

DECISION
CONSENT/SEVERANCE

Date of Decision: January 23, 2026
Panel: 2 - Suburban
Files: D08-01-25/B-00263 to B-00264
Application: Consent under section 53 of the *Planning Act*
Applicant: Ottawa Community Housing Corporation
Property Address: 3405 Uplands Drive, 1 and 60 Finch Private
Ward: 16 - River
Legal Description: Block N, O, P and Q, registered Plan 4M-153 and Part of Lot 5, Concession 2, Rideau Front, as in OT45289
Zoning: R5B H (18)
Zoning By-law: 2008-250
Heard: January 13, 2026, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

[1] The subject property includes a planned unit development. The Applicant wants to subdivide its property into two separate parcels of land to create a new lot for a six-storey apartment building currently under construction. The existing townhouse dwellings will remain on the other lot.

CONSENT REQUIRED

[2] The Applicant seeks the Committee’s consent to sever land, to enter into a joint use and maintenance agreement, and for grants of easements/rights of way. The property is shown as Parts 1 to 17 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-00263	Irregular	Irregular	15,117.1 sq. m	1, 3, 6, 11 to 17	3405 Uplands Drive (townhouse dwellings)

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00264	40.43 m	Irregular	1,971.5 sq. m	2, 4, 5, 7 to 10	1 and 60 Finch Private (apartment building)

- [3] It is proposed to establish an easement/right of way over Parts 1 and 11 in favour of Parts 2, 4, 5 and 7 to 10, for access and parking.
- [4] It is also proposed to establish a blanket easement over Parts 1, 3, 6 and 11 to 17, in favour of Parts 2, 4, 5 and 7 to 10, for servicing.
- [5] The property is also the subject of a current validation certificate application (D08-04-25/T-00001) under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [6] Kenneth Blouin and Saide Sayah, agents for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Blouin asked that the condition requested in the City's Planning Report requiring proof of independent services be amended to recognize that blanket servicing easements are proposed.
- [7] Brian Hebert, also acting as agent for the Applicant, explained that the City's requested condition requiring a restrictive covenant would prevent the conveyance of either parcel to a new owner without first registering defined service easements and a joint use and maintenance agreement, adding that it was not the intent to sell the property to a third party, nor would this be permitted without the City's approval. Since the services would be shared, he requested that the servicing condition be revised to only require the necessary approvals from the Ministry of the Environment, Conservation and Parks.
- [8] City Planner Elizabeth King summarized the City's concerns with the proposed blanket easement for servicing and requested that the condition requiring a restrictive covenant be imposed to address these concerns. City Planner James Ireland agreed to the revisions to the wording of the servicing condition proposed by the Applicant's agents.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application Must Satisfy Statutory Tests

- [10] 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).

Evidence

[11] 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, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 8, 2026, with concerns.
- Rideau Valley Conservation Authority email received January 8, 2026, with no objections.
- Hydro Ottawa email received January 8, 2026, with comments.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [13] The Committee notes that the City’s Planning Report raises “concerns” regarding the applications, specifically related to the proposed blanket easements for services, but that these concerns are addressed by the agreed upon conditions of provisional consent.
- [14] 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.
- [15] 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.
- [16] 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.

- [17] 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.
- [18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the applications are granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
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 shall 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 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. As the services are shared, the Owner(s) shall obtain all necessary approvals from the Ontario Ministry of Environment, Conservation and Parks to the satisfaction of the Development Review Manager, Planning, Development and Building Services, or their designate.
3. 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.**
4. 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 Conveyance for which the Consent is required to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**