

## DECISION

### CONSENT/SEVERANCE AND MINOR VARIANCE

<b>Date of Decision:</b>	August 1, 2025
<b>Panel:</b>	1 - Urban
<b>File Nos.:</b>	D08-01-25/B-00138 & D08-01-25/B-00139, D08-02-25/A-00155, D08-02-25/A-00161 and D08-02-25/A-00162
<b>Applications:</b>	Consent under section 53 of the <i>Planning Act</i> Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Ravenhill Properties Limited Partnership
<b>Property Address:</b>	432 and 436 Ravenhill Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lots 10 and 11, West side of Cole Avenue, Registered Plan 235
<b>Zoning:</b>	R4UA (2686) H (8.5) and R3R (2687) H (8.5)
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	July 16, 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 four townhouse dwellings, with six additional dwelling units, on the newly created parcel. The existing half of the semi-detached dwelling will remain. The existing garage and detached dwelling will be demolished.
- [2] On May 17, 2023, the Committee granted provisional consent application (File No. (D08-01-23/B-00138 & D08-01-23/B-00139) to subdivide the property into three 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 and grant easements/rights-of-way. The property is shown as Parts 1 to 10 on a Plan 4R-35588 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-00138	35.99 metres (Cole)  15.34 metres (Ravenhill)	Irregular	704.9 sq. metres	1, 2, 6, 8, 9 & 10	452 to 458 Cole
B-00139	6.58 metres	irregular	217.7 sq. metres	3, 4, 5 & 7	436 Ravenhill

- [4] It is proposed to establish easements/rights-of-way as follows:
- Over Parts 2 and 6 in favour of Parts 3, 4, 5 and 7 and 438 Ravenhill Avenue for vehicular and pedestrian traffic
  - Over Parts 3 and 5 in favour of Parts 1, 2, 6, 8, 9 and 10 and 438 Ravenhill Avenue for vehicular and pedestrian traffic
- [5] Approval of these applications will have the effect of creating separate parcels of land and 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-00155, D08-02-25/A-00161 & D08-02-25/A-00162) 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-00155: 458 Cole Avenue, Unit 1 proposed townhouse dwelling:**

- a) To provide a reduced rear yard soft landscaping buffer of 2.41 metres, whereas the By-law requires a minimum rear yard soft landscape buffer of 4.5 metres.

**A-00161: 456 Cole Avenue, Unit 2 proposed townhouse dwelling:**

- b) To permit a reduced lot area of 130 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

**A-00162: 454 Cole Avenue, Unit 3 proposed townhouse dwelling:**

- c) To permit a reduced lot area of 130 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

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

**PUBLIC HEARING**

- [8] Prior to the hearing, the Committee received adjournment requests from resident K. Klassen and the Westboro Community Association.
- [9] Murray Chown and Ryan Poulton, agents for the Applicant, confirmed that they had reviewed the adjournment requests and were prepared to respond to the concerns in their presentation.
- [10] The Committee agreed to proceed with the agenda and hear the applications without delay.

**Oral Submissions Summary**

- [11] Mr. Poulton and Mr. Chown provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [12] Mr. Poulton confirmed that the proposed development would contain four townhouse dwellings with six additional dwelling units, for a total of ten units.
- [13] In response to questions from the Committee, Mr. Chown confirmed that the existing right-of-way providing access to 438 Ravenhill Avenue would not be altered and that there was no development proposed within the right-of-way. He also advised that the parking space in the rear yard would be used by one of the tenants in the townhouse dwellings, and that there would be no parking in the right-of-way.
- [14] City Planner Dylan Geldart confirmed that he had no concerns with the existing easement/right-of-way. He further confirmed that there was no evidence of any change to the easement since it was established in 1979.

- [15] Mr. Chown requested that the City's requested condition requiring a stormwater management report not be imposed, as a building permit is pending approval of these applications.
- [16] Mr. Geldart confirmed that the stormwater management report was requested to show the natural drainage patterns, as the townhouse development would increase the impervious surface area. He also confirmed that a report would be required, not a full stormwater management study.
- [17] The Committee also heard oral submissions from the following individuals:
- K. Klassen highlighted concerns about a lack of consultation and the impact of the development on the existing right-of-way access to her property.
  - T. Gray, Westboro Community Association, highlighted their support of K. Klassen and her concerns.
- [18] Following the public hearing, the Committee reserved its decision.

### **Evidence**

- [19] 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, parcel abstract, tree information report, 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 received July 21, 2025, with no objections.
  - Hydro Ottawa email received July 14, 2025, with comments.
  - Ontario Ministry of Transportation email received July 9, 2025, with no comments.
  - Ottawa International Airport Authority email received July 4, 2025, with no comments.

- K. Klassen, resident, email received July 18, 2025, requesting an adjournment and with concerns.
- Westboro Community Association, email received July 18, 2028, requesting an adjournment.
- M. Smith, resident, email received July 21, 2025, with comments.
- R. O'Brien, resident, email received July 22, 2025, with comments.
- S. Abdulmajeed, resident, email received July 22, 2025, with comments.
- A. and A. Ferguson, residents, email received July 22, 2025, opposed.
- S. Todd, resident, email received July 22, 2025, with comments.
- M. and K. Buckley, residents, email received July 22, 2025, opposed.

#### **DECISION AND REASONS OF THE COMMITTEE:**

- **CONSENT APPLICATIONS GRANTED**
- **MINOR VARIANCE APPLICATIONS GRANTED**

#### **Consent Application Must Satisfy Statutory Tests**

[20] 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**

- [21] 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**

- [22] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [23] 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 stormwater management report, the Committee finds that this condition is both reasonable and necessary.
- [24] Based on the evidence, the majority of the Committee (Chair Tremblay dissenting) 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.
- [25] The majority of 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.
- [26] Additionally, the majority of the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- [27] Moreover, the majority of 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.
- [28] Based on the evidence, the majority of the Committee (Chair Tremblay dissenting) is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [29] The majority of the Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [30] Considering the circumstances, the majority of 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.

- [31] The majority of 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.
- [32] In addition, the majority of 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.
- [33] Moreover, the majority of 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.
- [34] **THE COMMITTEE OF ADJUSTMENT THEREFORE ORDERS** that the consent applications are granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [35] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the requested minor variance applications are 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 site plan filed and Committee of Adjustment date stamped July 24, 2025, as it relates to the requested variances.

*Dissent*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
ACTING PANEL CHAIR

*"Colin Haskin"*  
COLIN HASKIN  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
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](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](#)

D08-01-25/B-00138 & D08-01-25/B-00139,  
D08-02-25/A-00155, D08-02-25/A-00161  
and D08-02-25/A-00162

## 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**  
City of Ottawa  
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## APPENDIX A

1. The Owner(s) provide evidence that the accompanying minor variance applications (D08-02-25/A-00155, D08-02-25/A-00161 & D08-02-25/A-00162) have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide evidence, to the satisfaction of the **Manager of Development Review All Wards, Planning, Development and Building Services Department**, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
3. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The report shall be to the satisfaction of and approved by the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

That the Owner(s) enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

4. 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**.
5. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services**. The Committee shall be provided written confirmation that the Agreement is satisfactory to the Manager of **Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, or is satisfactory to **City Legal Services**, as well as a copy of the Agreement and confirmation that it has been registered on title.

6. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the **Program Manager, Right of Way Branch within the Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Cole Ave, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City's Road Cut Resurfacing Policy, the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, shall deem this condition satisfied.
7. That the Owner(s) provide proof that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal cost. 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. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
8. That the Owner(s) provide proof, to the satisfaction of the **Chief Building Official, or their designate**, that the existing detached dwelling and accessory building

located at 432 Ravenhill Avenue (PIN 040090173) have been demolished or relocated under the authority of a building permit.

9. That the Owner/Applicant(s) provide a revised Tree Information Report, to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**. This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the current site plan, and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
10. The Owner conveys to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 meters by 3 meters, at the intersection of Ravenhill Avenue and Cole Avenue. The corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the **City Surveyor** for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. 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 corner sight triangle. The Committee shall be provided written confirmation from **City Legal Services** that the transfer of the corner sight triangle to the City has been registered. All costs shall be borne by the Owner.
11. That the Owner(s) satisfy the requirements of **Hydro Ottawa** with respect to the relocation of the existing overhead services or grant an easement as required, the consent to which is hereby granted.
12. 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.
13. 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 conveyance and grant of easements/rights-of-way for which the Consent is required.