

**DECISION
CONSENT/SEVERANCE**

Date of Decision:	April 11, 2025
Panel:	3 - Rural
File No.:	D08-01-25/B-00029
Application:	Consent under section 53 of the <i>Planning Act</i>
Applicants:	Greg and Angela Kloosterman
Property Address:	3130 Roger Stevens Drive
Ward:	21 - Rideau-Jock
Legal Description:	Part of Lots 7 and 8, Concession 5, Marlborough; Part 1 on Plan 4R-27150
Zoning:	RU
Zoning By-law:	2008-250
Heard:	April 1, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to subdivide their property into two separate parcels of land to create a new lot for future residential development.

CONSENT REQUIRED

- [2] The Applicants seek the Committee's consent to sever land.

The severed lot, shown on a sketch filed with the application, will have a frontage of 70 metres, a depth of 114.29 metres, and will contain a lot area of 0.8 hectares. This vacant lot will be known municipally as 3126 Roger Stevens Drive.

The retained lot, shown on said sketch, will have a frontage of 126 metres, a depth of 372 metres, and a lot area of 8.12 hectares. This lot will contain the existing dwelling, shed and private services and is known municipally as 3130 Roger Stevens Drive.

- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING**Oral Submissions Summary**

- [4] The Applicant, Greg Kloosterman, was present and spoke to the concerns raised by the City's Planning Services regarding the size of the proposed retained lot, which does not meet the minimum lot area required by the City's Official Plan and Zoning By-law. Mr. Kloosterman highlighted that farmers that were approached had declined to use the land for agricultural purposes due to soil conditions and submitted that the best use for the land was therefore to provide needed housing for his family. He also referred the Committee to other lots in the area that had been severed for residential purposes.
- [5] City Planner Luke Teeft responded to the Committee's questions and addressed Mr. Kloosterman's submissions, highlighting that the Official Plan does not contemplate reduced lot sizes in these circumstances and an Official Plan Amendment would be needed to proceed with the proposed severance. He also noted that other options for providing housing for family would include a coach house on the lot or additional dwelling units within the existing detached dwelling, both of which would be permitted as of right.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED**Application Must Satisfy Statutory Tests**

- [7] 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

[8] 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, tree information, photo of the posted sign, and a sign posting declaration.

- City Planning Report received March 26, 2025, recommending refusal.
- Rideau Valley Conservation Authority email dated March 26, 2025, with no objections.
- Hydro Ottawa email dated March 21, 2025, with no comments.
- Ontario Ministry of Transportation email dated March 25, 2025, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [10] The Committee notes that the City’s Planning Report “recommends refusal” of the application, highlighting that: “The applicant’s property is undersized for a Rural Countryside severance application. Under Section 9.2.3 of the Official Plan, to be eligible for a severance the retained lot must be a minimum of 10 hectares with each severed lot being a minimum of 0.8 hectares in size. The intent of this size requirement is to reduce the fragmentation of rural lands by limiting the number of lots that can be created and maintaining large separation distances between properties.”
- [11] Based on the evidence, the Committee is not 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.
- [12] The Committee is also not 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.
- [13] Moreover, the Committee is not satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* because it does not conform to the City’s Official Plan, and is not in the public interest.
- [14] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is refused and the provisional consent is not to be given.

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 **April 11, 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 May 1, 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](#)

Ce document est également offert en français.

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