

**DECISION
CONSENT/SEVERANCE**

Date of Decision:	March 28, 2025
Panel:	1 - Urban
File No.:	D08-01-24/B-00236
Application:	Consent under section 53 of the <i>Planning Act</i>
Applicant:	Brofort Developments Inc.
Property Address:	462 Churchill Avenue North
Ward:	15 - Kitchissippi
Legal Description:	Part of Lot 12, Registered Plan 204
Zoning:	R4 - UD
Zoning By-law:	2008 - 250
Heard:	March 19, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to subdivide the property into two parcels to create two new lots, for two three-storey, low rise apartment buildings, each containing 8 units. The existing dwelling will be demolished.

CONSENT REQUIRED

- [2] The Applicant seeks the Committee's consent to sever land.
- [3] The severed land, shown as parts 2 and 3 on a plan filed with the application, will have a frontage of 9.97 metres, a depth of 30.47 metres, and a lot area of 303 square metres. This parcel will be known municipally as 464 Churchill Avenue.
- [4] The retained land, shown as part 1 on the said plan, has a frontage of 10.01 metres, a depth of 30.47 metres, and a lot area of 306.2 square metres. This parcel is known municipally as 462 Churchill Avenue.

PUBLIC HEARING

- [5] At the scheduled hearing on January 15, 2025, the Committee adjourned the proceedings to allow time for the Applicant to file a minor variance application.

Oral Submissions Summary

- [6] Peter Hume, agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [7] In response to questions from the Committee, Mr. Hume explained that the application met the consent criteria of subsection 51(24) of the *Planning Act*.
- [8] Planning Forester, Nancy Young, confirmed that the signed agreement submitted by Mr. Hume did satisfy the requirements of the condition outlined in the City's Planning report from the owner of the boundary tree consenting to its' removal. As this requirement was satisfied, no condition needed to be imposed.
- [9] The Committee also heard oral submissions from the following individual:
 - Tim Gray of the Westboro Community Association noted support of the project.
- [10] Phil Klugman, also acting as agent for the Applicant, and City Planner Penelope Horn, were also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Applications 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, planning rationale, plans, tree information, parcel register, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 13, 2025, with no concerns; received January 9, 2025, requesting adjournment.

- Rideau Valley Conservation Authority email dated March 14, 2025, with no objections; dated January 9, 2025, with no objections.
- Hydro Ottawa email dated March 6, 2025, with no concerns; dated January 13, 2025, with no concerns.
- Hydro One email dated March 19, 2025, with no comments; dated January 3, 2025, with no comments.
- Ontario Ministry of Transportation email dated March 12, 2025, with no concerns; dated December 24, 2024, with no comments.
- T. Gray, President, Westboro Community Association email dated March 10, 2025, in support; dated January 9, 2025, with comments, dated January 5, 2025, in support.
- M. Coldwell and D. Klett, residents, email dated January 7, 2025, with comments.
- K. Shunk, resident, email dated January 8, 2025, with comments.
- A. De Maio Sukic, resident, email dated January 15, 2025, with comments; dated January 14, 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 agreed to by the Applicant's agent.
- [15] 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.
- [16] 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.
- [17] 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.

- [18] 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.
- [19] **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.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

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SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 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 April 17, 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 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

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APPENDIX A

1. The Owner(s) provide evidence that the accompanying minor variance application (File No.: D08-02-25/A-00012) has 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. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
3. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, 0. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
4. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of **Development Review All Wards Manager Branch within Planning, Development and Building Services Department, or their designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
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 **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, 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 **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
6. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the **Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an

asphalt overlay over the roadway surface of Churchill Ave, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the **Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate**, shall deem this condition satisfied.

7. That the Owner/Applicant(s) provide a revised Site Plan and Grading and Servicing Plan with the proposed elements (buildings, services, retaining walls, etc.), and the capping location of existing services, designed and located to ensure the adequate protection of Protected Trees as identified in the Tree Information Report. This may result in relocation of these structures, and the owner may be required to revise their plans accordingly to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**. The Tree Information Report may require revision to reflect these changes.
8. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**, showing the location(s) and species or ultimate size of all compensation trees required under the Tree Protection By-law and/or one new tree (50 mm caliper) per lot.
9. 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.
10. 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.