

December 23, 2025

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Ottawa, ON
K2G 5K7

Attention: Michel Bellemare, Secretary - Treasurer

Dear Mr. Bellemare:

**Reference: 2950 Swale Road
Application for Consent for an Easement
Our File No. 125127**

Novatech has been retained by the owner of the property municipally known as 2950 Swale Road (the "Subject Property") to prepare and file an application for Consent to establish an easement. The requested easement will permit access over a portion of the Subject Property in favour of the property to the south at 3030 Swale Road, owned by Orica Canada.

This letter describes the existing conditions of the site, the proposed easement, and provides a rationale in support of the application.

Existing Conditions

2950 Swale Road is located in the Osgoode Ward (Ward 20) of the City of Ottawa along the west side of Swale Road (see Figure 1). The Subject Property is in a rural area south of the community of Greely. The Subject Property has approximately 389 metres of frontage along Swale Road and an approximate area of 36.51 hectares (90.22 acres). The property contains an existing detached dwelling.

Figure 1: Subject Property



The Subject Property is legally described as:

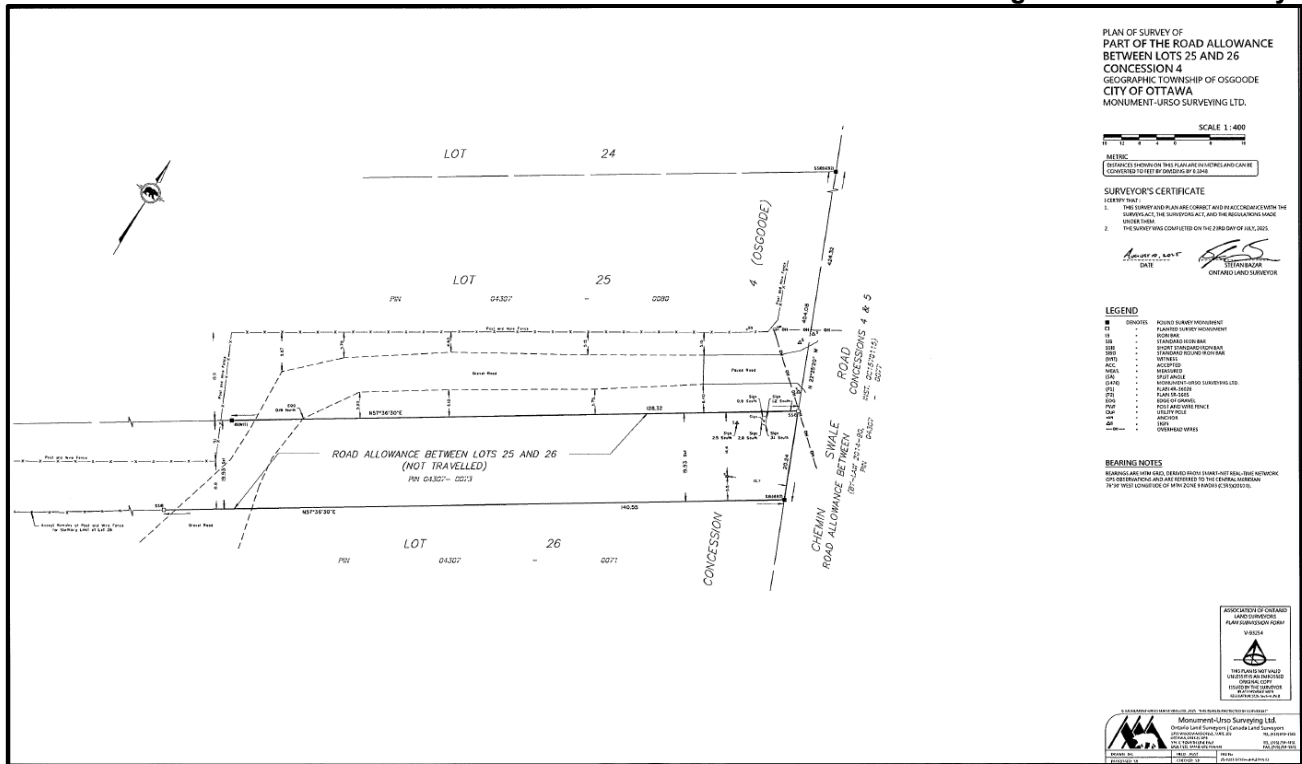
PT LT 25 CON 4 OSGOODE AS IN N749794 ; OSGOODE

The Subject Property is designated Greenspace and Rural Countryside on Schedule B9- Rural Transect of the City of Ottawa Official Plan. The property is zoned Rural Countryside (RU) and Environmental Protection 2 (EP2) by the City of Ottawa Zoning By-law 2008-250.

Proposed Easement

The Owners are applying for recognition of an existing access laneway that traverses across the southeastern corner of the property of 2950 Swale Road. A Site Plan agreement from 1981 contemplates the use of the road allowance between Lot 25 and Lot 26 to be used for laneway access to the property at 3030 Swale Road. The laneway was mistakenly built within the property lines of 2950 Swale Road as shown in the Plan of Survey (Figure 2).

Figure 2. Plan of Survey

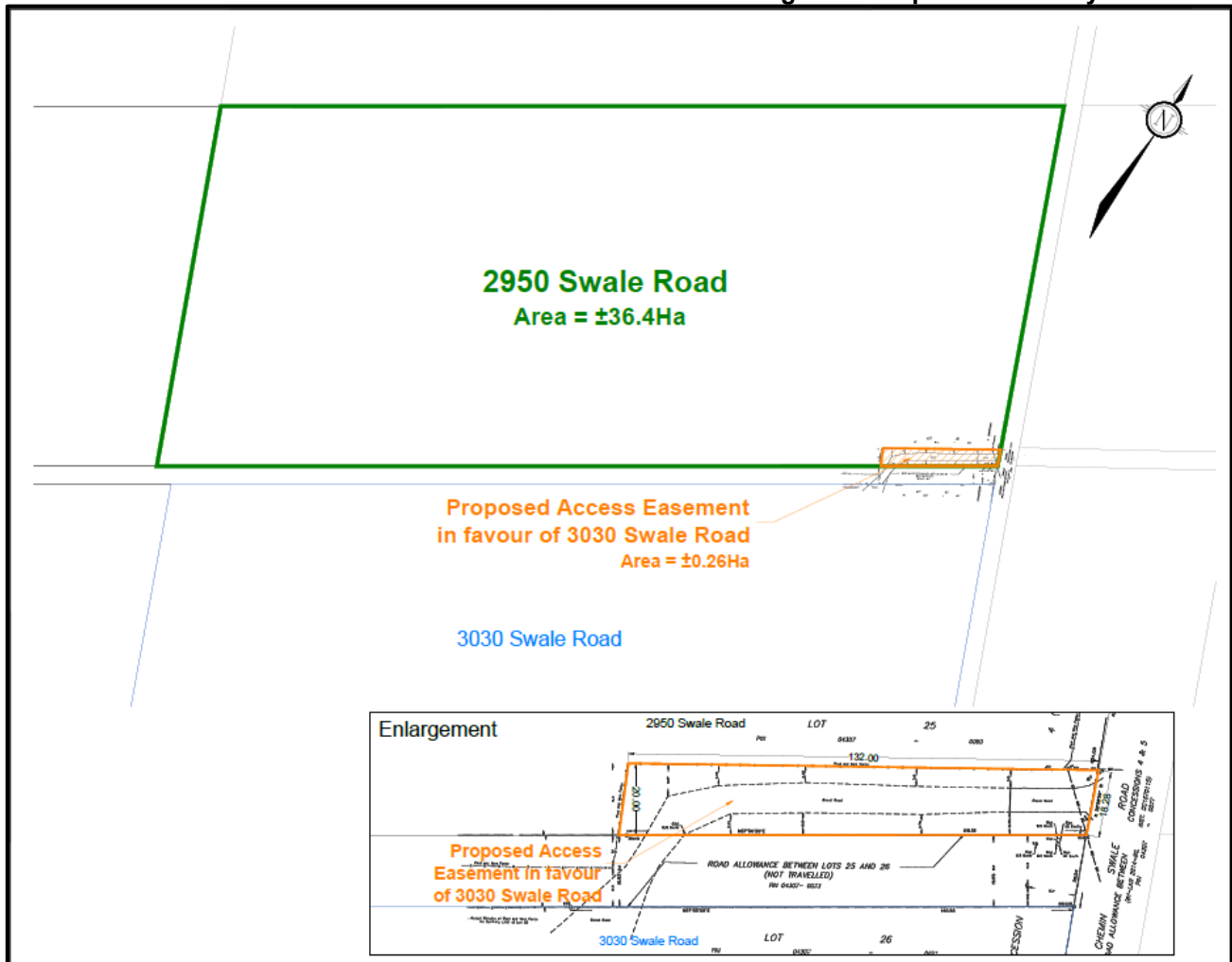


The laneway has provided access to the property at 3030 Swale Road for many years. The laneway is cleared and sufficiently wide to allow the passage of motor vehicles.

Consent Application

The consent application seeks to establish an easement for access over Lot 25 shown in the Plan of Survey in favour of the property at 3030 Swale Road, as shown in Figure 3.

Figure 3. Proposed Laneway Easement



Consent Rationale

Planning Act

Subsection 53(1) of the Planning Act states:

53. (1) *An owner or charge of land, or such owner's or chargee's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32; 2020, c. 34, Sched. 20, s. 2 (2).*

The proposed easement for access does not necessitate any new construction nor any grade changes. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

53. (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

51(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;

2950 Swale Road is within the rural area of the City of Ottawa and does not involve any development. The proposed easement is to recognize the location of an existing access lane. The proposed easement has regard for the following matters of provincial interest:

- the protection of ecological systems, including natural areas, features and functions;
- the orderly development of safe and healthy communities; and
- the protection of public health and safety;

(b) whether the proposed subdivision is premature or in the public interest;

The Subject Property is in the rural area of the City of Ottawa. The consent application seeks permission to establish an easement for the Owners of 3030 Swale Road to continue to use a portion of 2950 Swale Road to access their own property. The proposed easement is not premature and is in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

There is no adjacent plan of subdivision. The Subject Property is designated Greenspace and Rural Countryside on Schedule B9 – Rural Transect of the Official Plan (OP). The proposed easement is over lands designated Greenspace. Section 7 of the OP sets out policies for lands designated Greenspace.

Section 4.7.8 of the OP sets out policies for the preparation of an Environmental Impact Statement. Policy 3 of Section 4.7.8 of the OP states:

“Development is defined as creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the Drainage Act.”

Policy 4 of Section 4.7.8 of the OP states:

“Site alteration is defined as activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.”

The proposed easement does not create a new lot, grant permission for any change in use of land, nor request construction of a new building or structure. No grading, excavation, nor placement of fill is requested by the consent application for an easement. The proposed easement does not result in “development” or “site alteration”.

The proposed easement formalizes access to use an existing laneway access at 2950 Swale Road. Approval of the requested easement will have no impact on any natural heritage feature (Significant wetlands, Natural Environment Areas and Urban Natural Features).

The proposed easement conforms to the policies of the Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The access driveway has been used for over 40 years to access the property at 3030 Swale Road. The driveway is well maintained and is of sufficient width for motor vehicles to traverse. The proposed easement formalizes permission for the Owners of 3030 Swale Road to continue to use the driveway to access their property at 3030 Swale Road. The land is suitable for the proposed easement.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Not applicable.

(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;

Not applicable.

(f) the dimensions and shapes of the proposed lots;

Not applicable.

(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;

Not applicable.

(h) conservation of natural resources and flood control;

The proposed easement is technical in nature to permit access to the property at 3030 Swale Road. The driveway has been used for access to the property for over forty years. The requested easement

formalizes an existing use of the land. The proposed easement does not permit development nor site alteration. Approval of the proposed easement will have no impact on any rural natural features and flood control.

(i) the adequacy of utilities and municipal services;

Not applicable.

(j) the adequacy of school sites;

Not applicable.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Not applicable.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Not applicable.

(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).

Not applicable.

The requested easement has regard for the criteria set out in Section 51(24) of the Planning Act.

Provincial Planning Statement

"The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act."

A Decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Planning Statement (PPS). The PPS sets out policy direction on matters of provincial interest related to land use planning and development.

2950 Swale Road is considered "Rural Lands" as defined by the PPS. Section 2.6 of the PPS sets out policies for Rural Lands in municipalities. Policy 2.6 states:

*“On rural lands located in municipalities, permitted uses are:
c) residential development, including lot creation, that is locally appropriate;
g) other rural land uses.”*

The proposed easement is not considered development. 2950 Swale Road is developed as a rural residential property. The property at 3030 Swale Road is developed with an industrial use and is zoned to permit such use.

The existing conditions and development of both properties are permitted uses on rural lands. The proposed easement reflects the existing condition of the properties and supports the continued use of 3030 Swale Road as a rural heavy industrial property.

Policy 2.6.2 states: *“Development that can be sustained by rural service levels should be promoted.”*

The proposed easement is not considered development. The Subject Property contains an existing detached dwelling. The existing development at 2950 Swale Road can be sustained by rural service levels.

The requested easement is consistent with the policies of the PPS.

Conclusions

The proposed easement at 2950 Swale Road does not require a plan of subdivision for the orderly development of the land. The easement has regard for the criteria outlined in subsection 51(24) of the *Planning Act* and is consistent with the policies of the Provincial Planning Statement. The proposed easement represents good land use planning.

In support of the consent application please find enclosed:

- One copy of this Cover Letter.
- Complete Consent Application Form.
- Consent Sketch (one 8 ½x11 copy).
- Plan of Survey (one 8 ½x11); and
- Parcel Abstract for 2950 Swale Road.

Should you have any questions regarding this application, please do not hesitate to contact me.

Yours truly,

NOVATECH

Devin Rajala

Devin Rajala,
Planner