

**DECISION
CONSENT/SEVERANCE**

Date of Decision:	April 25, 2025
Panel:	3 - Rural
File Nos.:	D08-01-24/B-00173 & D08-01-25/B-00008
Applications:	Consent under section 53 of the <i>Planning Act</i>
Applicants:	Minh Do and Doreen Manley
Property Address:	2403 Conley Road
Ward:	21 – Rideau-Jock
Legal Description:	Part of west half of Lot 16, Concession 7, Geographic Township of Goulbourn
Zoning:	RU
Zoning By-law:	2008-250
Heard:	April 15, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want 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 property is shown as on a sketch filed with the applications and the separate parcels will be as follows.
- [4] The severed land, shown on the sketch outlined in red, will have a frontage of 76 metres, a depth of 132 metres, and a lot area of 1.0 hectares. This parcel will contain the existing dwelling and detached garage known municipally as 2403 Conley Road.
- [5] The retained land, outlined in green on the sketch, will have a frontage of 65 metres, an irregular depth, and a lot area of 10 hectares. This parcel contains an existing shed and two solar panels and will be known municipally as 2407 Conley Road.

PUBLIC HEARING

- [6] At the scheduled hearing on March 4, 2024, the applications were adjourned to allow the Applicants time to hire an engineer to locate the existing sewage system with respect to the proposed property line, in response to comments from the Rideau Valley Septic Office. The hearing of the applications was adjourned to April 15, 2025.
- [7] Anthony Wielemaker, agent for the Applicants, spoke to a request for a further adjournment from the Rideau Valley Septic Office, and stated that he had provided an engineer's site plan showing the location of the septic system on the subject site and addressed their concerns.
- [8] City Planner Luke Teeft indicated he had no objections to the applications being heard.
- [9] With the consent of all parties, the applications were heard without delay.

Oral Submissions Summary

- [10] Mr. Wielemaker stated that the Applicants had no concerns with the City's requested conditions of provisional consent.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) 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:

- Applications and supporting documents, including cover letter, parcel register, plans, tree information, photos of the posted sign, and a sign posting declaration.
- City Planning Report received April 10, 2025, with no concerns; received February 26, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated April 10, 2025, with no objections; dated February 28, 2025, with no objections.
- Rideau Valley Septic Office email dated April 10, 2025, requesting an adjournment.
- Ottawa Septic System Office email dated February 28, 2025, requesting an adjournment.
- Hydro Ottawa email dated April 4, 2025, with no concerns; dated February 21, 2025, with comments.
- Hydro One email dated February 28, 2025, with no comments.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the requested conditions agreed to by the Applicants' 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 applications are granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.

Absent
TERENCE OTTO
VICE-CHAIR

"Gary Duncan"
GARY DUNCAN
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

Absent
MARTIN VERVOORT
MEMBER

"Jocelyn Chandler"
JOCELYN CHANDLER
ACTING PANEL CHAIR

"Simon Coakeley"
SIMON COAKELEY
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 25, 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 May 15, 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 Centrepoin 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

APPENDIX A

1. 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.
2. That the Owner(s) provide proof, to the satisfaction of the Manager of the Development Review All Wards Branch, or their designate, that each existing parcel has its own well, independent private sewage system, and storm/foundation drainage and that they do not cross the proposed severance line. If the systems do cross, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required, at their own cost, to relocate the existing systems or construct new systems.
3. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenants/notices that shall run with the land and bind future owners 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 City of Ottawa has identified that there are potential thin soils and karst topography within the area that may require site specific detailed geotechnical engineering solutions to allow for development, 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 property is located next to lands that have an existing source of environmental noise (Old Fallowfield Road & Conley Road) and may therefore be subject to noise and other activities associated with that use.”

The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. Pursuant to clause 51 (25) (c) of the Planning Act and Schedule C16 of the City's Official Plan, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands on Conley Road, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way & an unencumbered road widening across the complete frontage of the lands on Fallowfield Road, measuring 15 meters from the existing centerline of pavement/the abutting right-of-way, if required. 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 shall be provided 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.
5. That the Owner(s) provide a report, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, demonstrating the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development.

Where adequacy cannot be demonstrated, the Owner(s) shall construct a new well on the retained lands and provide a report, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, to demonstrate the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The report must demonstrate the following:

- a. That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks,
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives,
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements, and
- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

6. 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.
7. 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.