

2026-01-08

City of Ottawa | Ville d'Ottawa
Comité de dérogation



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 3405 Uplands Drive, 1 Finch Private and 60 Finch Private
Legal Description: Block N, O, P and Q, registered Plan 4M-153 and Part of Lot 5, Concession 2, Rideau Front, as in OT45289
File No.: D08-01-25/B-00263 to B-00264
Report Date: January 8, 2026
Hearing Date: January 13, 2026
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood Transect
Zoning: R4M, R5B H(18)

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has concerns with** the applications.

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have concerns with the proposed consent.

Staff have concerns with the application, specifically with the requested blanket easement over Parts 1, 3, 6 and 11 to 17, in favour of Parts 2, 4, 5 and 7 to 10, for servicing. Staff prefer that servicing easements be part specific easements, and not blanket easements that cover the lands as a whole. However, should the Committee of Adjustment choose to approve the application as submitted, Staff would request that the recommended condition requiring a Restrictive Covenant be imposed.

Alternatively, to avoid a Restrictive Covenant, Staff would advise that the application be amended to request part-specific easements over the services. The Restrictive Covenant condition could be removed and Staff would recommend a joint use and maintenance agreement instead.

The subject properties are considered a Planned Unit Development, and 1 and 60 Finch is subject to an approved Site Plan Control application.

ADDITIONAL COMMENTS

Planning Forestry

Through pre-consultation, it was confirmed that there are no tree-related impacts associated with the requested consent.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Applications, as there are no proposed alterations or modifications to the private approach.

CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the applications:

1. The Owner agrees to make an application for a restrictive covenants under s. 119 of the *Land Titles Act*, R.S.O. 1990, c.L.5, as amended, and to register the restrictive covenant on title to the lands Municipally known as 3405 Uplands Drive and 1 and 60 Finch Private, currently described as Block N, O, P and Q, registered Plan 4M-153 and Part of Lot 5, Concession 2, Rideau Front, to the satisfaction of the General Manager, Planning, Development and Building Services, prior to the severance of the property. The Owner acknowledges and agrees that the restrictive covenant shall contain the following conditions, restrictions or covenants:
 - a. That no conveyance of any part of the subject lands to a subsequent owner shall be permitted, without the Owner providing confirmation to the City that reciprocal easements in perpetuity have been established between the future severed and retained properties, in order to permit access and use thereof for the purpose of Servicing the properties and all required maintenance and repair of said services and other such matters deemed appropriate at the time. It is understood that the Owner may have to provide a solicitor's undertaking to the City once the form of easement has been approved by the City, guaranteeing registration of such easement to occur immediately following registration of such transfer, with proof to be provided to the City.
 - b. That conveyance of any part of the subject lands to a subsequent owner shall not occur, unless and until a cost sharing or joint use and maintenance

agreement between the Parties for the site servicing, as may be deemed necessary by the General Manager, Planning, Development and Buildings Services, has been registered on title to the affected lands. The agreement shall contain a clause requiring subsequent purchasers to enter into an assumption agreement that transfers all legal and financial obligations required under the said cost sharing agreement or joint use and maintenance agreement.

- c. The Owner shall include a clause in any agreement of purchase and sale to inform prospective purchasers of the restrictive covenant registered on title and the requirement for municipal approval to facilitate the creation of reciprocal easements upon the conveyance of land.
- d. The restrictive covenant shall place a prohibition on the release or partial release of any and all Development Agreements registered on title to the subject lands unless prior authorization is provided by the City.
- e. The restrictive covenant shall run with the lands for a period of time no less than fifty years.
- f. The restrictive covenant shall not be deleted without the prior written consent of the General Manager, Planning, Development and Building Services.
- g. Upon registration of the reciprocal easements and any cost sharing or joint use and maintenance agreements as may be required, to the satisfaction of the General Manager, Planning, Development and Building Services, the Owner may apply to delete the restrictive covenant from title with the City's consent.

The Owner acknowledges and agrees to provide to the City a copy of the restrictive covenant for review and approval by the City Solicitor prior to registration of the said restrictive covenant.

The Owner acknowledges and agrees that all costs associated with the preparation, registration and deletion of the restrictive covenant shall be the Owner's responsibility.

- 2. That the Owner(s) provide a servicing plan or other 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 building and/or unit on the severed and retained parcels has its own independent water,

sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) may be required to obtain all necessary approvals from the Ontario Ministry of Environment, Conservation and Parks, the approval of the Committee to grant easement(s) for access and maintenance of the services, and/or to register on title, a Joint Use and Maintenance Agreement, between the Owners of the services, which shall be at their own costs.



Elizabeth King
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



James Ireland
Planner III, Development Review All Wards
Planning, Development and Building
Services Department