

2026-01-08

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 1301 Heron Road  
Legal Description: Lot 3, Registered Plan 607  
File No.: D08-01-25/B-00100 & D08-01-25/B-00101  
D08-02-25/A-00118 & D08-02-25/A-00119  
Report Date: January 8, 2026  
Hearing Date: January 13, 2026  
Planner: Elizabeth King  
Official Plan Designation: Outer Urban Transect, Neighbourhood,  
Evolving Neighbourhood Overlay, Minor Corridor  
Zoning: R1O

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no 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 no concerns with the proposed consent.

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

## ADDITIONAL COMMENTS

### Planning Forestry

Through pre-consultation, the applicant updated their proposed design to minimize impacts and permit the retention of existing trees on the adjacent property at 1295 Heron

Across both sites, the proposed development will require the removal of four protected trees, subject to the planting of six replacement trees and payment of the appraised value of the two City trees (#2 & 5 in the TIR).

Currently, the TIR proposes five new trees in the frontage and right-of-way of 1301 Heron. The planting plan should be revised to provide some new trees in the rear yard and ensure that the proposed trees do not conflict with overhead wires.

### Right of Way Management

The Right of Way Management Department has no concerns with the Consent Applications or the Minor Variance Application. However, the Owner shall be made aware that private approach permits are required to establish the shared access between 1301A and 1301B Heron Road. Similarly, private approach permits are necessary to create the shared parking arrangement between 1307A and 1307B Heron Road. For further information, contact the Right-of-Way Management Department at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca) or visit the City of Ottawa's Driveways webpage [Driveways | City of Ottawa](#) to submit the Private Approach applications.

### Transportation Engineering

Note Schedule C16 ROW Protection of 44.5m of Heron Road between Data Center Road and Walkley Road.

## CONDITIONS

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

1. 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.
2. 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.

3. 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.

4. 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.

5. 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 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 recommended in the approved study. The Agreement shall also deal with any 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.
6. 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.

7. 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.
8. 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.

9. 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.
10. 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.
11. 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.



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Planning, Development and Building  
Services Department



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James Ireland  
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