



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

**DECISION
CONSENT**

(Section 53 of the *Planning Act*)

File No.: D08-01-21/B-00189, D08-01-21/B-00190
Owner(s): Vijaya Garapati, Radhamani, Venkatesmarlu Nagbandi,
Manju Sri Pillamarrt
Location: 1501 (1485) (1493) March Valley Road
Ward: 5-West Carleton-March
Legal Description: Part of Lot 15, Concession 4
Zoning: RU
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **August 4, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owners want to subdivide their property into three separate parcels of land in order to create two new lots for future residential development.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances. The property is shown as Parts 1 and 2 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part 1	Municipal Address
B-00189	50 55 m	160.1 m	.800318 .800368 ha.	1	1485 March Valley Road (vacant parcel)
B-00190	50 m	160.1m	.800318 ha.	2	1493 March Valley Road (vacant parcel)

The retained lands will have a frontage of ~~303.6~~ **198.71** metres on March Valley Road, to a depth of ~~460~~ **466.3** metres and will contain a lot area of ~~12.6~~ **12.52** hectares. This parcel is vacant and is known municipally as 1501 March Valley Road.

The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING:

The Chair administered an oath to Mr. D. Paquette, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

In his presentation to the Committee, Mr. Paquette advised that a revised draft 4R plan had been filed to address the original concerns of the City's Planning, Infrastructure and Economic Development Department (PIEDD) and the proposal should be amended to reflect:

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The retained lands will have a frontage of ~~303.6~~ 198.71 metres on March Valley Road, to a depth of ~~460~~ 466.3 metres and will contain a lot area of ~~42.6~~ 12.52 hectares. This parcel is vacant and is known municipally as 1501 March Valley Road.

With the concurrence of all parties, the application was amended accordingly.

Mr. M. Gordon of PIEDD was also in attendance and confirmed that with the revised plan filed, the department had no concerns with the applications. He further confirmed that the requested condition number 5 in the planning report regarding an EIS can be deleted.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED

The Committee considered any written and oral submissions relating to the applications in making its Decision.

The Committee notes that the City's planning report raises some concerns regarding the applications however those concerns were alleviated with the revised draft 4R plan filed and the amendments to the applications.

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. The Committee is also satisfied that a plan of subdivision of the land is not

necessary for the proper and orderly development of the municipality. In addition, 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.

The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a one-year period from the date of this Decision:**

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers: "The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner."

The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

2. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners' report must demonstrate the following to the City of Ottawa:

- a) That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- b) That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c) That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- d) That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has sensitive soils, the drilling of a well or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of **Development Review Manager of the relevant Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.**

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

3. That the Owner(s) convey, if required, at no charge to the City of Ottawa, sufficient frontage across the severed and retained lands to provide for a road right-of-way measuring 13 metres from the centreline of March Valley Road. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from **City Legal Services** that the transfer of the widening to the City has been registered.

If the Owner's Surveyor determines that the widening condition has already been satisfied, it must be indicated on the Draft Reference Plan and submitted to the City Surveyor for approval. The Committee requires written confirmation from the City Surveyor confirming that the widening is not required.

If the Owner(s) wish to temporarily retain the existing fence within the widening lands until the City develops the widening lands, the Owner(s) shall enter into (and register, if necessary) an encroachment agreement and/or letter of tolerance to the satisfaction of the **General Manager, Planning, Infrastructure, and Economic Development.** The Committee requires written confirmation from **City Legal Services** confirming either that a letter of tolerance/encroachment agreement has been executed (and registered if necessary) or will not be required

4. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal

costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner

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.
6. That upon completion of the above conditions, and **within the one-year period outlined above**, the Owner(s) file with the Committee, the "electronic registration in preparation documents" for a Conveyance for which the Consent is required.

The Consent lapses one year from the date of this Decision.

All technical studies shall be submitted to Planning, Infrastructure and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **September 2, 2021**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

NOTICE TO APPLICANT:

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

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Owner(s) / Propriétaire(s): Vijaya Garapati, Radhamani, Venkatesmarlu Nagbandi,
Manju Sri Pillamarth
Location / Emplacement: 1501 (1485) (1493) March Valley Road

We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

"Fabian Poulin"

**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

"Terence Otto"

**TERENCE OTTO
MEMBER / MEMBRE**

"Steven Lewis"

**STEVEN LEWIS
MEMBER / MEMBRE**

"Martin Vervoort"

**MARTIN VERVOORT
MEMBER / MEMBRE**

"Jocelyn Chandler"

**JOCELYN CHANDLER
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

**Date of Decision / Date de la décision
August 13, 2021 / août 13 2021**

for



**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**