

**DECISION
CONSENT/SEVERANCE**

| | |
|---------------------------|---|
| Date of Decision: | June 13, 2025 |
| Panel: | 1 - Urban |
| File Nos.: | D08-01-25/B-00068 & D08-01-25/B-00069 |
| Application: | Consent under section 53 of the <i>Planning Act</i> |
| Applicant: | 200 Durocher Inc. |
| Property Address: | 158 Deschamps Avenue, 200, 210 to 212 Durocher Street |
| Ward: | 12 - Rideau-Vanier |
| Legal Description: | Lots 7 and 8, Block C, Registered Plan 113 |
| 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 its property into three separate parcels of land to create separate ownership for three existing buildings. The applications indicate that the parcels were previously independent and have since merged. The existing garage located on 200 Durocher Street will be demolished.

CONSENT REQUIRED

- [2] The Applicant seeks the Committee's consent to sever land. The property is shown as Parts 4 to 4 **1 to 5** 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-00068 | 11.78 metres | 27.26 metres (irregular) | 264 sq. metres | 1 & 2 | 158 Deschamps Avenue (low-rise apartment) |

| File No. | Frontage | Depth | Area | Part No. | Municipal Address |
|----------|--------------|--------------------------|---|----------|--|
| B-00069 | 20.14 metres | 22.22 metres (irregular) | 354 sq. metres 348 sq.metres | 3 | 200 Durocher Street (low-rise apartment) |

- [3] The retained lands, shown as Parts **4 and 5**, on said plan will have a frontage of ~~40.36~~ **10.67** metres, an irregular depth of 30.16 metres, and a lot area of ~~342~~ **318** square metres, and will contain the existing duplex dwelling known municipally as 200-212 Durocher Street.
- [4] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [5] On May 7, 2025, the hearing of the applications was adjourned to allow the Applicant time to consult with Planning Staff regarding the requested conditions of provisional consent.
- [6] On May 21, 2025, the hearing of the applications was further adjourned to allow time for the Applicant to submit a revised draft reference plan and to amend the application accordingly.

Oral Submissions Summary

- [7] Mitchell Leitman, agent for the Applicant, responded to questions from the Committee and confirmed that the applications needed to be amended, based on the submission of a revised draft reference plan, as follows:

| File No. | Frontage | Depth | Area | Part No. | Municipal Address |
|----------|--------------|--------------------------|--|----------|---|
| B-00068 | 11.78 metres | 27.26 metres (irregular) | 264 sq. metres | 1 & 2 | 158 Deschamps Avenue (low-rise apartment) |
| B-00069 | 20.14 metres | 22.22 metres (irregular) | 354 sq. metres 348 sq. metres | 3 | 200 Durocher Street (low-rise apartment) |

The retained lands, shown as Parts **4 & 5**, on said plan will have a frontage of ~~40.36~~ **10.67** metres, an irregular depth of 30.16 metres, and a lot area of ~~342~~ **318**

square metres, and will contain the existing duplex dwelling known municipally as 200-212 Durocher Street.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED
AS AMENDED**

Applications Must Satisfy Statutory Tests

- [8] 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

[9] 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 revised cover letter, revised plans, parcel register abstracts, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 29, 2025, with no concerns; received May 14, 2025, with no concerns; received May 6, 2025, with no concerns; received May 1, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated May 29, 2025, with no objections; received May 20, 2025, with no objections; received April 30, 2025, with no objections.
- Hydro Ottawa email dated May 26, 2025, with comments; received April 17, 2025, with comments.
- Ontario Ministry of Transportation email dated April 16, 2025, with no comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications, as amended.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications subject to the requested conditions agreed to by the Applicant's agent.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] **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.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
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.

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.

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) satisfy the requirements of Hydro Ottawa with respect to the provision of a Common Elements Agreement to provide each property with mutual access, maintenance and cost sharing responsibilities for the electrical supplies.
2. That the Owner(s) satisfies the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance to the existing dwellings on draft 4R-plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the proposed property line Multiple sides are affected. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or designate**, that the existing garage structures have been demolished or relocated under the authority of a building permit.
4. 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.
5. 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 conveyances for which the Consent is required.