



Krista Libman
Partner

Direct line: 613.782.3238
Email address: klibman@solowaywright.com

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation

Soloway Wright LLP
700 - 427 Laurier Avenue West
Ottawa ON K1R 7Y2

T: 613.236.0111 | 1.866.207.5880
F: 613.238.8507
www.solowaywright.com

FILE NO: 45133-1578

May 6, 2025

Committee of Adjustment
City of Ottawa
4th Floor, 101 CentrepoinTE Drive
Ottawa, ON K2G 5K7
Attn: Michel Bellemare, Secretary-Treasurer

Dear Mr. Bellemare:

Re: **REVISED Application for Consent to create a new lot File No. D08-01-25/B-00067**
370 Huntmar Drive, Ottawa
Originally Submitted March 21, 2025, revisions noted

We are solicitors for MINTO COMMUNITIES INC. (the “**Applicant**”) for the purposes of submitting an **amended** application for consent for the lands municipally known as 370 Huntmar Drive (PIN 04510-1082, the “**Subject Property**”).

The application seeks the Committee’s consent to establish one new lot, **to be subject to a blanket easement**, under Section 53(1) of the *Planning Act* to be exempt from Subsection 50(3). **A certificate is sought for the retained lands.**

The amendment is to re-define the severed lands (as those that were the retained lands under the original submission) and to request a blanket easement over the severed lands in favour of the retained lands for purposes of emergency drainage.

Background

The Subject Property is legally described as PIN 04510-1082 (LT), being:

BLOCK 1, PLAN 4M1563, EXCEPT PARTS 1, 2 AND 3 ON PLAN 4R-30733 AND 4M1661;
SUBJECT TO AN EASEMENT IN GROSS OVER PT 1 4R29594 AS IN OC1811232;

TOGETHER WITH AN EASEMENT OVER PART OF BLOCK 1, PLAN 4M1563, DESIGNATED AS PARTS 2, 3 PLAN 4R-30733 AS IN OC1973345;

SUBJECT TO AN EASEMENT OVER PARTS 4, 5, 7 ON PLAN 4R-30733 IN FAVOUR OF PART OF BLOCK 1, PLAN 4M1563, DESIGNATED AS PARTS 1, 2, 3, PLAN 4R-30733 AS IN OC1973345;
CITY OF OTTAWA

as shown on the excerpt of the PIN Map at Figure 1 below.

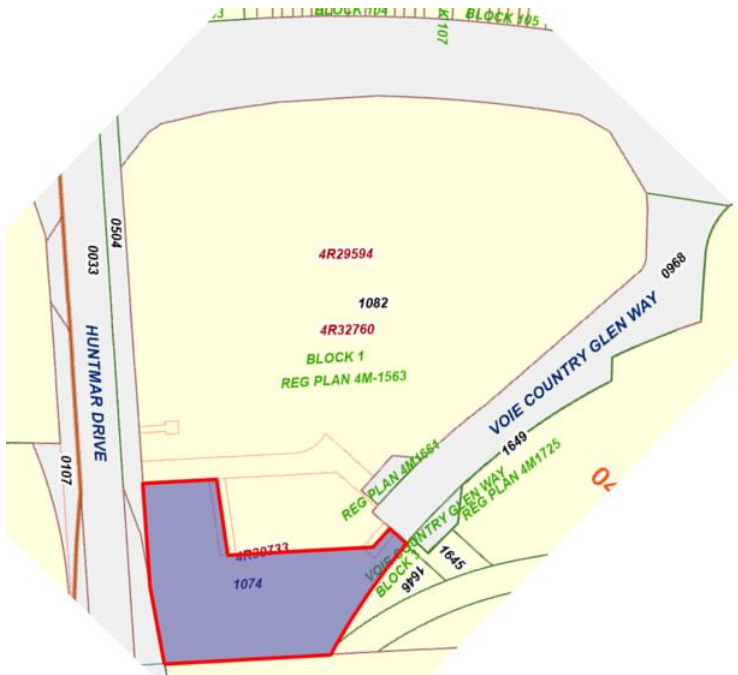


Figure 1: Excerpt of PIN Map 04510-1082 (LT) (NB: PIN 04510-1074 (LT) is highlighted)

Subdivision Plan 4M1563 was registered in 2016 ("**Arcadia Commercial**"), creating Block 1 for commercial development. Block 2 was dedicated to the City as future Transitway as a condition of Subdivision Approval and Country Glen Way was dedicated on the Plan as a public street. See Figure 2 below.

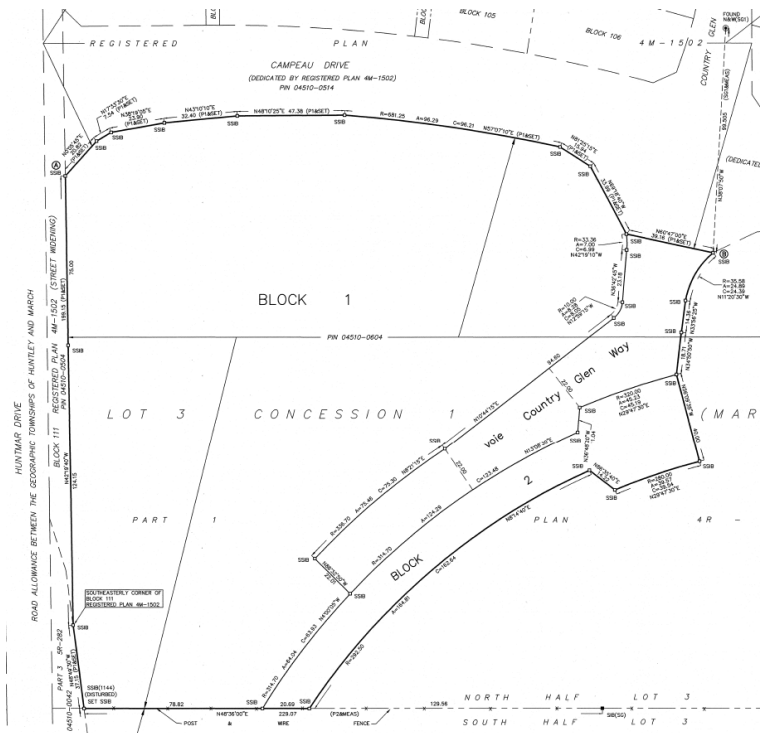


Figure 2: Excerpt of Plan 4M-1563

In 2017, the Committee of Adjustment granted consent for the creation of one new lot (Parts 1, 2, 3 on Plan 4R-30733) together with reciprocal easements for shared access and infrastructure (Application Nos. D08-01-17/B-00294 & D08-01-17/B-00339). A hotel has been developed on the severed lands and the retained lands – being Parts 4-7 on Plan 4R-30733 as well as the remainder of Block 1 on Plan 4M-1563, the Subject Property, remain undeveloped. See Figure 3 below.

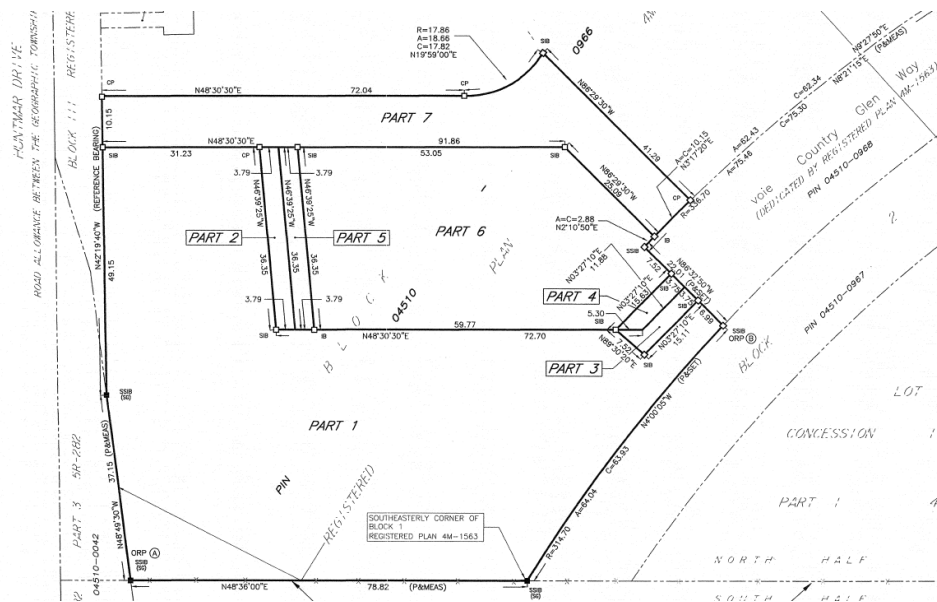


Figure 3: Excerpt of Plan 4R-30733

The future Transitway was realigned, and it was determined that Block 2 on Plan 4M-1563 was not required for Transitway purposes. In 2019, Block 2 was transferred from the City back to Minto for inclusion in a future phase of its Arcadia development.

In 2020, additional lands were dedicated as Country Glen Way through the registration of Plan 4M-1661 ("Arcadia Phase 3"). See Figure 4 below.

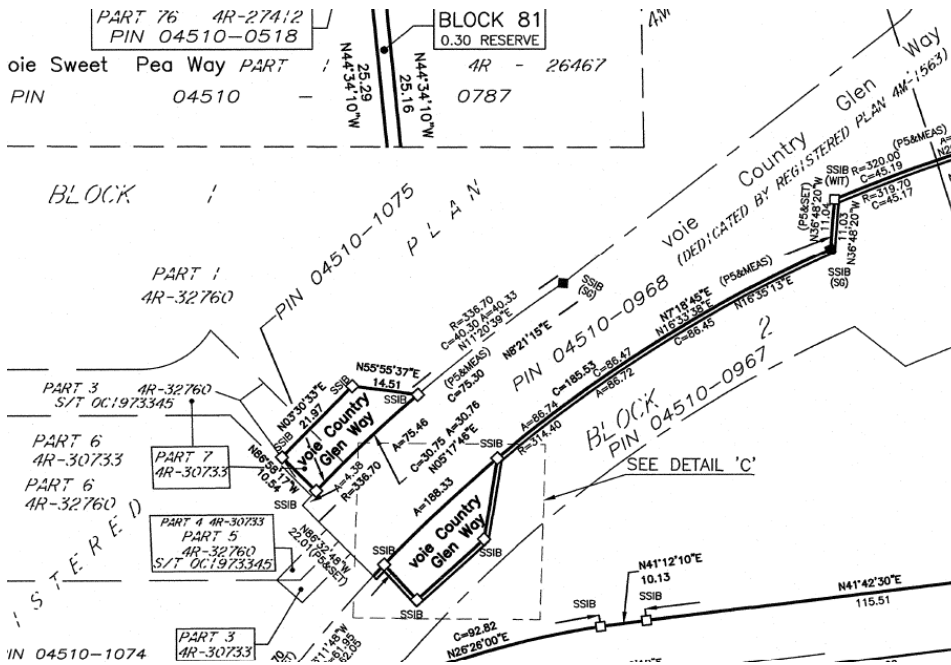


Figure 4: Excerpt of Plan 4M-1661

The Application

The purpose of the application is to create one new parcel, **subject to a blanket easement, while maintaining the existing easements. The lands to be retained will be developed** as a permanent Sales Centre for Minto's residential properties in the west-end of Ottawa. This will replace the temporary Sales Centre that is currently located across the street. The proposed parcels are shown on Figure 5 below.

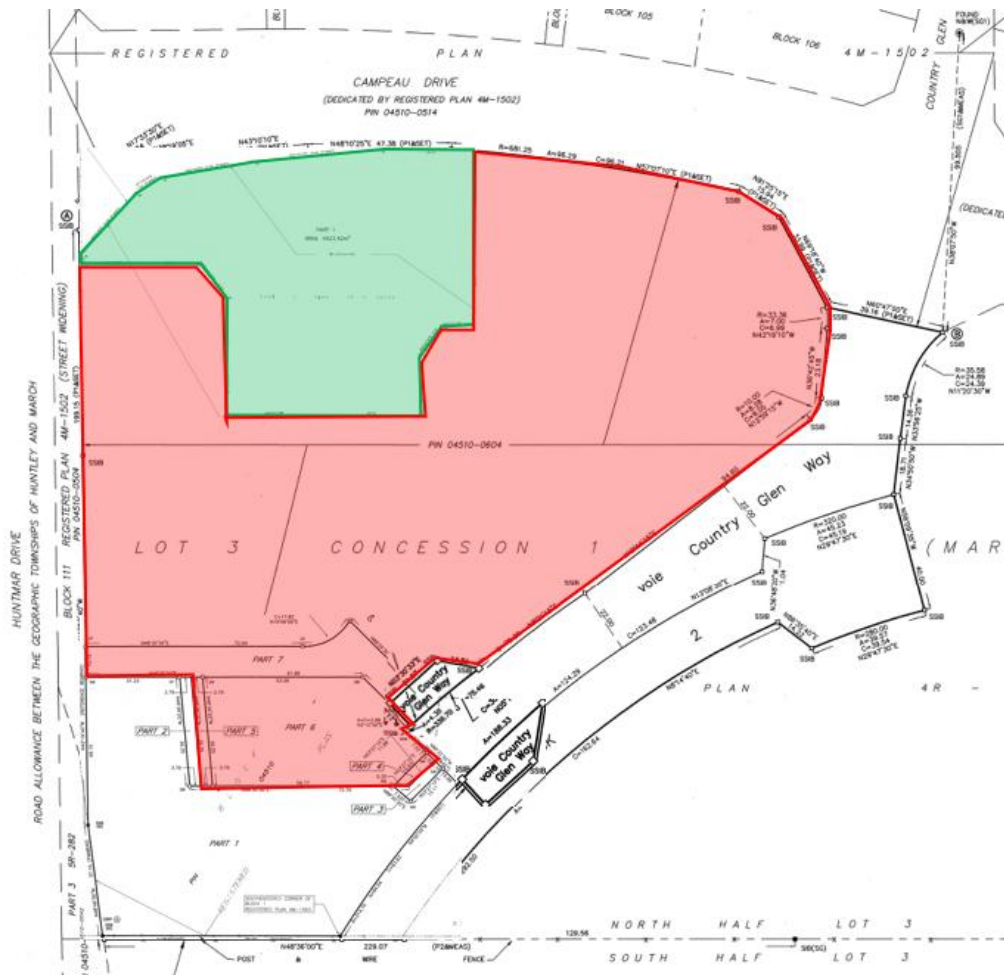


Figure 5: Compilation of Draft R-Plan, Plan 4R-30733, Plan 4M-1661 showing Severed Lands in Red and Retained Lands in Green [Figure 5 has been Amended/Replaced]

The existing easements will be maintained on the severed and retained lands.

Instrument No.	Subject To	Together With	Purpose
OC1811232	PART 1, PLAN 4R29594		Easement in Gross in favour of Hydro Ottawa
OC1973345		PART OF BLOCK 1, PLAN 4M1563; DESIGNATED AS PARTS 2, 3 ON PLAN 4R-30733	Easement for the purpose of road access, servicing and maintenance.
OC1973345	PARTS 4, 5, 7 ON PLAN 4R-30733		Easement in favour of Part of Block 1, Plan 4M1563 designated as Parts 1, 2 and 3 on Plan 4R-30733 for the purpose of road access, servicing and maintenance.

A standard condition of provisional severance approval is the approval of a grading and drainage plan.

The retained lands are designed to be self-sufficient in stormwater management. All minor system flows are collected by the proposed storm sewers and directed to Campeau Drive. Flows from a 100-year event are retained entirely on-site as part of the stormwater management strategy. There is an overland flow route from the retained land to the severed land solely for emergencies, to be relied upon in extremely rare events that exceed the 100-year storm frequency, when the storm sewer system is designed to reach its capacity.

As a result of this site condition, which has been discussed with staff, a blanket easement will be required to clear the grading and drainage plan condition.

While the Committee's consent is not required for blanket easements, the Land Registry Office's practice for registering self-to-self documents does not allow an easement to be registered on its own but does permit the registration of an easement together with the creation of a new lot. This requires that the blanket easement be registered at the same time as the Transfer to create the proposed new lot. It is preferable, then, that the blanket easement be included on the Certificate of Official. In a previous instance, the Committee was hesitant to add a blanket easement that it had not granted to its Certificate. For this reason, a request for a blanket easement has been added to the application.

Staff have indicated that the grading and drainage plan condition will be able to be cleared by the submission of a solicitor's undertaking to register the blanket easement when the lot is created.

Site Plan Control Approval

Following a comprehensive pre-application consultation process and detailed review following submission, an application for Site Plan Control Approval for the proposed sales centre (the retained lands) was deemed complete by the City on March 19, 2025 (File No. D07-12-24-0148). Minto is advised that the City will process the application in a timely manner and that a decision is expected by **May 16, 2025**. A copy of the current site plan is enclosed for your review.

Reference Plan

The Subject Property is shown on Plan 4R-XXX enclosed, with Part 1 being the retained lands.

Certificate for the Retained Lands

A Certificate for the retained lands is requested. We confirm that there is no land abutting the Subject Property that is owned by the Owners of the Subject Property other than land that could be conveyed without contravening section 50 of the Planning Act.

In accordance with Section 53(42.1) of the *Planning Act*, the Owners are entitled to a certificate for the retained land resulting from the consent. The registrable legal description of the retained lands will be as follows:

PART OF BLOCK 1, PLAN 4M1563, **DESIGNATED AS** PART 1 ON PLAN 4R-XXX.

TOGETHER WITH AN EASEMENT OVER PART OF BLOCK 1, PLAN 4M1563; DESIGNATED AS PARTS 2, 3 PLAN 4R-30733 AS IN OC1973345;

CITY OF OTTAWA

Policy Documents

Official Plan

The Subject Property is designated “Neighbourhood” within the Suburban Transect Policy Area, subject to the “Evolving Neighbourhood Overlay”, as shown on Schedule B5, “Suburban (West) Transect”, of the City of Ottawa Official Plan 2022. Huntmar Drive and Campeau Drive are designated as Minor Corridors on Schedule B5. (See Figure 6 below)

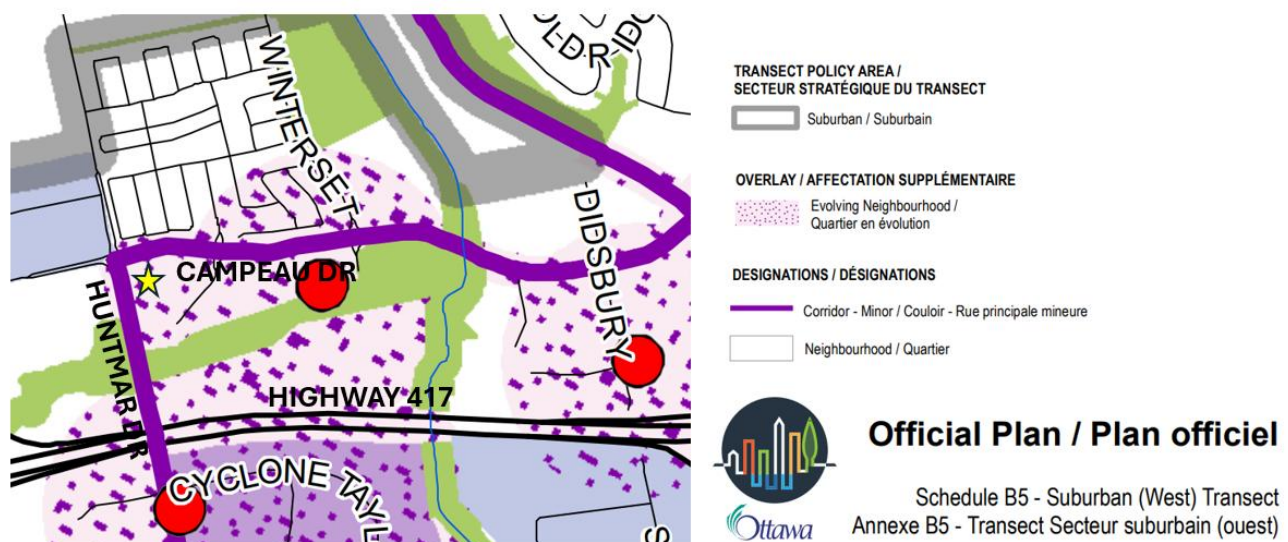


Figure 6: Official Plan Schedule B5, Annotated

The Evolving Overlay policies of the 2022 OP are intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:

- Guidance for a gradual change in character based on proximity to Hubs and Corridors,
- Allowance for new building forms and typologies, such as missing middle housing;
- Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and
- Direction to govern the evaluation of development.

City of Ottawa Comprehensive Zoning By-law No. 2008-250

The Subject Property is zoned Mixed-Use Centre Zone with a height limit of 45 metres [MC H(45)] in the City of Ottawa's Comprehensive Zoning By-law No. 93-98 (the "**Zoning By-law**"), as shown on Figure 7 below:

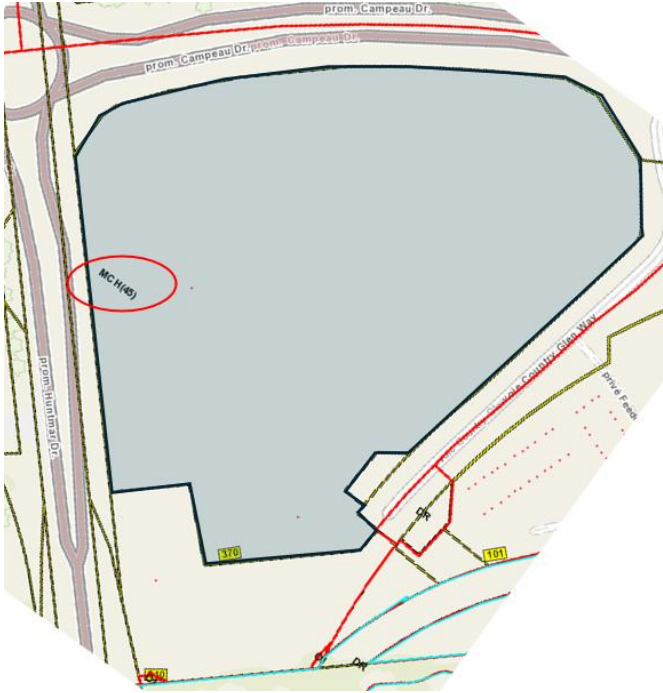


Figure 7: MC H(45) Zoning By-law 2008-250.

The purpose of the MC zone is to accommodate a combination of transit-supportive uses such as offices, secondary and post secondary schools, hotels, hospitals, large institutional buildings, community recreation and leisure centres, day care centres, retail uses, entertainment uses, service uses such as restaurants and personal service businesses, and high- and medium-density residential uses.

The zone provisions for the MC zone do not establish a minimum lot width or lot area, a minimum front yard or corner side yard setback, a minimum interior side yard setback or minimum rear yard setback.

The approval of the requested consent for one new lot, will result in a parcel in full compliance with the applicable zoning. No minor variances are required.

Rationale

The Committee has the authority to grant the consent for the requested lot pursuant to sections 50(3)(f) and 53(1) of the Planning Act **as detailed below. While the Committee's consent is not required for the blanket easement, it is requested to be added to the Certificate of Official and it is our submission that the criteria are satisfied for the creation of the new lot and the blanket easement.**

Subdivision control

50. (3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

Consents

53. (1) An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32.

Section 50(3) states that a transfer may occur if consent is given and a consent may be given if a plan of subdivision is not necessary. We submit that both conditions are satisfied in the attached application.

When considering a consent application, the criteria stated in section 51(24) of the Planning Act must be considered. In this case, ***all the criteria are satisfied***:

Planning Act section 51(24)	Rationale
Criteria <u>(24)</u> 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,	- No present or future inhabitant will be negatively impacted by the consent application proposed, and health and safety issues are not created. - The proposed consent will permit the owner to develop a portion of the existing parcel and to offer the severed lands for sale and future development by a third party. This promotes the efficient use of the properties.
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	- None of the provincial interests enumerated in section 2 of the Planning Act are negatively impacted by the proposed parcel or blanket easement .
(b) whether the proposed subdivision is premature or in the public interest;	- The creation of the parcel and granting of the blanket easement are not premature and are in the public interest. An application for Site Plan Control Approval, with the first round of comments received has been submitted for the retained lands . No substantive comments were made that would require an amendment to the shape or size of the proposed parcel.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	- The parcel conforms to the Official Plan in that it will facilitate the efficient use of lands for development at the corner of two Corridors-Minor.

	-Adjacent plans of subdivision are not impacted.
(d) the suitability of the land for the purposes for which it is to be subdivided;	-The proposed use complied with the existing zoning, and the land is suitable for the purpose for which it will be used. No minor variances are required.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;	-No affordable housing units are proposed.
(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;	-No new public highways are required for the creation of the parcel.
(f) the dimensions and shapes of the proposed lots;	-The dimensions and shape of the proposed parcel is derived from the Site Plan Control application under review for the retained lands . The site will be developed in an integrated fashion and the proposed ownership delineation will be unobservable by the public.
(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;	-No restrictions are required or are an issue at this time.
(h) conservation of natural resources and flood control;	- Not of concern.
(i) the adequacy of utilities and municipal services;	- Adequate municipal infrastructure and services as well as public utilities are in place.
(j) the adequacy of school sites;	- This has not been identified as an issue for the proposed commercial development.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	-No public dedications are anticipated as part of the consent or site plan approval processes, but the severed lands have been configured to include a corner parkette that is consistent with the previous site plan approval that was granted for the severed and retained lands, which has lapsed. The corner parkette will be retained by Minto and developed concurrently with the proposed sales centre.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of	-The plan's design makes efficient use of the available energy.

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 <i>City of Toronto Act, 2006</i> . 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).	-The overall site is to be developed in an integrated fashion. A Site Plan Control application has been submitted for the retained lands, with an application to follow for the severed lands.

Enclosures

In Support of the Application, please find enclosed the following:

1. **Amended** and Executed Application for consent
2. Our cheque in the amount of **\$730 for recirculation**

We look forward to the assignment of a **renewed** Hearing date on the Committee's next available Agenda. Please let us know if you require anything further.

Yours very truly,



Krista Libman
KML/
Encl.

cc. Kevin Harper, Minto