

**DECISION**  
**CONSENT/SEVERANCE AND MINOR VARIANCE**

**Date of Decision:** March 13, 2026  
**Panel:** 3 - Rural  
**Files:** D08-01-25/B-00292  
D08-02-25/A-00280  
**Applications:** Consent under section 53 of the *Planning Act*  
Minor Variance under section 45 of the *Planning Act*  
**Applicant:** N. Zaidi  
**Property Address:** 1570 River Road  
**Ward:** 20 - Osgoode  
**Legal Description:** Part of Lot 8, Concession 1, Geographic Township of  
Osgoode  
**Zoning:** RR2  
**Zoning By-law:** 2008-250  
**Heard:** March 3, 2026, 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, to create one new lot for future residential development, as shown on plans filed with the applications.

**CONSENT REQUIRED**

[2] The Applicant seeks the Committee's consent to sever land. 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:

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part No.	Building
B-00292	44 m	317.08 m	12,914.2 sq. m	1	Vacant lot
Retained	63.23 m	419.84 m	24,761.8 sq. m	2	Detached dwelling (1570 River Road)

- [3] The proposal does not comply with the Zoning By-law and therefore a minor variance application has also been filed.

### REQUESTED VARIANCE

- [4] The Applicant seeks the Committee of Adjustment's authorization for a minor variance-from the Zoning By-law as follows:

**A-00280: Part 1 on draft 4R-Plan, proposed vacant lot:**

- a) To permit a reduced lot width of 40.48 metres, whereas the By-law requires a minimum lot width of 50 metres.
- [5] The property is not the subject of any other current application under the *Planning Act*.

### PUBLIC HEARING

- [6] On February 3, 2026, the hearing of the applications was adjourned to allow time for the Applicant to revise their plans.

### Oral Submissions Summary

- [7] Patricia Warren and Matt McElligott, agents for the Applicant, provided an overview of the applications.
- [8] City Planner Shoma Murshid confirmed the City has no concerns regarding the applications.
- [9] Ms. Warren and Mr. McElligott expressed concerns regarding two conditions outlined in the City's Planning Report. The first condition requires evidence that the existing dwelling would meet the limited distance separation requirements under the Ontario Building Code. The second condition requires the demonstration of independent services to the satisfaction of the Chief Building Official, with the

option of obtaining a plumbing permit, if necessary. Ms. Warren and Mr. McElligott requested that the Committee not impose those conditions.

- [10] Ms. Warren explained that the dwelling is setback 14.2 metres from the new property line and the north side elevation represents the attached garage which has limited openings. She believed the setback and the garage's location address the intent of the limited distance separation analysis, therefore not requiring it as a condition of approval.
- [11] Ms. Warren also explained that the existing dwelling and the proposed lot would both be privately serviced and that the condition requested by the Chief Building Official was similar to the proof of independent services condition required by the City's Planning Services. In her opinion, the duplication of the condition was redundant.
- [12] In response to questions from the Committee, Ms. Warren confirmed that she was aware of the comment from the Rideau Valley Conservation Authority's septic office questioning the location of the existing septic system. Ms. Warren confirmed that once the snow melted, the location of the system would be confirmed. Ms. Warren also acknowledged that if the location of the septic does not comply with the required setbacks, the proposal would need to be modified through a new application.
- [13] In response to the Panel's questions, Ms. Murshid indicated that the City's Building Code Services would prefer to include the conditions.
- [14] The Panel made a finding that the City's requested Building Code Services conditions relating to evidence of independent services and limited distance separation requirements were not reasonable and necessary, and therefore would not be imposed.

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

- **CONSENT APPLICATION GRANTED**
- **MINOR VARIANCE APPLICATION GRANTED**

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

- [15] 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 Planning Statement, 2024*, 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**

[16] 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.

### **Evidence**

[17] 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 abstract, plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 27, 2026, with no concerns; February 26, 2026, with no concerns; January 29, 2026, with no concerns.
- Rideau Valley Conservation Authority Septic Office email dated February 23, 2026, with objections; January 27, 2026, with objections.
- Rideau Valley Conservation Authority email dated February 23, 2026, with no objections.
- Hydro Ottawa email dated February 25, 2026, with no comments; January 28, 2026, with no comments.

### **Effect of Submissions on Decision**

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

[19] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the City's requested conditions. As stated at the hearing, the Committee finds, based on the evidence, that the City's requested Building Code Services conditions relating to evidence of independent services and limited distance separation requirements are not reasonable and necessary, and will not be imposed.

[20] Based on the evidence, the Committee is satisfied that the proposal is consistent with the *Provincial Planning Statement, 2024*, that promotes building homes, sustaining strong communities; providing infrastructure and public service facilities

in an efficient manner while accommodating projected needs; the wise use and management of resources; and, protecting public health and safety.

- [21] 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.
- [22] 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.
- [23] 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.
- [24] Based on the evidence, the Committee is also satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [25] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance is, 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.
- [26] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal supports intensification in the Outer Urban Transect and respects the character of the neighbourhood.
- [27] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [28] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [29] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted, and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [30] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the requested minor variance application is granted and the variance to the Zoning By-law is authorized.

*Absent*  
TERENCE OTTO  
VICE-CHAIR

*Absent*  
GARY DUNCAN  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
ACTING PANEL CHAIR

*"Jocelyn Chandler"*  
JOCELYN CHANDLER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 13, 2026**.

*"Michel Bellemare"*  
MICHEL BELLEMARE  
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 April 2, 2026**.

- **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](#)

## NOTICE TO APPLICANTS

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**  
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## APPENDIX "A"

1. The Owner(s) provide evidence that the accompanying minor variance application (D08-02-25/A-00280) has been approved, with all levels of appeal exhausted.
2. That the Owner(s) submit a request for municipal addresses for each parcel, as required, to be assigned by the City, **to the satisfaction of the Chief Building Official, or their designate**. Confirmation of the assigned municipal addresses shall be provided in writing from Municipal Addressing, Building Code Services, to the Committee.
3. That the Owner(s) provide 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 parcel has its own well, independent private sewage system, and storm/foundation drainage and that they do not cross the proposed severance line. If the systems do cross, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required, at their own cost, to relocate the existing systems or construct new systems.
4. That the Owner(s) provide a Hydrogeological and Terrain Analysis report, **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**. The report shall be prepared by a licensed Professional Geoscientist (P.Geo.) or Professional Engineer (P.Eng.) and be in accordance with the City of Ottawa's council-approved Hydrogeological and Terrain Analysis Guidelines (March, 2021), as amended. The reporting must provide sufficient information with the application to demonstrate:
  - That sufficient quantity of groundwater exists on the site to service the development,
  - That the quality of the groundwater meets or exceeds the drinking water standards and guidelines referenced in the City's council-approved Hydrogeological and Terrain Analysis Guidelines (March, 2021), as amended, and
  - That the operation of sewage systems on the lots will not adversely impact on wells to be constructed or on the wells of neighboring properties.

Where groundwater water quantity or quality are considered marginal, as many as one test well per lot may be required to demonstrate the adequacy of the aquifer to support the proposed development. Technical Pre-Consultation with the City's Hydrogeological staff is highly recommended for sites where quantity or quality are marginal, where dug wells are contemplated, or where the site is likely to be hydrogeologically sensitive.

If the accepted report recommends specific mitigation measures or design requirements, the Owner(s) shall enter into a Development Agreement with the City, at the expense of the Owner(s), to include those recommendations and such agreement shall be registered on title. In instances where the subject site is hydrogeologically sensitive, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required to ensure that the measures are implemented in accordance with the recommendations of the approved hydrogeological reporting. Both the report and any required Development Agreement shall be prepared **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 an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners 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 property is located next to lands that have an existing source of environmental noise (arterial road) and may therefore be subject to noise and other activities associated with that use.”

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

6. Pursuant to clause 51(25)(c) of the *Planning Act* and Schedule C16 of the City’s Official Plan, the Owner conveys to the City, at no cost to the City, an unencumbered road widening across the complete River Road frontage of the lands, measuring **15 meters** from the existing centerline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, **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 widening. The Committee shall be provided written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
7. 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 to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate**.

8. 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 severance for which the Consent is required to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate**.