



Soloway Wright LLP  
700 - 427 Laurier Avenue West  
Ottawa ON K1R 7Y2

T: 613.236.0111 | 1.866.207.5880  
F: 613.238.8507  
[www.solowaywright.com](http://www.solowaywright.com)

**Krista Libman**  
Partner

Direct line: 613.782.3238  
Email address: [klibman@solowaywright.com](mailto:klibman@solowaywright.com)

FILE NO: 58120-1001

**HAND DELIVERED**

December 30, 2025

**Committee of Adjustment**  
City of Ottawa  
4<sup>th</sup> Floor, 101 CentrepoinTE Drive  
Ottawa, ON K2G 5K7  
Attn: Michel Bellemare, Secretary-Treasurer

**Committee of Adjustment**  
Received | Reçu le

**2026-01-06**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Mr. Bellemare:

**Re: Application for consent to create one new lot and one new easement – 44 Iber Road, Ottawa, Ontario**

We are the solicitors for Iber Road Property Limited in its capacity as general partner of Iber Road Property Limited Partnership (the “**Applicant**”), registered owner of the lands municipally known as 44 Iber Road, Ottawa (PIN 04450-0147 (LT)) (the “**Subject Property**”), for the purpose of submitting an application for consent for the Subject Property to create a new lot and establish a servicing easement. The Subject Property is shown on the PIN Map at Figure 1 below.

On October 27, 2025, the Applicant applied to the Committee for consent to sever the Subject Property and to create a new easement. The Committee heard and approved this application on December 9, 2025 (File No. D08-01-25/B-00244 – the “**Earlier Application**”) but the severance has not yet been perfected. When the Earlier Application was filed, it was the Applicant’s intention to relocate the proposed sanitary service from its planned position in front of the building at 44 Iber Road to connect directly to the City’s sanitary service Iber Road through Part 3. In reviewing Condition #1 (separate servicing) of the Earlier Application with the Applicant’s engineer, it was determined that the City’s sanitary service within Iber Road does not extend far enough north to directly service the severed lands and that the relocation of the private sanitary service would be a complex and costly endeavour requiring the extension of the City’s sanitary service, which would require the temporary closure of Iber Road. The Applicant has decided to service the proposed parcel as per the approved

---

Ottawa Office

700 – 427 Laurier Avenue West, Ottawa ON K1R 7Y2  
T: 613.236.0111 | 1.866.207.5880 | F: 613.238.8507

Kingston Office

510 – 366 King Street, Kingston ON K7K 6Y3  
T: 613.544.7334 | 1.800.263.4257 | F: 1.800.263.4213

---

Site Plan. The approval of the current application is required to satisfy Condition #1 of the approval of the Earlier Application.

The purpose of this application is to request the Committee's consent to sever Parts 1 and 5 (the "Severed Lands") from Parts 2-4 (the "Retained Lands") and to create an easement over Part 5 in favour of the Retained Lands, as shown on the Draft Reference Plan at Figure 3, for the installation and maintenance of a sanitary sewer connecting to the City's sanitary sewer in Iber Road. The intended use for both parcels remains light industrial.

The original application included a request for a certificate for the retained lands (Part 1 – now Parts 1 and 5), and the required \$270.00 fee was paid. As a result of this application, a certificate for the retained lands is no longer required and Committee staff has confirmed that the fee can be credited towards the current application resulting in an application fee of (\$3,926 – \$270) \$3,656.00.

### Background

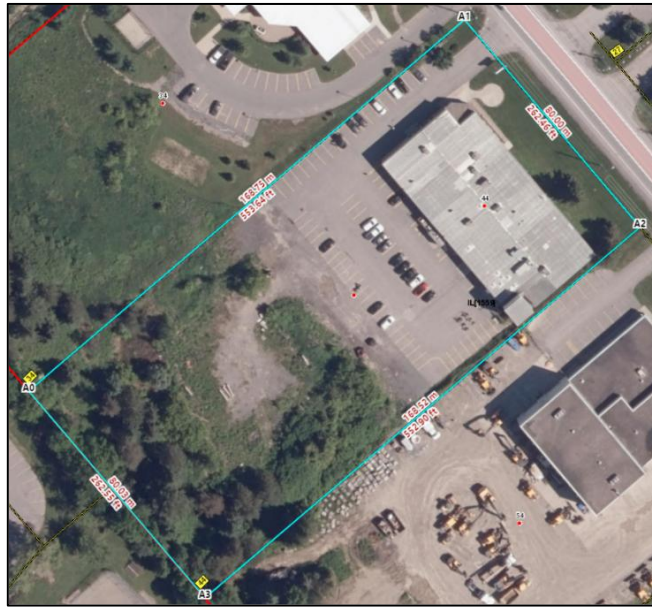
As per the Earlier Application, the Subject Property is municipally known as 44 Iber Road, Ottawa, Ontario and is legally described on PIN 04450-0147 (LT) as:

PCL 1-2, SEC 4M-454, PT BLK 1, PL 4M-454, PT 2, 4R5435. S/T LT379077. GOULBOURN

as shown on the excerpt of the PIN Map at Figure 1 and the aerial photo at Figure 2 below.



Figure 1: Excerpt of PIN Map 04450-0144 (LT) with adjacent land highlighted



**Figure 2: Aerial photo of the Subject Property (Source: GeoOttawa)**

The Subject Property is located in Ward 6 (Stittsville), in the neighbourhood of Stittsville East. The Subject Property is serviced by municipal water and wastewater systems and contains an existing industrial building.

### **The Application**

The purpose of the Earlier Application was to sever the land for financing purposes. The purpose of the current application is to sever Parts 1 and 5 from Parts 2-4 and to establish an easement over Part 5 in favour of Parts 2-4 for the purpose of installing and maintaining a sanitary sewer, as shown on the Draft Reference Plan at Figure 3 below. We have pre-consulted with Shoma Murshid, Erin O'Connell and Marianne Abou Anton regarding the current application and the satisfaction of Condition #1 of the Earlier Application.

### **Site Plan Approval**

The Subject Property contains an existing industrial building and has been approved for additional development under Site Plan Control Application No. D07-12-17-0146 to allow the construction of a 1-storey warehouse building with an area of 1,864 m<sup>2</sup> as well as associated parking, bicycle parking and garbage storage.

A Landscape Plan and Tree Conservation Report were approved as part of the Site Plan application. Drawing L1 is enclosed with this application. An amendment has been requested by Nancy Young and will be provided as soon as possible.

The Site Plan Agreement has not yet been entered into or registered on title, but the approval remains valid until 2028.

The site functions as one, and will continue to function as one after the Earlier Application and the current application are perfected. The site is considered one lot for zoning purposes under Section 93 of the City’s Zoning By-law No. 93-98. A Joint Use and Maintenance Agreement will be registered on title as a condition of the Earlier Application to govern the maintenance responsibilities of the common parking, landscape, and garbage storage areas as well as the sanitary sewer within the proposed easement.

**Draft Reference Plan**

The Subject Property is shown on Plan 4R-XXXX enclosed, with Parts 1 and 5 being the severed lands (44 Iber Road) and Parts 2-4 being the retained lands (46 Iber Road). Should the application be approved, Part 5 will be subject to an easement in favour of Parts 2-4 for the installation and maintenance of a sanitary sewer. Part 4 is subject to an existing easement in favour of the Township of Goulbourn (LT379077).

The severed lands (Parts 1 and 5) have 66.3m of frontage on Iber Road and a lot area of 4,503 m<sup>2</sup>. The retained lands (Parts 2-4) have 13.7 m of frontage on Iber Road and a lot area of 8,998.7 m<sup>2</sup>.

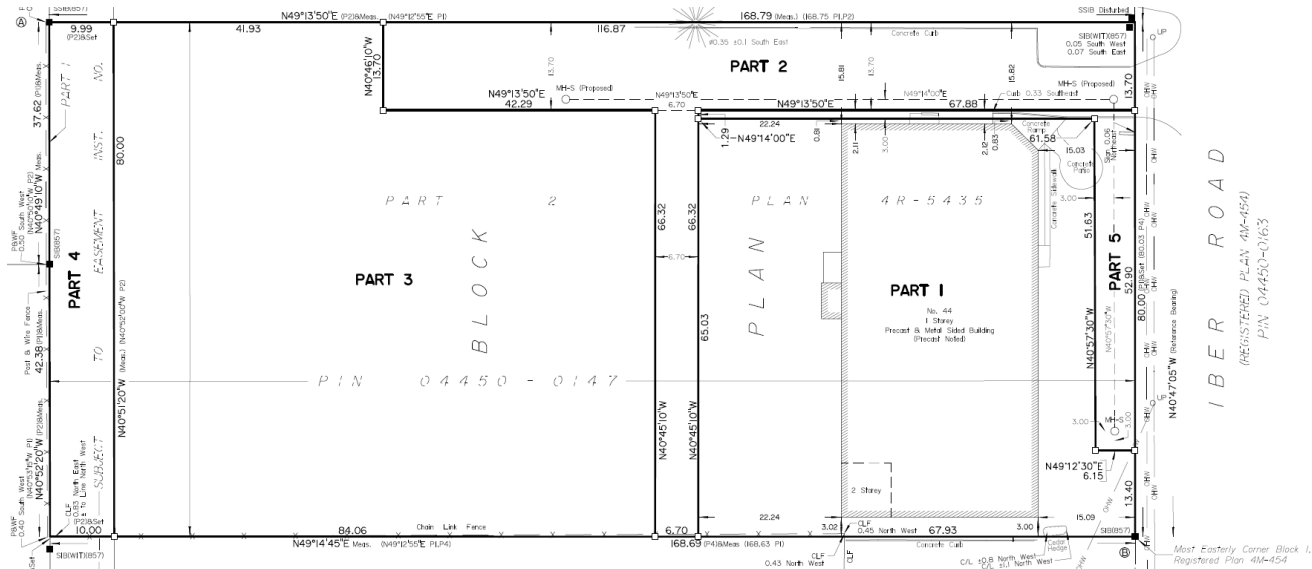


Figure 3: Draft Plan 4R-XXXX

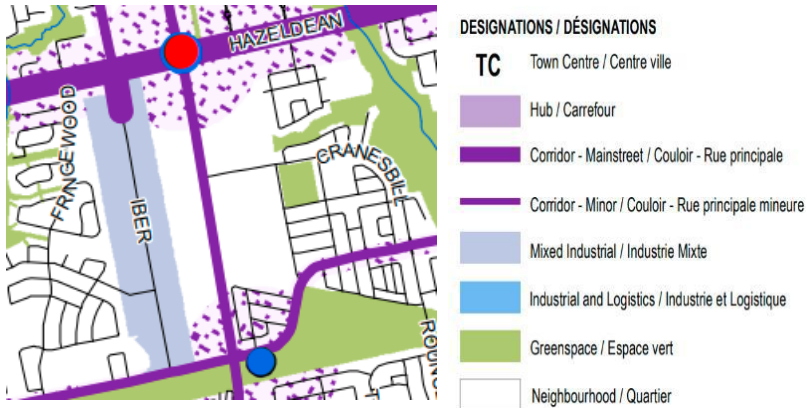
**City of Ottawa Policy Documents**

**Official Plan**

The Subject Property is designated “Mixed Industrial” within the Suburban (West) Transect of the Official Plan as shown on Schedule B5 of the City of Ottawa Official Plan (see Figure 4 below). In accordance with Section 6.5 of the Official Plan, the goals of the policies applicable to the Mixed Industrial designation are to:

1. preserve land for uses that require a business park environment for their operation;
2. act as a transition between neighbourhoods and industrial areas; and

- 3. permit small scale neighbourhood-based uses along the edge of Mixed Industrial areas where they interface with neighbourhoods.



**Official Plan / Plan officiel**

Schedule B5 - Suburban (West) Transect  
Annexe B5 - Transect Secteur suburbain (ouest)

Figure 4: Excerpt from Official Plan Schedule B5

**City of Ottawa Comprehensive Zoning By-law No. 2008-250**

The Subject Property is zoned IL [1559] – Light Industrial, Exception 1559, as shown in Figure 5 below:

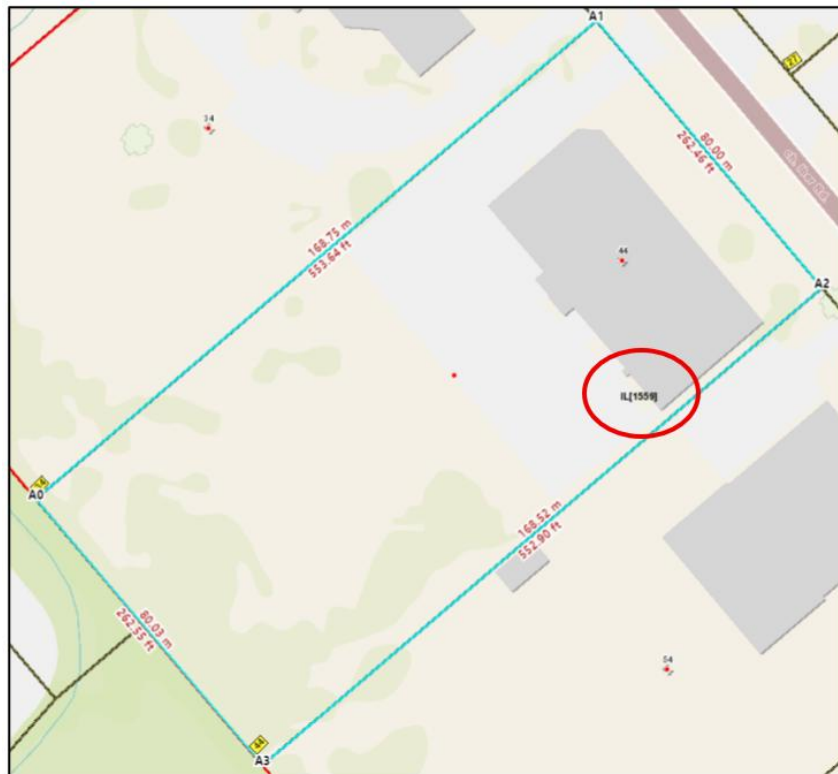


Figure 5: Zoning designation for 44 Iber Road (Source: GeoOttawa)

The purpose of the IL Zone is to:

1. permit a wide range of low impact light industrial uses, as well as office and office-type uses in a campus-like industrial park setting, in accordance with the Employment Area designation of the Official Plan or, the General Urban Area designation where applicable;
2. allow in certain Employment Areas or General Urban Areas, a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites on individual pads or in groupings as part of a small plaza, to serve the employees of the Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic;
3. prohibit retail uses in areas designated as Employment Area but allow limited sample and showroom space that is secondary and subordinate to the primary use of buildings for the manufacturing or warehousing of the product;
4. prohibit uses which are likely to generate noise, fumes, odours, or are hazardous or obnoxious; and
5. provide development standards that would ensure compatibility between uses and would minimize the negative impact of the uses on adjacent non-industrial areas.

No minor variances are requested. There are no minimums for lot width or lot area in the IL Zone, as demonstrated in Figure 6 below and the property is considered one lot for zoning purposes:

**TABLE 203 - IL ZONE PROVISIONS**

I ZONING MECHANISMS		II PROVISIONS
(b) Minimum lot width		No minimum
(i) Minimum width of landscaped area	(i) abutting a residential or institutional zone	3 m; may be reduced to one metre if a 1.4 metre high opaque screen is provided
	(ii) abutting a street	3 m
	(iii) in all other cases	No minimum

**Figure 6: Excerpt of Table 203 – IL Zone Provisions**

As noted, the IL Zone benefits from the “One Lot for Zoning Purposes” provision of Section 93 of the Zoning By-law. Section 93(1) states:

- (1) A group of occupancies located in an AM – Arterial Mainstreet Zone, GM – General Mixed Use Zone, LC – Local Commercial Zone, MC – Mixed-Use Centre Zone, MD – Mixed-Use Downtown Centre Zone, IG – General Industrial Zone, IH – Heavy Industrial Zone, IL – Light Industrial Zone, or IP – Business Park Industrial Zone, or RC – Rural Commercial Zone that: (By-law 2013-58)
  - a) are designed, developed and managed, including site access and infrastructure servicing, as a unit whether by a single owner or a group of owners or tenants acting in collaboration;
  - b) are made up entirely of uses permitted or lawfully non-conforming on the site, and has either:
    - i. a common parking lot or parking garage or a combination thereof; or
    - ii. a group of parking lots or parking garages or a combination thereof which are managed as a unit by the same owner, owners or tenants of the occupancies required in clause

(a) above, and are on the same lot or lots as the occupancies required in clause (a) above;

shall be considered as one lot for the purposes of applying zoning provisions and regulations. (OMB Order, File #PL080959 issued June 1, 2010).

### Consent to Sever

The Committee has the authority to grant the consent for the requested lot pursuant to Sections 50(3)(f) and 53(1) of the *Planning Act* as follows:

#### Subdivision control

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land;

#### Consents

53. (1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser'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. 2021, c. 25, Sched. 24, s. 4 (1).

Section 50(3) states that a transfer may occur if consent is given and a consent may be given if a plan of subdivision is not necessary. We submit that both conditions are satisfied by the current application.

When considering a consent application, the criteria stated in Section 51(24) of the *Planning Act* must be considered.

#### Criteria

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)-(m).

Below is an analysis of the criteria as they relate to the application.

Planning Act section 51(24)	Rationale
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	None of the provincial interests enumerated in section 2 of the <i>Planning Act</i> are negatively impacted by the proposed parcel or easement.

(b) whether the proposed subdivision is premature or in the public interest;	The proposed consent is not premature as the Subject Property is municipally serviced and site plan approved for future development.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	The proposed new lot conforms to the Official Plan.
(d) the suitability of the land for the purposes for which it is to be subdivided;	The proposed use complies with the existing zoning. The lands have been developed with an industrial building since 1987. A second building is site plan approved for construction at the rear for similar light industrial use.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;	No housing units, affordable or otherwise, are proposed.
(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;	No new public highways are required for the creation of the separate parcel or easement.
(f) the dimensions and shapes of the proposed lots;	The proposed lots are regularly shaped and will be treated as one lot for zoning purposes.
(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;	The Subject Property is site plan control approved for the construction of a new 1-storey warehouse building. The Site Plan approval is valid until 2028.
(h) conservation of natural resources and flood control;	Not of concern.
(i) the adequacy of utilities and municipal services;	Adequate municipal infrastructure and services as well as public utilities are in place.
(j) the adequacy of school sites;	Not of concern as no residential uses are proposed.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	No public dedications are anticipated as part of the consent.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	Not of concern.
(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 <i>City of Toronto Act, 2006</i> .	The Subject Property is site plan control approved for the construction of a new 1-storey warehouse building. The Site Plan approval is valid until 2028. The proposed severed parcel will include an easement for the installation and maintenance of a sanitary sewer.

### Tree Conservation Report

A Tree Conservation Report was approved through the Site Plan Approval and will be updated in consultation with Nancy Young, the City's Planning Forester.

### Enclosures

In support of this application, please find enclosed the following:

1. Completed and Executed Application for consent
2. Draft Reference Plan 4R-XXXX
3. Authorization of Soloway Wright LLP to submit the Application
4. Drawing L1 – 46 Iber Road, Application No. D07-12-17-0146
5. Parcel Abstract for the Subject Property – PIN 04450-0147 (LT)
6. Our firm cheque in the amount of \$3,656 (one Primary Consent), reflecting the application of a \$270.00 credit.
7. Email correspondence from Michel Bellemare confirming application of \$270.00 credit to refund additional certificate fee.

Please do not hesitate to contact me should you have any questions or concerns regarding the Application or this submission. We look forward to the assignment of a hearing date after the updated TCR is submitted.

Yours very truly,



Krista Libman  
KML/TBB

cc.

Craig Whitten  
Lisa Burke