

## DECISION

### CONSENT/SEVERANCE AND MINOR VARIANCE

<b>Date of Decision:</b>	May 30, 2025
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-01-25/B-00061 & D08-01-25/B-00062 D08-02-25/A-00068 & D08-02-25/A-00069
<b>Applications:</b>	Consent under section 53 of the <i>Planning Act</i> Minor Variances under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	75 Aylen Inc.
<b>Property Address:</b>	75 Aylen Avenue
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Lot 26 and Part of Lot 27, Registered Plan 232
<b>Zoning:</b>	R2F
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	May 20, 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 to construct a long semi-detached dwelling, with additional dwelling units on each parcel (12 units in total) The existing dwelling will be demolished.
- [2] On July 29, 2022, the Committee provisionally granted consent applications (File No. (D08-01-22/B-00164-00167) to subdivide the property into four lots. However, the conditions of provisional consent were not fulfilled within the statutory time period and the application was deemed to be refused under the *Planning Act*.

#### CONSENT REQUIRED:

- [3] The Applicant seeks the Committee's consent to sever land. 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-00061	9.15 metres	50.9 metres	465.9 sq. metres	1 & 2	75 A-Aylen Avenue 75 B-Aylen Avenue
B-00062	9.15 metres	50.9 metres	465.9 sq. metres	3 & 4	77 A-Aylen Avenue 77 B-Aylen Avenue

[4] It is proposed to create reciprocal easements/rights-of-ways over

- Part 2 for vehicular and pedestrian access for the benefit of Parts 3 and 4.
- Part 3 for vehicular and pedestrian access for the benefit of Parts 1 and 2.

[5] Approval of these applications will have the effect of creating separate parcels of land and 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-00068-A-00069) have been filed and will be heard concurrently with these applications.

## REQUESTED VARIANCES

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

### **A-00068: 75 Aylen Avenue, Parts 1 and 2 on 4R-Plan, proposed semi-detached dwelling:**

- a) To permit a reduced lot width of 9.15 metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit an increased building height of 8.65 metres, whereas the By-law permits a maximum building height of 8 metres.

### **A-00069: 77 Aylen Avenue, Parts 2 and 3 on 4R-Plan proposed semi-detached dwelling:**

- c) To permit a reduced lot width of 9.15 metres, whereas the By-law requires a minimum lot width of 10 metres.
- d) To permit and increased building height of 8.8 metres, whereas the By-law permits a maximum building height of 8 metres.

## **PUBLIC HEARING**

- [7] On May 6, 2025, the hearing of the applications was adjourned to allow time for the Applicant to address City Planning's concerns regarding a 2021 Tree Information Report and to consult with the local community association.
- [8] At the outset of the hearing, Susan Glass, Woodroffe North Community Association, requested an adjournment of the applications to allow the neighbours time to review the revised plans and tree information report.
- [9] Jennifer Murray, agent for the Applicant, stated that the required notice had been given to the public, and confirmed that a sign had been posted for the statutory time required. She also advised that a revised Tree Information Report was filed with no material changes from the 2021 report.
- [10] The application was heard without delay.

### **Oral Submissions Summary**

- [11] Ms. Murray provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [12] She confirmed that there would be no change to the location of the requested easements with the removal of two parking spaces and therefore there would be no changes to the draft reference plan. She further advised that snow maintenance and garbage storage would be dealt with through the building permit process.
- [13] The Committee also heard oral submissions from the following individuals:
- M. Buzzel, resident, highlighted concerns with the tree information report, the loss of greenspace, the number of units being proposed, noise, loss of enjoyment of his property and on street parking.
  - A. Darke, resident, highlighted concerns with the impact on greenspace, snow removal, parking and garbage.
  - A. Balasubramaniam, resident, highlighted concerns with the tree information report, overdevelopment, impact on the character of the neighbourhood,.
  - S. Glass, Woodroffe North Community Association, highlighted concerns regarding parking.
  - M. Turnbull, resident, highlighted concerns regarding snow removal, parking and stormwater management.

- [14] Regarding the requested conditions of provisional consent, Ms. Murray requested that the condition requiring a noise study be amended to require a noise warning registered on title only. She further questioned the need for a stormwater management report.
- [15] City Planner Nivethini Jekku Einkaran requested that any approval of the applications only be tied to plans as they relate to the variances requested, to allow flexibility in relation to the parking spaces. She also advised that the requested conditions regarding a noise study and stormwater management report would require the registration of a development agreement, and she would prefer to retain the requested conditions as set out in her report.
- [16] City Forester Nancy Young was not aware of any inconsistencies with the tree information report filed and advised that any issues would be addressed at the building permit stage.
- [17] Following the public hearing, the Committee reserved its decision.

### **Evidence**

- [18] 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, photo of the posted sign, and a sign posting declaration.
  - City Planning Reports received May 15, 2025, with concerns; received May 1, 2025, with concerns.
  - Rideau Valley Conservation Authority email dated May 16, 2025, with no objections; 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.
  - E. Bain, resident, email received May 13, 2025, opposed.
  - A. Bain, resident, email received May 13, 2025, opposed.
  - K. Powell-Steele, resident, email received May 14, 2025, opposed.

- M. Turnbull and B. White, residents, email received May 16, 2025, opposed.
- M. Buzzell, resident, email received May 16, 2025, opposed.
- C. Komm, resident, email received May 16, 2025, opposed.
- A. Balasubramaniam, resident, email received May 19, 2025, opposed.
- A. Houben, resident, email received May 19, 2025, opposed.

**DECISION AND REASONS OF THE COMMITTEE:**

- **CONSENT APPLICATIONS REFUSED**
- **MINOR VARIANCE APPLICATIONS REFUSED**

**Consent Application Must Satisfy Statutory Tests**

[19] 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**

[20] 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**

[21] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and refused the applications.

- [22] The Committee notes that the City’s Planning Report raises “some concerns” regarding the applications, highlighting that “staff have concerns with the site functionality with respect to the parking spaces. Additional space may be needed for safely maneuver in and out of the outer parking spaces, though it is not a Zoning By-law requirement.”
- [23] Based on the evidence, the Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [24] Considering the circumstances, the Committee finds that because the proposal does not fit well in the area, the requested variances are, from a planning and public interest point of view, not desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [25] The Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development that is compatible with the surrounding area.
- [26] Moreover, the Committee finds that the requested variances are not minor and would create an unacceptable adverse impact on the neighborhood.
- [27] Failing three of the four statutory requirements, the Committee is unable to grant the minor variance applications.
- [28] The applications for provisional consent would result in the creation of separate parcels of land and a development that does not conform to the requirements of the Zoning By-law. As a result, minor variance applications were filed to address these issues but have been refused. Consequently, provisional consent for these applications is also refused.
- [29] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent applications are refused and the provisional consent is not to be given.
- [30] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance applications are refused and the variances are not authorized.

*"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 30, 2025**.

*"Matthew Garnett"*  
MATTHEW GARNETT  
ACTING 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](mailto: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, 4<sup>th</sup> 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**  
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