

DECISION

CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision: June 13, 2025
Panel: 1 - Urban
File Nos.: D08-01-25/B-00083 & D08-01-25/B-00084
D08-02-25/A-00098 & D08-02-25/A-00099
Applications: Consent under section 53 of the *Planning Act*
Minor Variance under section 45 of the *Planning Act*
Applicant: Antilia Homes Corp.
Property Address: 10 Arthur Street
Ward: 14 - Somerset
Legal Description: Part of Lots 76 & 77, Registered Plan 3459
Zoning: R4UD
Zoning By-law: 2008-250
Heard: June 4, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide their property into two separate parcels of land and construct two, long semi-detached, dwellings. One long semi-detached dwelling will be located on each of the newly created parcels, and easements will be established for shared access between each of the dwellings. The existing dwelling will be demolished.

CONSENT REQUIRED:

- [2] The Applicant seeks the Committee's consent to sever land and grant of easements/rights-of-way. The property is shown as Parts 1 to 4 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 No.	Municipal Address
B-00083	10.19 m	30.18 m	307.3 sq. m	1 & 2	10 A&B Arthur
B-00084	10.19 m	30.18 m	306.9 sq. m	3 & 4	8 A&B Arthur

[3] The applications indicate that it is proposed to establish easements/rights-of-way as follows:

- Easement over Part 2 in favor of Parts 3 & 4 to provide vehicle and pedestrian access to the rear yard parking spaces.
- Easement over Part 3 in favor of Parts 1 & 2 to provide vehicle and pedestrian access to the rear yard parking spaces.

[4] Approval of the applications will have the effect of creating separate parcels of land with a proposed 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-00098 & D08-02-25/A-00099) have been filed and will be heard concurrently with the consent applications.

REQUESTED VARIANCES

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

A-00098: 10 A&B Arthur Street, Parts 1 & 2 on Draft 4R- Plan, proposed long semi-detached dwelling:

- a) To permit an increased building height of 11 metres whereas the By-law permits a maximum building height of 10 metres.

A-00099: 8 A&B Arthur Street, Parts 3 & 4 on Draft 4R- Plan, proposed long semi-detached dwelling:

- b) To permit an increased building height of 11 metres whereas the By-law permits a maximum building height of 10 metres.

[6] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [7] Jeff Kelly, agent for 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. Responding to the Committee's questions. Mr. Kelly explained that a modular construction method was proposed for the project. He further explained that the requested increase in building height was due to the structural configuration of the modules and the desired interior ceiling height for the dwelling units.
- [8] Responding to the Committee's questions, R. Shanghavi, the Applicant, stated that a turning radius for the rear parking had not been conducted, however the parking spaces confirm to the requirements of the Zoning By-law.
- [9] In response to further questions from the Committee, Mr. Shanghavi agreed to construct a 2.1 metre boundary fence along the rear yard of the property to prevent light spillage from vehicles. He noted that a signed agreement concerning the construction of a fence was already in place with the neighbouring property owner.
- [10] Responding to the Committee's questions, City Forester Nancy Young clarified that the conditions of provisional consent in the City's Planning Report requiring a grading and servicing plan, and a tree planting plan would mitigate tree-related concerns.
- [11] Murray Chown, also acting as agent for the Applicant, and City Planners Erin O'Connell and Penelope Horn were also present.

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, plans, tree information report, parcel register abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received May 28, 2025, with no concerns.
 - Rideau Valley Conservation Authority email dated May 29, 2025, with no objections.
 - Hydro Ottawa email dated May 26, 2025, with comments.

DECISION AND REASONS OF THE COMMITTEE:

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

Consent Applications Must Satisfy Statutory Tests

[13] 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

- [14] 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

- [15] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [16] 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, and the minor variance applications.
- [17] Based on the evidence, the Committee is satisfied that the consent applications are 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.
- [18] 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.

- [19] 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.
- [20] 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.
- [21] 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*.
- [22] The Committee notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [23] 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.
- [24] 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.
- [25] 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.
- [26] 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.
- [27] **THE COMMITTEE OF ADJUSTMENT 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 decision.
- [28] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the requested 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 April 25, 2025, as they relate to the requested variances.

D08-01-25/B-00083 & D08-01-25/B-00084
D08-02-25/A-00098 & D08-02-25/A-00099

"Ann M. Tremblay"
ANN M. TREMBLAY
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"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
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MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 13, 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 July 3, 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.

D08-01-25/B-00083 & D08-01-25/B-00084
D08-02-25/A-00098 & D08-02-25/A-00099

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

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.

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APPENDIX "A"

2. 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.
3. 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.

4. 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.**

5. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the **Program Manager, Right of Way Branch within the Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Arthur Street, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City's Road Cut Resurfacing Policy, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
6. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan with the proposed elements/structures (driveways, retaining walls, projections, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**.
7. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development 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.
8. 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.
5. 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 the conveyance and grant of easements/rights-of-way for which the Consent is required.