

DECISION

CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision:	May 30, 2025
Panel:	2 - Suburban
File Nos.:	D08-01-25/B-00071 & D08-01-25/B-00072 D08-02-25/A-00082 & D08-02-25/A-00083
Applications:	Consent under section 53 of the <i>Planning Act</i> Minor Variances under section 45 of the <i>Planning Act</i>
Applicant:	1679 Grasmere Holdings Inc.
Property Address:	1679 Grasmere Crescent
Ward:	18 - Alta Vista
Legal Description:	Part of Lots 5 and 6, Registered Plan 525
Zoning:	R2F
Zoning By-law:	2008-250
Heard:	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.

CONSENT REQUIRED:

- [2] The Applicant seeks the Committee's consent to sever land and for grants of easements/rights-of-way.
- [3] 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-00071	9.13 metres	45.72 metres	417.8 sq. metres	1 & 2	1679 Grasmere
B-00072	9.13 metres	45.72 metres	417.8 sq. metres	3 & 4	1681 Grasmere

[4] It is proposed to create an Easement/Right-of-way

- Over Part 2 in favour of Parts 3 and Part 4 for vehicular access.
- Over Part 3 in favour of Parts 1 and Part 2 for vehicular access.

[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-00082 & D08-02-25/A-00083) have been filed and will be heard concurrently with these applications.

REQUESTED VARIANCES

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

A-00082: 1679 Grasmere Cres, Part 1 & 2 on 4R-plan, proposed semi-detached dwelling:

- a) To permit a reduced lot width of 9.13 metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced rear yard setback of 28.04% of the lot depth or 12.82 metres, whereas the By-law states that the minimum required rear yard setback is 30% of the lot depth but may not be less than 6 metres and need not exceed 13.72 metres.

A-00081: 1681 Grasmere Cres, Part 3 & 4 on 4R-plan, proposed semi-detached dwelling:

- c) To permit a reduced lot width of 9.13 metres, whereas the By-law requires a minimum lot width of 10 metres.

- d) To permit a reduced rear yard setback of 28.04% of the lot depth or 12.82 metres, whereas the By-law states that the minimum required rear yard setback is 30% of the lot depth but may not be less than 6 metres and need not exceed 13.72 metres.

PUBLIC HEARING

- [7] On May 6, 2025, the hearing of the applications was adjourned to allow time for the Applicant to consult with neighbours regarding the applications.

Oral Submissions Summary

- [8] Bassam Elsaraj, 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. Mr. Elsaraj confirmed he agreed with City Planning's requested conditions.
- [9] Mr. Elsaraj confirmed that the Applicant would only be removing trees that had been approved under permit. He further confirmed that the Applicant was willing to provide privacy fences on both sides of the property to address the neighbours' privacy concerns.
- [10] City Forester Julian Alvarez-Barkham confirmed that the City would work with the Applicant to provide two new tree plantings on the property, with the remaining six required trees to be addressed through cash in lieu. He further advised that the boundary trees were undersized, less than 30 cm in diameter, and did not need to be included in the Tree Information Report.
- [11] Mr. Alvarez-Barkham requested a condition be added to provisional consent to require a letter of permission from the adjacent property owner for any tree removal of a boundary tree as any co-owned trees would require consent of the adjacent property owner to be removed.
- [12] The Committee also heard oral submissions from the following individuals:
- S. Walters, resident, highlighted concerns with overdevelopment, possibility of being used as a rooming house.
 - E Norgang, resident, highlighted concerns with stormwater management, impact on trees, parking, traffic, the impact on their property, safety issues
 - R. Dabkowski, resident, highlighted concerns with loss of trees, parking and traffic concerns, over development, increase in density
 - H Tolpa, resident, highlighted concerns with traffic, safety and walkability in the neighbourhood

- C Dolgan, resident, highlighted concerns with stormwater management and infrastructure and parking in the rear yard
- N Gibeau, resident, highlighted concerns with the impact the development will have on the neighbourhood
- M. Furlong, resident, highlighted concerns with parking and the proposal being out of character in the neighbourhood
- J. Lowe, resident, highlighted concerns with the purpose of the buildings.
- J. Sangster, resident, highlighted concerns with parking and pedestrian safety.
- S. Proper, resident, highlighted concerns with the location of the sign and lack of public consultation
- E Labelle, resident, highlighted concerns with the proposed development.

[13] City Planner Nivethini Jekku Einkaran confirmed that she had no concerns with the proposed development, or with the parking layout of the subject site.

[14] Following the public hearing, the Committee reserved its decision.

Evidence

[15] 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, revised cover letter, plans, revised plans, tree information, revised tree information photos of the posted sign, and a sign posting declaration.
- City Planning Report received May 14, 2025, with no concerns; received May 1, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated May 16, 2025, with no objections; received 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. Norgang, resident, emails received May 5, May 16, 2025, and May 19 with petition (164 residents), May 19 with petition (39 signatures and May 19, 2025 , opposed .
- S. Walters, resident, email received May 16, 2025, opposed.
- R Dabkowski, resident, emails received May 5, May 18, and May 19, 2025, opposed.
- N. Gibeau, resident, emails received April 30 requesting adjournment, May 1, May 5, and May 19, 2025, opposed.
- M. Furlong, resident, emails received May 1, 2025 requesting adjournment, and May 5 and May 19, 2025, opposed.
- L. Lesnick, resident, emails received April 29 requesting adjournment and April 30, 2025 with comments.
- D. Briotto Faustino, resident, email received April 30, 2025, requesting adjournment.
- A. Dolgan, resident, emails received May 2 and May 5, 2025, opposed.
- D. Laldmiere, resident, email received May 5, 2025, requesting adjournment.
- M. Abou-Hamad, resident, email received May 5, 2025, opposed.
- M. Essoudry, resident, email received May 5, 2025, opposed.
- B. Terzic, resident, email received May 5, 2025, opposed.
- B. McAllister and W. and A. Saunders, residents, email received May 5, 2025, opposed.
- A. MacKenzie, resident, email received May 5, 2025, opposed.
- G. and C. Nocera, residents, email received May 5, 2025, opposed.
- W. Han, resident, email received May 5, 2025, opposed.
- W.D. Turner, resident, email received May 5, 2025, opposed.
- D. Duchesne, resident, email received May 5, 2025, opposed.
- C. Dolgan, resident, email received May 5, 2025, opposed.

DECISION AND REASONS OF THE COMMITTEE:

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

Consent Application Must Satisfy Statutory Tests

[16] 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

- [17] 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

- [18] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and refused the applications.
- [19] 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 or their agent.
- [20] 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*.
- [21] Considering the circumstances, the Committee finds that because insufficient evidence was provided demonstrating that the proposed development would fit well in the neighbourhood, 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.

- [22] 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.
- [23] Moreover, the Committee finds that the requested variances are not minor and would create an unacceptable adverse impact on the neighbourhood.
- [24] Failing three of the four statutory requirements, the Committee is unable to grant the minor variance applications.
- [25] 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.
- [26] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent applications are refused and the provisional consent is not to be given.
- [27] **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. 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.

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