

DECISION
CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision: May 16, 2025
Panel: 2 - Suburban
File Nos.: D08-01-25/B-00048 to D08-01-25/B-00052
D08-02-25/A-00059 to D08-02-25/A-00063
Applications: Consent under section 53 of the *Planning Act*
Minor Variances under section 45 of the *Planning Act*
Applicant: 8473169 Canada LTD.
Property Address: 2663 Innes Road
Ward: 2 - Orléans West-Innes
Legal Description: Part of Lot 13, Concession 2
Zoning: AM11
Zoning By-law: 2008-250
Heard: May 6, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide the property into five separate parcels of land for the construction of eight townhouse units with four on one parcel and four on individual parcels, as shown on the plans filed with the applications.

CONSENT REQUIRED:

- [2] The Applicant seeks the Committee of Adjustment's consent to sever land and for a grant of easement/right-of-way. The property is shown as Part 1 to 8 on a draft 4R-plan filed with the applications and the separate parcels will be as follows:

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00048	3.03 metres	55.62 metres	875 square metres	7 & 8	2651, 2653, 2655, 2657 Innes Road (Lot 1)
B-00049	8.28 metres	27.58 metres	258.3 square metres	5 & 6	2659 Innes Road (Lot 2)
B-00050	5.71 metres	21.27 metres	121.4 square metres	4	2661 Innes Road (Lot 3)
B-00051	5.71 metres	21.27 metres	121.6 square metres	3	2663 Innes Road (Lot 4)
B-00052	6.26 metres	27.93 metres	206.2 square metres	2	2665 Innes Road (Lot 5)

[3] The applications propose to establish the following easements:

- Over Part 8 in favour of Parts 5 & 6, for vehicle and pedestrian access, and parking.
- Over Part 8 & 6 in favour of Parts 2, 3, & 4, for vehicle and pedestrian access, and parking

[4] Approval of these applications will have the effect of creating separate parcels of land and development that will not be in conformity with the requirements of the Zoning By-law and therefore, minor variance applications (File Nos D08-02-25/A-00059, A-00060, A-00061, A-00062, A-00063) have been filed and will be heard concurrently with these applications.

REQUESTED VARIANCES

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

A-00059: 2651, 2653, 2655, 2657 Innes Road, Part 7 & 8 on 4R-Draft Plan (Lot 1), proposed townhouse block:

- a) To permit 0% of the frontage along the front line to be occupied by building walls located within 3.0 metres of the front lot line, whereas the By-law requires at least

50% of the frontage along the front lot line and corner side lot line to be occupied by building walls located within 3.0 metres of the front lot line.

- b) To permit reduced transparent glazing along Innes Road of 0% of the surface area of the ground floor façade, whereas the By-Law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and resident entrance access doors.

A-00060: 2659 Innes Road, Parts 5 & 6 on 4R-Draft Plan (Lot 2), proposed townhouse unit:

- c) To permit reduced transparent glazing along Innes Road of 19.2% of the surface area on the ground floor, whereas the By-Law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and resident entrance access doors.

A-00061: 2661 Innes Road, Part 4 on 4R-Draft Plan (Lot 3), proposed townhouse unit:

- d) To permit a reduction in transparent glazing along Innes Road of 19.2% of the surface area, whereas the By-Law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and resident entrance access doors

A-00062: 2663 Innes Road, Part 3 on 4R-Draft Plan (Lot 4), proposed townhouse unit:

- e) To permit a reduction in transparent glazing along Innes Road of 19.2% of the surface area, whereas the By-Law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and resident entrance access doors.

A-00063: 2665 Innes Road, Part 2 on 4R-Draft Plan (Lot 5), proposed townhouse unit:

- f) To permit a reduction in transparent glazing along Innes Road of 19.2% of the surface area, whereas the By-Law requires a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and resident entrance access doors.

PUBLIC HEARING

- [6] Prior to the hearing, the Committee received an adjournment request from S. Malenfant, resident, to allow time for all parties with a legal interest in the property to be properly notified and represented and for the courts to make a determination on ownership.
- [7] Peter Hume, agent for the Applicant, was not in agreement with the adjournment request, stating that the ownership of the property is confirmed by the parcel register, and that the application was signed by the owner on title.
- [8] The Panel proceeded to hear the application without delay.

Oral Submissions Summary

- [9] Mr. Hume provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request and responded to questions from the Committee.
- [10] In response to questions from the Committee, Mr. Hume advised that Part 1 on the draft reference plan was for future a road widening. He also advised that a single opening with a shared right of way was proposed in the application to provide consistent frontages.
- [11] City Planner Nivethini Jekku Einkaran highlighted concerns with site functionality and maneuverability with respect to the resident parking spaces and the visitor parking space.
- [12] Mr. Hume confirmed that he would agree to the addition of a maneuverability condition to the provisional consent. City Planner Erin O'Connell provided recommended wording for the proposed condition.
- [13] Following the public hearing, the Committee reserved its decision.

Evidence

- [14] 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, parcel register, tree information, photo of the posted sign, and a sign posting declaration.

- City Planning Report received May 5, 2025, with concerns; received May 1, 2025, requesting adjournment.
- Rideau Valley Conservation Authority email dated April 30, 2025, with no objections.
- Hydro Ottawa email dated April 16, 2025, with no objections.
- Ontario Ministry of Transportation email dated April 15, 2025, with no comments.
- Ottawa Carleton District School Board email dated April 25, 2025, with comments.
- S. Malenfant, resident, email dated April 24, 2025, opposed, and requesting adjournment.

DECISION AND REASONS OF THE COMMITTEE:

- **CONSENT APPLICATIONS GRANTED**
- **MINOR VARIANCE APPLICATIONS GRANTED**

Consent Application Must Satisfy Statutory Tests

[15] 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).

Minor Variance Application Must Satisfy Statutory Four-Part Test

- [16] 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.

Effect of Submissions on Decision

- [17] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [18] The Committee notes that the City's Planning Report raises "no concerns" regarding the consent applications, subject to the requested conditions agreed to by the Applicant's agent.
- [19] 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.
- [20] 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.
- [21] 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.
- [22] 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.
- [23] 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*.
- [24] The Committee notes that the City's Planning Report raises "some concerns" regarding the minor variance applications, highlighting that "[a]dditional driveway space may be needed for the vehicles in the visitor parking space and the parking spaces perpendicular to the visitor parking to safely maneuver into and out from the aisle, though it is not a zoning requirement". The report also highlights that "[t]he revised plan shows carports for the parking spaces of the front block of townhouses. Staff are unable to review if the parking spaces would meet the minimum parking space dimensions as the posts of the carports are not shown. Minor variances may be required at building permit stage".
- [25] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [26] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances 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.

- [27] 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.
- [28] 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.
- [29] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [30] **THE COMMITTEE OF ADJUSTMENT THEREFORE ORDERS** that the consent applications are granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this Order.
- [31] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance applications are granted 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 plans filed, Committee of Adjustment date stamped May 2, 2025 and May 5, 2025, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 16, 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 5, 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.

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. The Owner provide evidence that the accompanying minor variance applications D08-02-25/A-00059 to D08-02-25/A-00063 have been approved, with all levels of appeal exhausted.
2. 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.
3. That the Owner/Applicant(s) provide a revised site plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the **Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s)**. The Tree Information Report must be revised to reflect changes to the site plan, show accurate tree protection areas, and provide specific mitigation measures.
4. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of the relevant Branch within the Planning, Development and Building Services 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.
5. That the Owner(s) provide evidence, to the satisfaction of the **Manager of Development Review All Wards, Planning, Development and Building Services Department**, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
6. That the Owner(s) provide a Site Servicing Study/Brief, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, outlining the municipal servicing requirements, including fire flow requirement, for each unit and indicating, if required, that capacity exists within existing City infrastructure. The study shall be to the satisfaction of **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
7. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a

design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The report shall be to the satisfaction of and approved by the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**

That the Owner(s) enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

8. 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.**
9. The Owner(s) shall prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.** The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

10. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services**. The Committee shall be provided written confirmation that the Agreement is satisfactory to the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, or is satisfactory to **City Legal Services**, as well as a copy of the Agreement and confirmation that it has been registered on title.

11. That the Owner(s) provide a swept path analysis (AutoTURN) to confirm users of the visitor parking space and adjacent resident parking space can maneuver into and out of the spaces without reversing into Innes Road, to the satisfaction of the **Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s)**.
12. 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.
13. 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 and grant of easement/right-of-way for which the Consent is required.