

DECISION

CONSENT/SEVERANCE AND MINOR VARIANCE AND PERMISSION

Date of Decision:	March 28, 2025
Panel:	1 - Urban
File Nos.:	D08-01-25/B-00003 D08-02-25/A-00009, D08-02-25/A-00010 & D08-02-25/A-00033
Applications:	Consent under section 53 of the <i>Planning Act</i> Minor Variances under section 45 of the <i>Planning Act</i> Permission under section 45 of the <i>Planning Act</i>
Applicant:	Yvon Lafrance
Property Address:	884 Charleswood Avenue
Ward:	13 - Rideau-Rockcliffe
Legal Description:	Part of Lot 23, Concession 1, (Ottawa Front), Geographic Township of Gloucester
Zoning:	R2F
Zoning By-law:	2008-250
Heard:	March 19, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create one new lot for the construction of a semi-detached dwelling, as shown on plans filed with the Committee. The existing low-rise apartment building will remain on the other parcel.

CONSENT REQUIRED:

- [2] The Applicant seeks the Committee of Adjustment's consent to sever land. The property is shown as Parts 1 and 2 on a draft 4R-plan filed with the applications.
- [3] The severed land, shown as Part 2 on the draft 4R-plan, will have a frontage of 14.36 metres, a depth of 19.03 metres, and a lot area of 273.3 square metres. This vacant parcel will contain the proposed semi-detached dwelling and will be known municipally as 886 Charleswood Avenue.

- [4] The retained land, shown as Part 1 on said plan, has a frontage of 19.17 metres, a depth of 20.98 metres, and a lot area of 402.6 square metres. This parcel contains the existing low-rise apartment building known municipally as 884 Charleswood Avenue.
- [5] Approval of this application will have the effect of creating separate parcels of land, which along with the existing and proposed development, will not be in conformity with the requirements of the Zoning By-law and therefore, permission and minor variance applications (File Nos.: D08-02-25/A-00009, D08-02-25/A-00010 & D08-02-25/A-00033) have been filed and will be heard concurrently with this application.

REQUESTED VARIANCES:

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

A-00010: 886B Charleswood Avenue, Part 2 on draft plan, east half of proposed semi-detached:

- a) To permit a reduced lot area of 133.6 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- b) To permit a reduced lot width of 7.18 metres, whereas the By-law requires a minimum lot width of 9 metres.
- c) To permit an increased building height of 9.1 metres, whereas the By-law permits a maximum building height of 8 metres.

A-00033: 886A Charleswood Avenue, Part 2 on draft plan, west half of proposed semi-detached:

- d) To permit a reduced lot area of 139.7 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
 - e) To permit a reduced lot width of 7.18 metres, whereas the By-law requires a minimum lot width of 9 metres.
 - f) To permit an increased building height of 9.1 metres, whereas the By-law permits a maximum building height of 8 metres.
- [7] The subject property is not the subject of any other current application under the *Planning Act*.

REQUESTED PERMISSION:

- [8] The Applicant requires the Permission of the Committee to reduce the lot area to 402.6 square metres for the existing low-rise apartment building, a legal non-conforming use in the R2F zone.

PUBLIC HEARING

Oral Submissions Summary

- [9] Paul Robinson, agent for the Applicant, Alex Diaz, builder/designer for the Applicant, and City Planner Elizabeth King were present.
- [10] There were no objections to granting these unopposed applications as part of the Panel's fast-track consent agenda.

Evidence

- [11] 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, tree information, parcel register, and a sign posting declaration.
 - City Planning Report received March 18, 2025, with no concerns; received March 13, 2025, with no concerns; received March 13, 2025, with no concerns.
 - Rideau Valley Conservation Authority email dated March 14, 2025, with no objections.
 - Hydro Ottawa email dated March 6, 2025, with comments.
 - Hydro One email dated March 19, 2025, with no comments.
 - Ontario Ministry of Transportation email dated March 12, 2025, with no comments.

DECISION AND REASONS OF THE COMMITTEE:

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

Consent Application Must Satisfy Statutory Tests

[12] 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).

Application Must Satisfy Statutory Four-Part Test for a Variance and Two-Part Test for a Permission

- [13] 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. The Committee also has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

Effect of Submissions on Decision

- [14] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [15] The Committee notes that the City's Planning Reports raise "no concerns" regarding the consent application, subject to the requested conditions agreed to by the Applicant's agent.
- [16] Based on the evidence, the Committee is satisfied that the consent application 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 consent application 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] 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*. and that the requested permission meets the two-fold test relating to desirability and impact
- [21] The Committee notes that the City's Planning Reports raise "no concerns" regarding the applications.
- [22] The Committee also notes that no evidence was presented that the requested variances or permission would result in any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [23] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances and permission 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.
- [24] 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.
- [25] 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.
- [26] Moreover, the Committee finds that the requested permission and variances, both individually and cumulatively, will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general, and that the variances are therefore minor.
- [27] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this Order.
- [28] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the permission and minor variance applications are granted, the reduction in lot area is permitted and the variances to the Zoning By-law are authorized subject to the location and size

of the proposed construction being in accordance with the elevations filed, Committee of Adjustment date stamped January 15, 2025 and revised site plan filed, Committee of Adjustment date stamped March 7, 2025, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
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 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 and permission applications (File Nos.: D08-02-25/A-00009, D08-02-25/A-00010 & D08-02-25/A-00033) have 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 proof 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 cost. The value of the 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.
4. That the Owner(s) satisfies 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 to the existing fourplex on draft 4R-plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the easterly building side of the proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
5. That the Owner(s) provide evidence, to the satisfaction of both the **Chief Building Official and the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, 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, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
6. 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 Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
7. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of the relevant Branch within the Planning, Building and Development Department, or their designate(s)**, 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.

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 two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for the conveyance for which the Consent is required.