

**DECISION
CONSENT/SEVERANCE**

Date of Decision:	May 30, 2025
Panel:	3 - Rural
File No.:	D08-01-25/B-00074
Application:	Consent under section 53 of the <i>Planning Act</i>
Applicant:	Patricia and Robert MacGregor
Property Address:	2020 Lockhead Road East
Ward:	21 - Rideau-Jock
Legal Description:	Part Lot 26, Concession 2, Geographic Township of North Gower
Zoning:	AG3
Zoning By-law:	2008-250
Heard:	May 20, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create one new lot for future residential development.

CONSENT REQUIRED

- [2] The Applicants seek the Committee's consent to sever land.
- [3] The land to be severed is shown on said sketch filed with the application, will have a frontage of 117.65 metres, an irregular depth, and contain a lot area of 1.47 hectares. This parcel will be known municipally as 2032 Lockhead Road East.
- [4] The land to be retained, shown on said sketch, will have a frontage of 499.65 metres, an irregular depth, and contain a lot area of 10 hectares. This parcel is known municipally as 2020 Lockhead Road East.
- [5] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [6] Patricia MacGregor, the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. She highlighted that the proposed severed lot has frontage on a public road and can be adequately serviced, and submitted that the land features poor, shallow and rocky soils, as well as a significant slope.
- [7] Ms. MacGregor also asked that the condition requested in the City's Planning Report requiring the conveyance of land to the City for a road widening not be imposed on the basis that Lockhead East is a gravel road with sufficient width for passenger vehicle and tractor traffic.
- [8] City Planner Dylan Geldart explained that the intent of the Official Plan for property subject to the Agricultural Resource Area designation is to maintain large, contiguous lands to be used for agricultural purposes today and in the future. He further advised that the requirement for a road widening is standard for a Collector Road and is intended to accommodate a range of transportation and infrastructure needs, including traffic and cycling lanes, sidewalks and pathways, landscaped boulevards, and public utilities.
- [9] Responding to the Panel's question regarding pre-application consultation with City staff, Ms. MacGregor confirmed that she had consulted with City staff and was aware of their opposition to the application.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application 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, parcel register abstract, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 14, 2025, recommending refusal of the application.
- Rideau Valley Conservation Authority email received May 16, 2025, with no objections.
- Hydro Ottawa email received May 7, 2025, with no comments.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [14] The Committee notes that the City's Planning Report recommended refusal of the application, highlighting that: "consent for a new residential lot may only be considered where the lot contains an existing habitable dwelling that is made surplus through farm consolidation, and where all other associated criteria are met. The proposed consent application does not meet these criteria as it would contribute to the expansion of residential development within a designated agricultural resource area."
- [15] Based on the evidence, the Committee is not satisfied that the proposal is consistent with the Provincial Planning Statement that promotes efficient land use and restricts new residential lot creation in agricultural areas, or that the proposal has adequate regard for matters of provincial interest.
- [16] Moreover, the Committee is not 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.
- [17] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is refused.

"Terence Otto"
TERENCE OTTO
VICE-CHAIR

"Gary Duncan"
GARY DUNCAN
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"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 **May 30, 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 June 19, 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 Centrepointhe 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436