

**DECISION**  
**CONSENT/SEVERANCE**

**Date of Decision:** January 23, 2026  
**Panel:** 3 - Rural  
**File:** D08-01-2025/B-00265  
**Application:** Consent under section 53 of the *Planning Act*  
**Applicant:** L. Murphy  
**Property Address:** 1180 Murphy Side Road  
**Ward:** 5 - West Carleton-March  
**Legal Description** Part of Lot 20, Concession 3, Geographic Township of March  
**Zoning** RU  
**Zoning By-law:** 2008-250  
**Heard:** January 13, 2026, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION**

[1] The Applicant wants to subdivide the property to create one new lot for future residential development, as shown on plans filed with the Committee. The existing farm dwelling and agricultural land will remain.

**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 application and the separate parcels will be as follows:

*Table 1 Proposed Parcels*

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00265	75 metres	78.5 metres	1.9 Hectares	1 & 2	2080 Old Second Line

File No.	Frontage	Depth	Area	Part No.	Municipal Address
Retained	608 metres	Irregular	71 Hectares		1180 Murphy Side Road

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

## PUBLIC HEARING

### Oral Submissions Summary

- [4] Morgan Jones, agent 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.
- [5] In response to a written comment received, Mr. Jones clarified that any site alterations must be carried out in such a way that they do not have a negative impact on the drainage of neighbouring properties.
- [6] City Planner Wendy Yang confirmed she had no concerns with the application.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

### Application Must Satisfy Statutory Tests

- [7] 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**

[8] 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:

- Application and supporting documents, including planning rationale, pre-consultation comments with the City's Planning Department, minimum

distance separation calculation, parcel abstract, area certificate, plans, photo of the posted sign, and a sign posting declaration.

- City Planning Report received January 8, 2026, with no concerns.
- Mississippi Valley Conservation Authority email dated January 9, 2026, with no objections.
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- Hydro Ottawa email dated January 8, 2026, with comments.
- K. Crowe, resident, email dated January 12, 2026, with comments.

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

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, subject to the requested conditions agreed to by the Applicant's agent.
- [11] Regarding concerns raised by a resident about future residential development and its impact on grading and drainage in the area, the Committee notes that no such issues were identified in the City planning report and that matters related to grading and drainage of new residential development are addressed at the building permit stage.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.

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

*"Terence Otto"*  
TERENCE OTTO  
VICE-CHAIR

*Absent*  
GARY DUNCAN  
MEMBER

*Absent*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
MEMBER

*"Jocelyn Chandler"*  
JOCELYN CHANDLER  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
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](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 APPLICANT

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**  
City of Ottawa  
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[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
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613-580-2436

**APPENDIX A**

1. 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.
2. 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:
  - a) That sufficient quantity of groundwater exists on the site to service the development,
  - b) 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
  - c) 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**.

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

4. 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 property is located next to lands that have an existing source of environmental noise (collector 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.

5. 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 Old Second Line Road 13 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.
6. 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.**
7. 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.**