

**DECISION
CONSENT/SEVERANCE**

Date of Decision: August 1, 2025
Panel: 2 - Suburban
File Nos.: D08-01-25/B-00123 & D08-01-25/B-00124
Application: Consent under section 53 of the *Planning Act*
Applicant: CR4 Ottawa Flex Office Inc.
Property Address: 14 Colonnade Road
Ward: 9 - Knoxdale-Merivale
Legal Description Part of Lot 30, Concession 'A' (Rideau Front),
Geographic Township of Nepean
Zoning IG5
Zoning By-law: 2008-250
Heard: July 22, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide the property into two separate parcels of land to establish separate ownership for each of the existing two-storey office buildings, and to establish easements for access, parking, and stormwater management.

CONSENT REQUIRED

- [2] The Applicant seeks the Committee's consent to sever land, grants of easements/rights-of-way and for a joint use and maintenance agreement. The property is shown as Parts 1 to 8 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 Nos.	Municipal Address
B-00123	39.02 m	71.68 m	4,4093. sq. m	1, 2, 3, 4	14 Colonnade Road

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00124	52.80 m	50.40 m	3,966.5 sq. m	5, 6, 7, 8	20 Colonnade Road

[3] The applications propose to establish the following easements:

- Over Parts 1 & 3 in favor of Parts 5, 6, 7, and 8, for vehicular access and parking.
- Over Part 5 in favor of Parts 1, 2, 3, & 4, for vehicular access and parking.
- Over Parts 1, 2, 3, & 4 in favor of Parts 5, 6, 7, and 8, for stormwater management services.
- Over Parts 5, 6, 7, & 8 in favor of Parts 1, 2, 3, & 4, for stormwater management services.

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

PUBLIC HEARING

Oral Submissions Summary

- [5] Evan Saunders, agent for the Applicant, provided a brief overview of the applications, and requested that the Committee not impose the City's requested condition requiring a Development Agreement for a notice on title warning of environmental noise and the site's proximity to an active railway line. Mr. Saunders stated that in his opinion, the condition is unnecessary as no development is being proposed and the existing office buildings are not sensitive to sources of noise. Additionally, he noted that the previous severance applications (File Nos. D08-01-20/B-00031 and D08-01-20/B-00032) were not subject to this requested condition.
- [6] Responding to the Committee's questions, Mr. Saunders clarified that sensitive uses under the Environmental Noise Control Guidelines generally includes residential uses, however, noted that any land use could be considered noise sensitive, dependent on the relevant source of noise. Mr. Saunders questioned if the noise warning could be registered on title without the requirement for a Development Agreement.
- [7] City Planner Wendy Yang advised that the City's policy for sensitive noises is dependent on the subject lot's proximity to a noise source.
- [8] City Planner Erin O'Connell confirmed that staff would not object to the removal of the condition, however, she clarified that by requiring a Development Agreement it would ensure the notice on title could not be removed upon completion of the severance.

- [9] Krista Libman, solicitor for the Applicant, expressed that in her opinion, it would not be possible to register a notice without a Development Agreement.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Tests

- [11] 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

[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, parcel register abstract, plans, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received July 17, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated July 22, 2025, with no objections.
- Hydro Ottawa email dated July 14, 2025, with comments.
- Ontario Ministry of Transportation email dated July 9, 2025, with no comments.
- Ottawa International Airport Authority email dated July 4, 2025, with no comments.

Effect of Submissions on Decision

[13] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.

[14] 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. In considering the requested condition requiring a Development

Agreement to include a notice on title regarding environmental noise and the site's proximity to an active railway line, the Committee finds that this condition is not reasonable or necessary because the site is already developed with two existing office buildings and no new noise-sensitive uses are being introduced.

- [15] 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.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] **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.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

Absent
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 **August 1, 2025**

"Cheryl Williams"
CHERYL WILLIAMS
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 August 21, 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) provide a servicing plan or other proof, to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) may be required to obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks.

The Owner(s) may be required to enter into a Development Agreement with the City, at the expense of the Owner(s), to cover these required items as well as all engineering, administrative and financial matters. The Committee shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

2. 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**.
3. 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.
4. 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 severances, grant of easement/right-of-way and the joint use and maintenance agreement for which Consent is required.