

DECISION
CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision: January 23, 2026
Panel: 2 - Suburban
File: D08-01-25/B-00102 & D08-01-25/B-00103
D08-02-25/A-00120 & D08-02-25/A-00122
Applications: Consent under section 53 of the *Planning Act*
Minor Variance under section 45 of the *Planning Act*
Applicants: F. Azzi and A. Chalhoub
Property Address: 1307 Heron Road
Ward: 18 - Alta Vista
Legal Description: Lot 2, Registered Plan 607
Zoning: R10
Zoning By-law: 2008-250
Heard: January 13, 2026, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to subdivide their property into two separate parcels of land for the construction of two two-storey detached dwellings, with two additional dwelling units in each building, as shown on plans filed with the Committee. The existing dwelling will be demolished.
- [2] At the scheduled hearing on June 3, 2025, the Committee adjourned the applications to allow the Applicants time to revise both their plans and requested variances.

CONSENT REQUIRED

- [3] The Applicants seek the Committee's consent to sever land and for grants of easements/rights of way. The property is shown as Parts 12 to 22 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.	Municipal Address
B-00102	11.43 m	30.48 m	347.4 sq. m	12 to 16, 18	1305 Heron Road (Proposed dwelling)
B-00103	11.43 m	30.48 m	347.8 sq. m	17, 19 to 22	1307 Heron Road (Proposed dwelling)

[4] It is proposed to establish easements/rights of way as follows:

- Over Parts 16 and 18 in favour of Parts 17 and 19 to 22 for access and maintenance.
- Over Parts 17 and 19 in favour of Parts 12 to 16 and 18 for access and maintenance.

[5] The Applications indicate the property is subject to an existing easement as set out in Instrument OT11883.

[6] The proposal does not comply with the Zoning By-law and therefore minor variance applications have also been filed.

REQUESTED VARIANCES

[7] The Applicants seek the Committee of Adjustment's authorization for minor variances from the Zoning By-law as follows:

A-00120: 1305 Heron Road, Parts 12 to 16 and 18, proposed detached dwelling:

- a) To permit a reduced lot area of 347.4 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- b) To permit a reduced lot width of 11.4 metres, whereas the By-law requires a minimum lot width of 15 metres.
- c) To permit a reduced setback for a rooftop access of 0 metres from the rear exterior wall of the dwelling, whereas the By-law requires a minimum setback equal to the height of the rooftop access.
- d) To permit a reduced rear yard area of 78.85 square metres or 22.7% of the lot area, whereas the By-law requires a minimum rear yard area of 86.85 square metres or 25% of the lot area.

- e) To permit a reduced rear yard setback of 21.68% of the lot depth or 6.61 metres, whereas the By-law states that the minimum required rear yard setback is 28% of the lot depth or 8.53 metres.

**A-00122: 1307 Heron Road, Parts 17 and 19 to 22 on Draft 4R- Plan,
proposed detached dwelling:**

- f) To permit a reduced lot area of 347.8 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- g) To permit a reduced lot width of 11.43 metres, whereas the By-law requires a minimum lot width of 15 metres.
- h) To permit a reduced setback for a rooftop access of 0 metres from the rear exterior wall of the dwelling, whereas the By-law requires a minimum setback equal to the height of the rooftop access.
- i) To permit a reduced rear yard area of 77.51 square metres or 22.3% of the lot area, whereas the By-law requires a minimum rear yard area of 86.9 square metres or 25% of the lot area.
- j) To permit a reduced rear yard setback of 21.36% of the lot depth or 6.51 metres, whereas the By-law states that the minimum required rear yard setback is 28% of the lot depth or 8.53 metres.

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

PUBLIC HEARING

Oral Submissions Summary

- [9] Chang Sun, agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [10] Responding to the Panel's questions, Mr. Sun highlighted that the proposed buildings were shifted toward the rear lot line due to the right of way protection zone affecting the front of the property, but the proposal would still comply with the minimum 15% rear yard landscaping requirement. He also confirmed that the proposal meets the minimum parking requirement, and the proposed roof terrace would provide private amenity space for residents.
- [11] City Planner Elizabeth King confirmed that the City had no concerns with the applications.

[12] The Committee also heard oral submissions from the following individual:

- S. Burke, resident, highlighted concerns about a proposed garbage enclosure adjacent to his rear yard; rear yard parking; snow removal; the density of the development and its impact on the character of the neighborhood; and, the enjoyment of his property and his rear yard amenity space in particular.

[13] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE:

- **CONSENT APPLICATIONS GRANTED**
- **MINOR VARIANCE APPLICATIONS GRANTED IN PART**

Consent Application Must Satisfy Statutory Tests

[14] 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):

Minor Variance Application Must Satisfy Statutory Four-Part Test

[15] 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.

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).

Evidence

[16] 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, tree information report, photo of the posted sign, and a sign posting declaration.

- City Planning Report received January 8, 2026, with no concerns.
- Rideau Valley Conservation Authority email received January 8, 2026, with no objections.
- Hydro Ottawa email received January 8, 2026, with comments.
- A. and F. D'Silva residents email received January 12, 2026, with comments.

Effect of Submissions on Decision

- [17] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications, in part.
- [18] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the requested conditions of provisional consent agreed to by the Applicants' agent.
- [19] 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.
- [20] 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.
- [21] 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.
- [22] 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.
- [23] Based on the evidence, the Committee also finds that variances (a), (b), (c), (d), (f), (g), (h), and (i) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [24] The Committee also notes that no compelling evidence was presented that variances (a), (b), (c), (d), (f), (g), (h), and (i) would result in any unacceptable adverse impact on neighbouring properties.
- [25] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, variances (a), (b), (c), (d), (f), (g), (h), and (i) 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.

- [26] The Committee also finds that variances (a), (b), (c), (d), (f), (g), (h), and (i) maintain the general intent and purpose of the Official Plan because the proposal generally respects the character of the area.
- [27] In addition, the Committee finds that variances (a), (b), (c), (d), (f), (g), (h), and (i) maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is generally compatible with the surrounding area.
- [28] Moreover, the Committee finds that variances (a), (b), (c), (d), (f), (g), (h), and (i), both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting property or the neighbourhood in general.
- [29] Conversely, based on the evidence, the majority of the Committee (Panel Chair F. Poulin and Member H. MacLean dissenting) is not satisfied that variance (e) and (j) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [30] Specifically, the majority of the Committee is not satisfied that variances (e) and (j) maintain the general intent and purpose of the Zoning By-law or that these comparatively significant reductions from the minimum rear yard setback would not cause undue adverse impacts on abutting property owners to the rear.
- [31] **THE COMMITTEE OF ADJUSTMENT 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.
- [32] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance applications are granted in part and requested variances (a), (b), (c), (d), (f), (g), (h) and (i) to the Zoning By-law are authorized. Variances (e) and (j) are not authorized.

"Fabian Poulin"
(With noted dissent)
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
(With noted dissent)
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **January 23, 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 February 12, 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. 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, 4th 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 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.

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APPENDIX "A"

1. The Owner(s) provide evidence that requested variances (a), (b), (c), (d), (f), (g), (h) and (i) of the accompanying minor variance applications (D08-02-25/A-00120 & D08-02-25/A-00122) have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, and the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or designates**, that the existing dwelling been demolished or relocated under the authority of a building permit.
3. 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.
4. 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.

5. 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.
6. The Owner(s) shall prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
7. 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 common driveways.

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.

8. 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 Insert ROW Name, 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.
9. That the Owner(s) provide a Site Servicing Study/Brief, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, outlining the municipal servicing requirements, including fire flow requirement, for each unit and indicating, if required, that capacity exists within existing City infrastructure. The study shall be to the

satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

10. 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 Heron Road frontage of the lands, measuring 22.25 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.
11. That the Owner/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. A development agreement is to be registered on title of the property (where applicable). The agreement/LOU will include the tree protection and mitigation requirements detailed in the Tree Protection By-law and the approved Tree Information Report (or any approved revisions), and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (Tree(s) 1) shall be retained for [two (2)] years following issuance of a final occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable. The Owner(s) acknowledge(s) and agree(s) that if, in the opinion of the City Forester and/or the Manager of Development Review All Wards Branch, the report indicates that any tree is declining and/or must be removed, the security for that tree, in its entirety, will be forfeited.
12. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.
13. 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.**

5. 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 the conveyances for which the consent is required to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**