

2025-05-01

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 3**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

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Site Address:	5360 Bank Street
Legal Description:	Part of Lot 29, Concession 4 (Rideau Front), Township of Gloucester
File No.:	D08-01-25/B-00065
Report Date:	May 01, 2025
Hearing Date:	May 06, 2025
Planner:	Luke Teeft
Official Plan Designation:	Rural Transect; Rural Countyside; Flood Plain Overlay
Zoning:	RU, ME2; Flood Plain Overlay

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**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no concerns with** the application.

**DISCUSSION AND RATIONALE**

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

This application was previously heard on February 1, 2023 but was allowed to lapse on February 10, 2025. Staff have reviewed the previous report and materials submitted with this new submission and are imposing the same conditions as before.

**ADDITIONAL COMMENTS**

**Planning Forestry**

There are no tree-related impacts associated with the severance requested. If future development is planned, the City's **Tree Protection Specifications** should be implemented when working around trees.

## Transportation Engineering

Please note that Bank Street is designated as a protected right of way and requires a 40m Right-Of-Way be maintained as per Schedule C16 of the Official Plan. Land within the protected ROW limits must be dedicated to the Bank Street ROW as part of the application.

### CONDITIONS

If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) convey to the City, at no cost to the City, an unencumbered road widening across the complete 46.75 metre Bank Street frontage of the lands, measuring 20 meters from the existing centerline of pavement/the abutting right-of-way, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan. 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 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.
2. That the Owner(s) obtain a Zoning By-law Amendment, at the expense of the Owner(s) and 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, which rezones the retained lands such that the property is zoning compliant, with all levels of appeal exhausted.
3. That the Owner(s) provide evidence 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, that all buildings, structures, and services on the retained parcel have the necessary permits and comply with the Site Plan Control By-law.
4. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Manager of the Development Review All-Wards branch, or their designate**, which includes the recommendations and/or mitigation measures of any report, study, and/or plan required for the Zoning By-law Amendment and Site Plan Control applications which are required as conditions of approval for this Consent Application. The Development Agreement is only required if determined through the City's review of said reports, studies, and/or plan(s).

5. That the Owner(s) enter into an Agreement with the City, only if required, at the expense of the Owner(s) and to the satisfaction of the **Manager of the Development Review All-Wards branch, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) 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 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) file with the Secretary-Treasurer of the Committee of Adjustment the following:
- a. A copy of the reference plan and/or legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property, known municipally as \_\_\_\_\_, so that no new lot is being created, in accordance with paragraph (b) below.
  - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (insert name) described as PIN (insert property identification number) being Part(s) (insert numbers) on Plan (insert plan number), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The owner(s) shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”
  - c. An undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

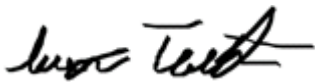
“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within 30 days of the registration on title of the transfer document containing the

endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an application to annex restrictive covenant under Section 118 of the Land Titles Act must be registered on the title of both the severed lands and on the abutting parcel that is to be merged. The covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee of Adjustment:

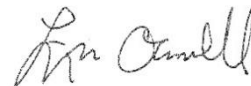
“These lands have been merged and may not be dealt with separately, without applying for a consent of the Committee of Adjustment.”

In lieu of the undertaking provided in paragraph (c), a replacement undertaking by the solicitor must be filed undertaking on behalf of the owner(s) to register the restrictive covenant on both property titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered restrictive covenant with the Committee of Adjustment within 21 days of the registration of the document.



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