

DECISION

CONSENT/SEVERANCE AND MINOR VARIANCE

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| Date of Decision: | July 18, 2025 |
| Panel: | 2 - Suburban |
| File Nos.: | D08-01-25/B-00130 & D08-02-25/A-00146 |
| Applications: | Consent under section 53 of the <i>Planning Act</i> Minor Variance under section 45 of the <i>Planning Act</i> |
| Applicant: | 773891 Ontario Inc |
| Property Address: | 1330 Ogilvie Road |
| Ward: | 11 - Beacon Hill-Cyrville |
| Legal Description: | Blocks, C, D, and L, Registered Plan M-172 |
| Zoning: | AM10 H(40) |
| Zoning By-law: | 2008-250 |
| Heard: | July 8, 2025, in person and by videoconference |

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to enter into a long-term lease, for a period greater than 21 years, and proposes to construct a 4-storey, 39-unit, low-rise, apartment building on the leased land, as shown on plans filed with the Committee. The new apartment building will replace the stacked townhouse dwellings destroyed by fire in 2022. The five existing residential buildings and associated surface parking will remain.

CONSENT REQUIRED:

- [2] The Applicant seeks the Committee's consent for a long-term Lease in excess of 21 years.
- [3] The subject property is shown as Parts 1 to 32 on 4R-6335 and has a lot area of 1.82 hectares. This property contains two, mid-rise apartment buildings (1370 & 1380 Ogilvie Road)

- [4] The leased lands are shown as Parts 1, 2, 3, and 32 said plan, and will have a frontage of 47.68 metres, an irregular depth, and an area of 5,323.54 square metres. This parcel contains two blocks of stacked townhouse dwellings (1330 and 1340 Ogilvie Road) and the proposed low-rise apartment building, which will be known municipally as 1360 Ogilvie Road.
- [5] The property is subject to existing easements as set out in LT566720, LT566722, LT566717, LT483129, and CT153251.

REQUESTED VARIANCES

- [6] The Applicant seeks the Committee's authorization for the following variances from the Zoning By-law:
- a) To permit ~~an increased~~ a front yard setback of 6.1 metres, whereas the By-law permits a maximum front yard setback of 4.5 metres, **and to permit a minimum of 35% of building walls along the front lot line, whereas the By-law requires at least 50% of the frontage along the front lot line to be occupied by building walls. To permit 0 active entrances facing Ogilvie Road, whereas the By-law requires a minimum of 1 active entrance in the case of residential buildings.**
 - b) To permit a reduced parking space rate for resident parking of 0.7 spaces per dwelling unit, for a total of 137 parking spaces, whereas the By-law requires a minimum parking space rate of 1.2 spaces per dwelling unit, for a total of 230 resident parking spaces.
 - c) To permit a reduced parking space rate for visitor parking of 0.16 spaces per dwelling unit, for a total of 32 parking spaces, whereas the By-law requires a minimum parking space rate of 0.2 spaces per dwelling unit, for a total of 38 visitor parking spaces.
 - d) To permit a reduced amount of glazing along Ogilvie Road of 10% of the surface area of the façade, whereas the By-Law requires that 50% of the surface area of the ground floor façade be glazing.
 - e) To permit a reduced width of 4 metres for a private way, whereas the By-law requires a minimum width of 6 metres for a private way.
- [7] The property is the subject of a Site Plan Control application (File No. D07-12-24-0061) under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [8] Scott Alain, acting as 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. Alain confirmed that the minor variance application required an amendment to have variance (a) better reflect the full wording of the Zoning By-law requirement as follows:

- a) To permit ~~an increased~~ **a** front yard setback of 6.1 metres, whereas the By-law permits a maximum front yard setback of 4.5 metres, **and to permit a minimum of 35% of building walls along the front lot line, whereas the By-law requires at least 50% of the frontage along the front lot line to be occupied by building walls.**

- [9] With no objections, the minor variance application was amended accordingly.
- [10] Responding to the Committee's questions, Mr. Alain advised that the parking garage would feature signalized access and convex mirrors. He also clarified that the vehicle access to and from Ogilvie Road would be designed to support pedestrian movement access and slow vehicle traffic.
- [11] Mr. Alain highlighted that the building's design was restricted by the site that includes four other buildings approved through a site plan control application in the late 1980's. Mr. Alain also highlighted the proposed apartment building's design includes fenestration, balconies and landscaping to promote an active public realm as much as possible.
- [12] Responding to the Committee's questions, Ellen McGowen, the Development Manager, confirmed that a waste room would be located on the ground floor of the development with an access point on the aisle for collection.
- [13] H. Murchison representing the Applicant, and City Planner Dylan Geldart was also present.
- [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, plans, letters of support, land lease, schedule of existing easements, owner authorization, parcel register abstracts, terms of lease amendment, tree information report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 3, 2025, with no concerns.
 - Rideau Valley Conservation Authority email dated July 4, 2025, with no objections.

- Hydro Ottawa email dated June 26, 2025, with comments.
- Ontario Ministry of Transportation email dated July 2, 2025, with no comments.
- J. Melançon, resident, email received June 24, 2025, in opposition.
- D. Siele, resident, email received June 26, 2025, with concerns.

DECISION AND REASONS OF THE COMMITTEE:

- **CONSENT APPLICATION GRANTED**
- **MINOR VARIANCE APPLICATION GRANTED AS AMENDED**

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 granted the applications.
- [19] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the requested conditions of provisional consent agreed to by the Applicant or their agent.
- [20] Based on the evidence, the Committee is satisfied that the proposed consent 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.

- [21] 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.
- [22] 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.
- [23] 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.
- [24] The Committee notes that no compelling evidence was presented that the variances would have an unacceptable adverse impact on neighbouring properties.
- [25] 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.
- [26] 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 and contributes to appropriate infill development within the Outer Urban Transect.
- [27] 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.
- [28] 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.
- [29] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [30] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is 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 elevations drawings filed Committee of Adjustment date stamped June 26, 2025, and the site plan plan filed Committee of Adjustment stamped May 22, 2025, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

Absent
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Absent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 18, 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 August 7, 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.

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APPENDIX “A”

1. 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.
2. 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 long-term lease in excess of 21 years for which the Consent is required.