adjustment YouTube channel at <https://www.youtube.com/channel/UCZ9Z3-VJcSMSgrWRORMIRjQ>. You can also contact cofa@ottawa.ca to obtain the link.

Submit comments in writing: submit comments in writing, by email, to cofa@ottawa.ca. Comments received **by noon (12 p.m.) the Monday before the hearing** will be provided to Committee Members prior to the hearing. Comments received after this time will be forwarded to Committee Members as soon as possible but may not be received by Committee Members prior to the hearing.

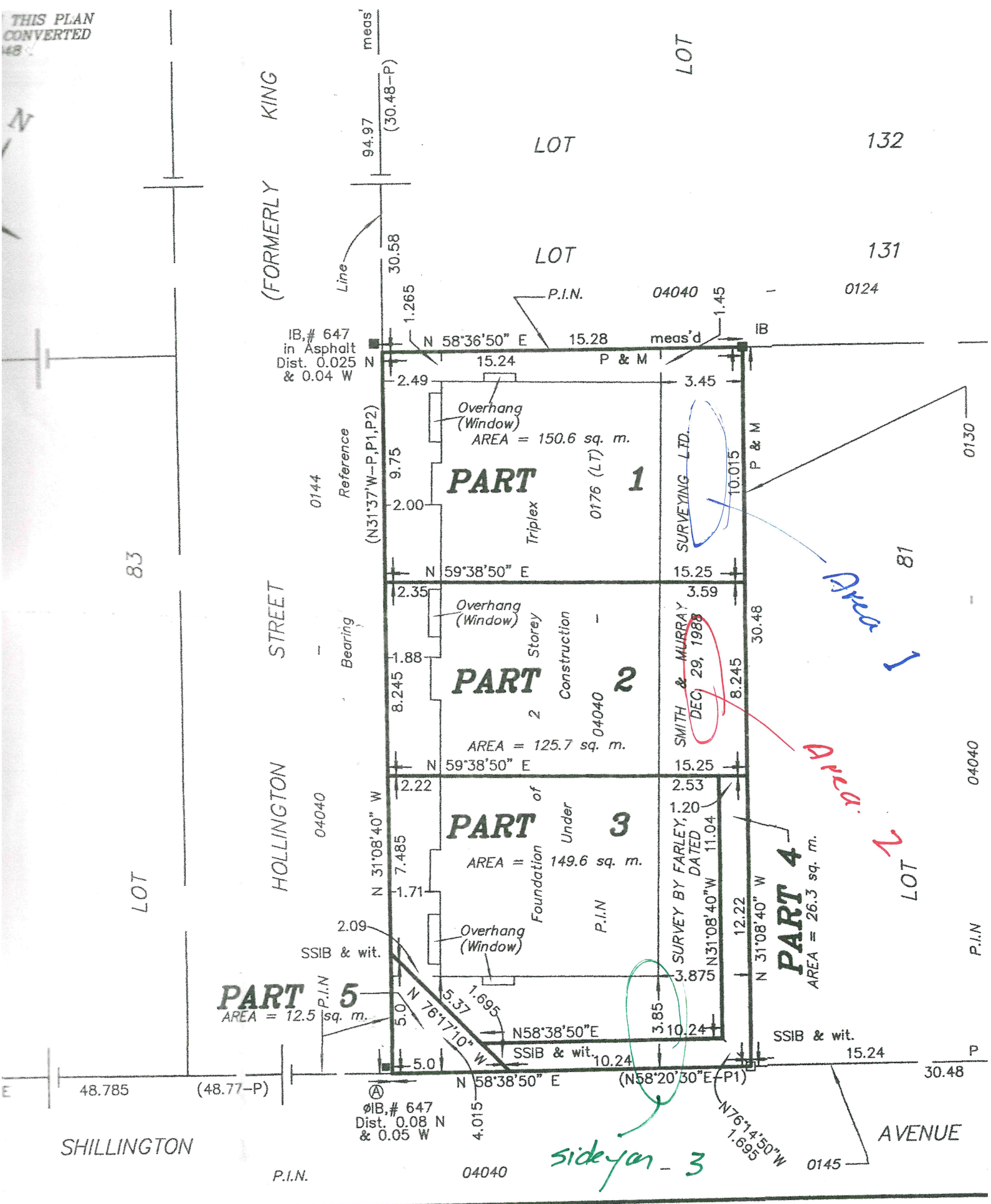
Submit verbal comments in advance of the hearing (Prior to noon (12 p.m.) the Monday before the hearing) you may call the Coordinator to have comments transcribed (contact details below).

Register to Speak at the Committee Hearing prior to 4 p.m. the Monday before the hearing, by phone or e-mail by contacting the Coordinator (contact details below). Details for those wishing to make visual presentations to the Committee can be provided to you upon request, by email.

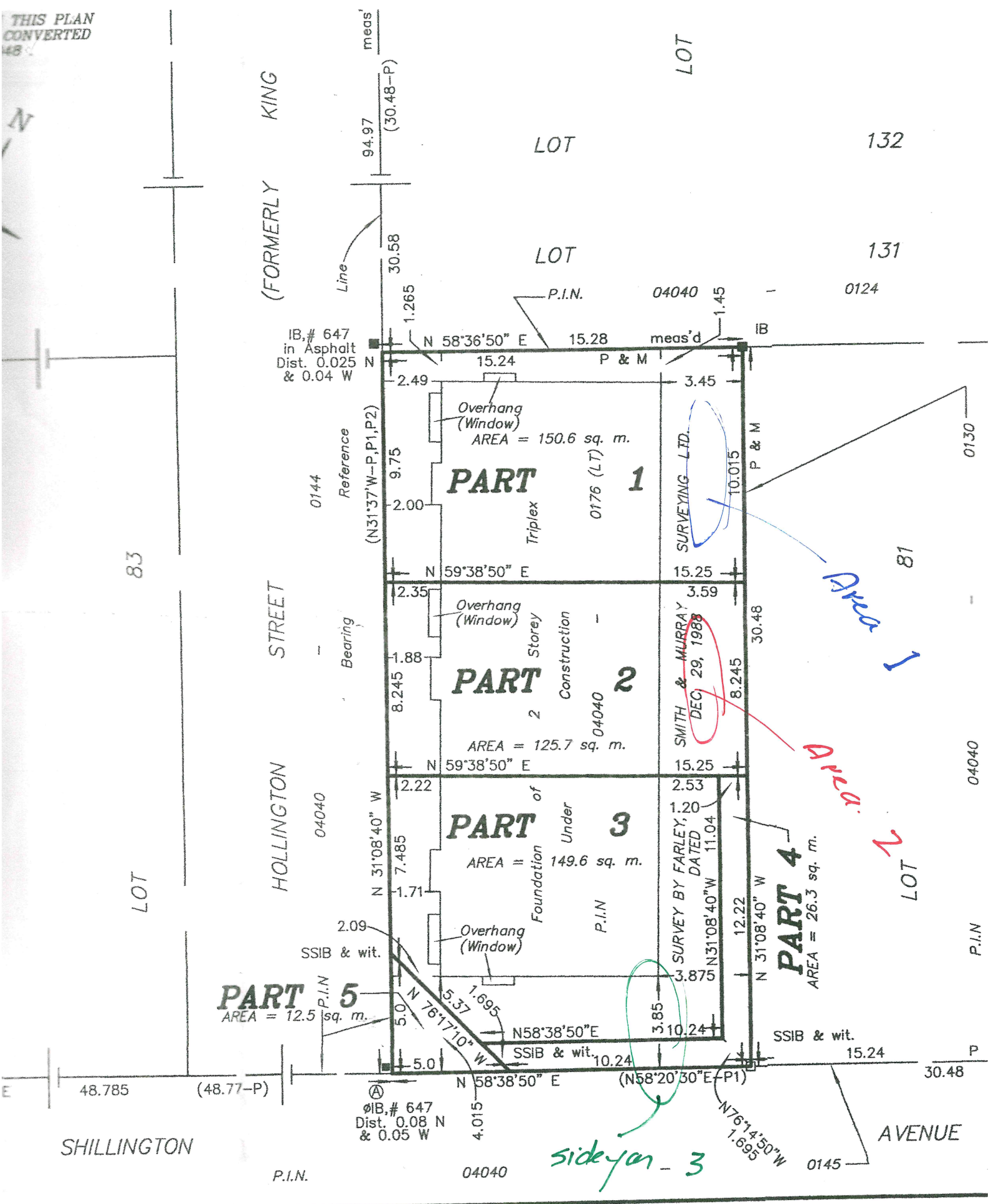
Upon receipt of your registration to speak at the hearing, delegates will be provided the Zoom hearing details and password prior to the hearing.

For more information, please contact the Coordinator by e-mail at cofa@ottawa.ca or (613) 580-2436.

THIS PLAN CONVERTED 48



THIS PLAN CONVERTED 48





**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

**DECISION
CONSENT**

(Section 53 of the *Planning Act*)

File No.: D08-01-21/B-00035 to D08-01-21/B-00037
Owner(s): 5010693 Ontario Corp.
Location: 985, 987, 989 Hollington Street
Ward: 16-River
Legal Description: Lot 82, Plan 314
Zoning: R3A
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **April 7, 2021 and June 16, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its Hearing on April 7th, 2021 the Committee adjourned these applications to permit the Owner time to submit additional requested variances. The Owner has now submitted additional requested variances to bring the existing two-storey, three-unit townhouse dwelling into conformity with the requirements of the Zoning By-law.

In 2018, the Committee of Adjustment granted provisional consent applications (D08-01-18/B-00136 to D08-01-18/B-00138) pertaining to the development of this property that were not completed within the statutory timeframe. The Owner is now reapplying to subdivide his property into three separate parcels of land for separate ownerships for the existing two-storey, three-unit townhouse dwellings, with one dwelling unit on each of the parcels.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances. The property is shown as Parts 1-5 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00035	9.75 m	15.24 m	150.6 sq. m	1	985 Hollington Street (contains an existing townhouse unit)
B-00036	8.25 m	15.24 m	125.7 sq. m.	2	987 Hollington Street (contains an existing townhouse unit)
B-00037	27.72 m	15.24 m	188.4 sq. m.	3, 4, 5	989 Hollington Street (contains an existing townhouse unit)

It is proposed to create an Easement/Right-of-Way over Part 4 in favour of the owner of Part 2 for access. It is also noted that Part 5 will be conveyed to the City for a corner site triangle.

Approval of these applications will have the effect of creating three separate parcels of land. All the parcels and the existing three-unit townhouse dwelling will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-01-21/A-00035 to A-00037) have been filed and will be heard concurrently with these applications.

PUBLIC HEARING:

Prior to the Hearing on April 7, 2021, the Committee received a request for adjournment from Mr. C. Hodgins of the City's Planning, Infrastructure and Economic Development Department (PIEDD) requesting to adjourn the applications to allow time for additional minor variances to be filed.

At the Hearing, the Committee heard from Mr. W. Webster, Agent for the Owner. With the concurrence of all parties the applications were adjourned *sine die*.

At the Hearing on June 16, 2021, the Chair administered an oath to Mr. Webster, who confirmed that the statutory notice posting requirements were satisfied.

Also, in attendance was Mr. C. Hodgins of PIEDD, who stated no concerns with the applications.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision.

The Committee notes that the City's planning report raises "no concerns" regarding the applications.

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. The Committee is also satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. In addition, 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.

The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a one-year period from the date of this Decision:**

1. That the Owner(s) provide evidence that the accompanying Minor Variance Applications (D08-02-21/A-00035 & D08-02-21/A-00037) have been approved, with all levels of appeal exhausted.
2. 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. 2009-95, as amended.
3. That the Owner(s) provide proof to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent storm, 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 to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
4. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements Agreement at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners. The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the **City's General**

Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the **City's General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate,** and is satisfactory to **City Legal Services,** as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

5. 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Agreement shall be to the satisfaction of the **General Manager, Planning, Infrastructure and Economic Development Department, or his/her designate.** The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
6. 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 **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her 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 **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate.**
7. That the Owner convey a 5 m x 5 m corner sight triangle located at the intersection of Hollington Street and Shillington Avenue 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.
8. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.

9. That upon completion of the above conditions, and **within the one-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.

The Consent lapses one year from the date of this Decision.

All technical studies shall be submitted to Planning, Infrastructure and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **July 15, 2021**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

NOTICE TO APPLICANT:

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-01-21/B-00035 to D08-01-21/B-00037
Owner(s) / Propriétaire(s): 5010693 Ontario Corp.
Location / Emplacement: 985, 987, 989 Hollington Street

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

"Ann M. Tremblay"

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

Absent

**KATHLEEN WILLIS
MEMBER / MEMBRE**

"Scott Hindle"

**SCOTT HINDLE
MEMBER / MEMBRE**

"Colin White"

**COLIN WHITE
MEMBER / MEMBRE**


"Julia Markovich"

**JULIA MARKOVICH
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

**Date of Decision / Date de la décision
June 25, 2021/ 25 juin 2021**



**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**