

Subject: New Private Approach By-law

File Number: ACS2026-PDB-RHU-0015

Report to Public Works and Infrastructure Committee on 26 February 2026

and Council 11 March 2026

**Submitted on February 17, 2026 by Court Curry, Director, Right of Way, Heritage,
and Urban Design Services, Planning, Development and Building Services
Department**

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Ward: Citywide

Objet : Le nouveau Règlement sur les voies d'accès privées

Dossier : ACS2026-PDB-RHU-0015

Rapport au Comité de l'infrastructure et des travaux publics

le 26 février 2026

et au Conseil le 11 mars 2026

**Soumis le 17 février 2026 par Court Curry, Directeur, Services des emprises, du
patrimoine, et du design urbain, Direction générale des services de la
planification, de l'aménagement et du bâtiment**

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the Public Works and Infrastructure Committee recommend that Council:

1. Approve the repeal of the Private Approach By-law (2003-447).
2. Enact the Access By-law as described in this report and in a form similar to the draft by-law set out in Document 1 to be in effect upon the passing of said by-law.
3. Approve the amendments to the following by-laws in conjunction with enactment of the Access By-law as described in this report and set out in Documents 4 to 6 to be in effect upon the passing of the new Access By-law:
 - a) Use and Care of Roads By-law (By-law No. 2003-498)
 - b) Road Activity By-law (By-law No. 2003-445)
 - c) Encroachment By-law (By-law No. 2003-446)

RECOMMANDATION(S) DU RAPPORT

Que le Comité de l'infrastructure et des travaux publics recommande au Conseil municipal :

1. d'approuver la révocation du *Règlement sur les voies d'accès privées* (n° 2003-447);
2. d'adopter le Règlement sur les voies d'accès selon les modalités exposées dans ce rapport et dont la forme est comparable à la version provisoire du Règlement reproduite dans la pièce 1, avec effet à la date à laquelle ledit règlement sera adopté;
3. d'approuver les modifications à apporter aux règlements municipaux suivants de concert avec la prise d'effet du Règlement sur les voies d'accès selon les modalités exposées dans ce rapport et dont font état les pièces 4 à 6 pour qu'il produise ses effets dès l'adoption du nouveau Règlement sur les voies d'accès :
 - a) Règlement sur l'utilisation et l'entretien des routes (n° 2003-498);
 - b) Règlement sur les travaux routiers (n° 2003-445);
 - c) Règlement sur les empiètements (n° 2003-446).

EXECUTIVE SUMMARY

Assumption and Analysis

The purpose of this report is to seek Council's approval to repeal and replace the current [Private Approach By-law](#) (No. 2003-447) with the proposed Access By-law as described in this report. The report likewise seeks approval for amendments to other by-laws affecting the right of way to align with the Access By-law.

The Private Approach By-law regulates the design, use and maintenance of private approaches in the city and establishes the authority and process for permit issuance. A private approach is an improved surface in the municipal right of way used to provide vehicular access from a public roadway to private property. The by-law was enacted in 2003 through an exercise to harmonize the numerous pre-amalgamation by-laws that governed the municipal right of way. Since that time, there have been minor amendments primarily focused on changes resulting from the enactment and further amendment of the Zoning By-law (By-law No. 2008-250). The associated fee schedule receives annual inflationary increases.

On June 28, 2023, Council approved the 2023-2026 By-law Review Workplan ([ACS-2023-EPS-PPD-0001](#)). The Private Approach By-law was identified as a review that aligns with ongoing City initiatives, notably the enactment of a new Zoning By-law. The new [Official Plan](#) (2022) likewise sets a new vision and strategic priorities for the city, with policies related to growing the urban tree canopy, improving stormwater management, and supporting active transportation. These policies have an impact on the municipal right of way, which in turn have an impact on the intent and regulatory considerations of the Private Approach By-law. In 2025, Council approved an initial phase of by-law amendments ([ACS2025-PDB-TP-0010](#)) that focused on administrative and enforcement provisions to bring the Private Approach By-law in line with the other by-laws that govern the municipal right of way.

The predominant challenge with the administration of the Private Approach By-law has been a general lack of public awareness and understanding of what the requirements are and why they are needed. The installation and widening of private approaches without prior review and approval from the City and the resulting problems is prevalent citywide. Widenings often occupy more than 50 per cent of a lot's frontage and in some cases, the entire right of way has been converted to hard surface. This results in a loss of space for snow storage as well as permeable surfaces to absorb stormwater, causing drainage issues that can lead to basement flooding and other property damage. The roots of trees are often impacted by digging and the loss of absorption in the soil can adversely impact a tree's ability to thrive. In some cases, trees are removed. When

curbs are lowered to accommodate additional parking spaces, there is typically a corresponding loss of an on-street parking space; the cumulative impact of that is felt in many neighbourhoods across the city.

Operational staff are similarly encountering issues with driveway culverts failing, either because they have been incorrectly sized or installed, not adequately maintained, or the surrounding ditch has been altered or filled. This is true in rural and older inner and outer urban areas alike and poses issues for stormwater management, the integrity of the ditch system, may cause safety issues and has led to private property damage. The extent of the impact of ditch alterations is described in a [Technical Memo](#) presented to Council alongside the update of the Ditch Alteration Policy ([ACS2022-PIE-GEN-0001](#)). The Ditch Alteration Policy provides residents with options to alter a ditch without negatively impacting the City's stormwater management and ditch system.

Right of Way, Heritage and Urban Design Services (ROWHUD) staff are recommending the passage of a new Access By-law that would replace the existing Private Approach By-law (No. 2003-447). The proposed Access By-law provides new opportunities for walkways and the limited expansion of driveways within the City's right of way - in some instances without the need for a permit. These proposed permissions are set against the backdrop of continuing to preserve and protect the important functions of the right of way including preserving space for snow storage, on street parking and permeable boulevard surface to help absorb water. These recommendations come as a result of extensive internal consultations, a comprehensive municipal scan and public and industry engagement.

At a high-level, the draft Access By-law is proposed to:

- align with the new Zoning By-law (No. 2026-50), which regulates walkways, driveways and parking on private property to ensure consistent rules;
 - provide more opportunities to have walkway and driveway configurations allowed in the new Zoning By-law continue to the sidewalk or roadway; and
 - recognize access to those front yard parking spaces installed prior to September 30, 2007, that have been legalized through the new Zoning By-law.
- contribute to actions identified through the Council-approved Housing Acceleration Plan by addressing pedestrian access to private property.
- increase flexibility to respond to individual contexts or unique design requirements when reviewing permit applications.

- reduce the need for a standalone permit by integrating the review with other application processes where applicable.
- ensure clear understanding and expectations of owner responsibility for maintenance and upkeep of accesses serving their property.

Public Engagement

An [Engage Ottawa](#) project page was launched in June 2025 to provide residents with an overview by-law review process and the considerations for regulating access in the right of way. The page included a Questions tool for residents to ask questions directly to staff and receive a private response. In addition to the project page, below is a summary of the engagement events and relevant dates:

- Presentation to the Federation of Citizens' Associations (FCA) Ottawa on September 15, 2025.
- A citywide virtual public information session was held on November 4, 2025. The presentation slide deck was posted to the Engage Ottawa page following the session.
- A rural-focused virtual public information session was held on November 10, 2025. The presentation slide deck was posted to the Engage Ottawa page following the session.
- Presentation to the Accessibility Advisory Committee on November 18, 2025.
- Presentation to industry stakeholders at the Planning and Engineering Liaison Committee on November 20, 2025, and a meeting of Greater Ottawa Home Builders Association (GOHBA) members on November 28, 2025.
- Presentation to the Utility Coordinating Committee on December 3, 2025.
- The [What We Learned Report](#) covering the questions submitted by the public and public information sessions was published on the Engage Ottawa project page in January 2026.

SYNTHÈSE ADMINISTRATIVE

Hypothèse et analyse

Ce rapport a pour objet de demander au Conseil municipal d'approuver la révocation de l'actuel [Règlement sur les voies d'accès privées](#) (n° 2003-447) et son remplacement par le Règlement sur les voies d'accès proposé selon les modalités exposées dans ce rapport, qui visent aussi à faire approuver les modifications à apporter à d'autres règlements municipaux portant sur l'emprise afin qu'ils concordent avec le Règlement

sur les voies d'accès.

Le Règlement sur les voies d'accès privées porte sur la conception, l'utilisation et l'entretien des voies d'accès privées sur le territoire de la Ville et institue les pouvoirs et le processus de délivrance des permis. La voie d'accès privée est une surface améliorée de l'emprise municipale qui permet aux véhicules d'avoir accès à une propriété privée à partir d'une voie publique. Ce règlement municipal a été adopté en 2003 à l'issue d'un travail d'harmonisation des nombreux règlements qui régissaient l'emprise municipale avant la fusion. Depuis, la Ville y a apporté des modifications mineures, qui portent essentiellement sur les changements qui découlent de la prise d'effet et de la nouvelle version modifiée du *Règlement de zonage* (n° 2008-250). Le barème des droits correspondant est indexé chaque année de l'inflation.

Le 28 juin 2023, le Conseil municipal a approuvé le Plan de travail de l'examen des règlements municipaux de 2023 à 2026 ([ACS-2023-EPS-PPD-0001](#)). Le Règlement sur les voies d'accès privées fait l'objet d'un examen qui cadre avec les initiatives en cours de la Ville, dont l'adoption du nouveau Règlement de zonage. De même, le nouveau [Plan officiel](#) (2022) établit pour la Ville une nouvelle vision et de nouvelles priorités stratégiques, ainsi que des politiques liées à la croissance du couvert forestier urbain, à l'amélioration de la gestion des eaux pluviales et à la promotion du transport actif. Ces politiques ont un impact sur l'emprise municipale, puis sur l'intention et les considérations réglementaires du Règlement sur les voies d'accès privées. En 2025, le Conseil municipal a approuvé une phase initiale des modifications du Règlement ([ACS2025-PDB-TP-0010](#)), qui portaient essentiellement sur les dispositions liées à l'administration et à l'application pour veiller à ce que le Règlement sur les voies d'accès privées concorde avec les autres règlements municipaux qui régissent l'emprise de la Ville.

La méconnaissance et l'incompréhension publiques générales de la nature des exigences et des raisons pour lesquelles il faut s'y conformer sont les principales difficultés dans l'administration du Règlement sur les voies d'accès privées. L'aménagement et l'élargissement des voies d'accès privées sans l'examen ni l'approbation préalables de la Ville et les problèmes qui en découlent s'étendent à l'ensemble de son territoire. Les voies d'accès privées élargies occupent souvent plus de 50 pour cent de la façade des lots, et dans certains cas, c'est toute la surface de l'emprise qui est minéralisée. C'est ce qui explique que l'on perde l'espace consacré au remisage de la neige, ainsi que les surfaces perméables permettant d'absorber les eaux pluviales, ce qui cause des problèmes de drainage pouvant conduire à l'inondation des sous-sols et à d'autres dégâts sur les propriétés. Les racines des arbres sont souvent fragilisées par des travaux de creusage, et la perte de la fonction d'absorption des sols peut nuire à la croissance des arbres. Dans certains cas, des

arbres sont abattus. L'abaissement des trottoirs ou des bordures de rue pour créer de nouvelles places de stationnement fait généralement perdre un nombre équivalent de places de stationnement sur la rue, et l'effet cumulatif de ces aménagements s'étend à de nombreux quartiers de la Ville.

De même, le personnel opérationnel constate des cas d'affaissement ou d'encombrement dans les ponceaux d'entrée de cour, soit parce que les dimensions ont été mal calculées ou que ces ponceaux ont été mal installés, qu'ils ne sont pas bien entretenus ou que le fossé environnant a été transformé ou comblé. C'est ce qu'on peut constater dans les anciens secteurs urbains intérieurs et extérieurs, ce qui pose des problèmes pour la gestion des eaux pluviales et pour l'intégrité du réseau de fossés, ce qui peut causer des difficultés pour la sécurité et ce qui a donné lieu à des dommages sur les propriétés privées. Nous décrivons dans le [mémoire technique](#) présenté au Conseil municipal, de concert avec la mise à jour de la Politique de transformation des fossés ([ACS2022-PIE-GEN-0001](#)), l'étendue de l'impact des travaux de transformation des fossés. La Politique de transformation des fossés offre aux résidents des options permettant de transformer les fossés sans nuire à la gestion des eaux pluviales et au réseau de fossés de la Ville.

Le personnel des Services des emprises, du patrimoine et du design urbain (SEPDU) recommande l'adoption d'un nouveau Règlement sur les voies d'accès qui remplacerait le Règlement sur les voies d'accès privées actuel (no 2003-447). Le règlement proposé offrirait davantage de possibilités pour l'aménagement d'allées piétonnes et limiterait le prolongement des voies d'accès dans l'emprise de la Ville (sans avoir parfois besoin d'un permis). Ces autorisations s'inscrivent dans la volonté de continuer de préserver et de protéger les importantes fonctions des emprises, qui servent notamment d'espace pour les bancs de neige, le stationnement sur rue et l'absorption de l'eau par les surfaces perméables des terre-pleins. Ces recommandations sont le résultat de vastes consultations internes, d'un tour d'horizon municipal complet et d'une mobilisation des membres du public et du secteur.

Dans l'ensemble, la version provisoire du Règlement sur les voies d'accès devrait :

- s'harmonisera avec le nouveau Règlement de zonage (n° 2026-50), qui réglemente les allées, les voies d'accès et le stationnement sur les propriétés privées afin de garantir l'uniformité des règles;
 - offrira davantage de possibilités pour que les allées et les voies d'accès autorisées par le nouveau Règlement de zonage se poursuivent jusqu'au trottoir ou à la chaussée;
 - reconnaîtra l'accès aux places de stationnement autorisées dans la cour

avant installées avant le 30 septembre 2007, qui ont été légalisées par le nouveau Règlement de zonage.

- contribuera aux mesures définies dans le cadre du plan d'accélération de la création de logements approuvé par le Conseil en abordant la question de l'accès des piétons aux propriétés privées;
- permettra d'accroître la flexibilité pour répondre aux contextes individuels ou aux exigences de conception uniques lors de l'examen des demandes de permis;
- réduira la nécessité d'un permis individuel en intégrant l'examen à d'autres processus de demande, le cas échéant;
- assurera une compréhension et des attentes claires en ce qui concerne la responsabilité des propriétaires en matière de maintenance et d'entretien des accès desservant leur propriété.

Consultation du public

En juin 2025, le personnel de la Ville a mis en ligne, sur la plateforme [Participons Ottawa](#), une page consacrée à ce projet afin de donner aux résidents une vue d'ensemble du processus d'examen des règlements et des considérations dans la réglementation de l'accès dans l'emprise. Cette page comportait un outil permettant aux résidents de poser directement au personnel des questions et de recevoir des réponses privées. Le lecteur trouvera ci-après la synthèse des activités de consultation et des dates pertinentes, en plus de cette page consacrée au projet :

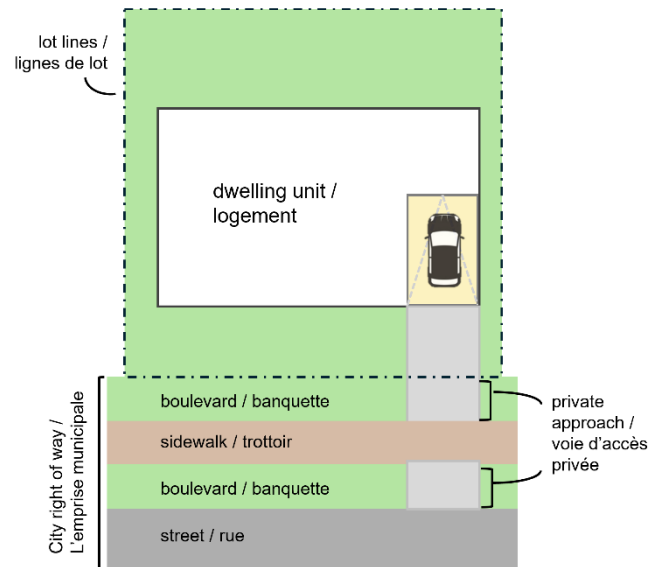
- Exposé présenté le 15 septembre, 2025 à la Fédération des associations civiques d'Ottawa.
- Séance d'information publique virtuelle organisée pour l'ensemble de la Ville le 4 novembre, 2025. L'exposé présenté a été publié sur la page de la plateforme Participons Ottawa après cette séance d'information.
- Séance d'information publique virtuelle consacrée à la zone rurale et tenue le 10 novembre, 2025. L'exposé présenté a été publié sur la page de la plateforme Participons Ottawa après cette séance d'information.
- Exposé présenté le 18 novembre, 2025 au Comité consultatif sur l'accessibilité.
- Exposé présenté le 20 novembre, 2025 aux parties prenantes de l'industrie et au Comité de liaison chargé de la planification de l'ingénierie et assemblée des membres de la Greater Ottawa Home Builders' Association (GOHBA) le 28 novembre, 2025.

- Exposé présenté le 3 décembre, 2025 au Comité de coordination des services publics.
- [Rapport sur « Ce que nous avons appris »](#) portant sur les questions posées par le public et séances d'information publiques diffusées en janvier 2026 sur la page du projet de la plateforme Participons Ottawa.

BACKGROUND

The [Private Approach By-law](#) (No. 2003-447), enacted by Council on September 10, 2003, regulates the design, use and maintenance of private approaches in the city and establishes the authority and process for permit issuance when establishing, altering, closing or removing a private approach. A private approach is an improved surface in the municipal right of way used to provide vehicular access from a public roadway to private property as depicted in Figure 1. In plain language, a private approach is the part of a private driveway that is on City property. Authority for this by-law is provided through the [Municipal Act, 2001](#), which allows a municipality to pass by-laws related to highways under its jurisdiction.

Figure 1



History of the Private Approach By-law

The Private Approach By-law was enacted in 2003 (ACS2003-TUP-INF-0008) through an exercise to harmonize the numerous pre-amalgamation by-laws that governed the municipal right of way; which also resulted in the enactment of the [Road Activity By-law](#) (No. 2003-445), [Encroachment By-law](#) (No. 2003-446) and the [Use and Care of Roads By-law](#) (No. 2003-498). The exercise was primarily administrative in nature, aiming to provide one set of regulations for each subject that would be applicable citywide and to streamline permitting activities. In enacting subject-specific by-laws instead of one comprehensive by-law, the technical aspects of the design of a private approach were located within the Private Approach By-law whereas the regulations related to its construction, including collecting insurance and securities from contractors and inspections, fell under the authority of the Road Activity By-law. New construction, widening, relocating and removing a private approach would therefore require two permits, a private approach permit to approve the location and design and a road cut permit to approve and inspect the construction.

In harmonizing the regulations and business processes of the former municipalities related to private approaches requiring culverts, the decision was to charge a culvert installation inspection fee, which was proposed to ensure an inspection and validation of proper installation upon completion of the work. The Private Approach By-law therefore built in an exemption for this subset of private approaches from the requirements of the Road Activity By-law for a road cut permit. Since 2003, amendments to the Private Approach By-law have included provisions resulting from the enactment and further amendment of the [Zoning By-law](#) (No. 2008-250), primarily to continue to ensure that private approaches lead only to legal parking and driveways as provided for through the zoning.

On June 28, 2023, Council approved the 2023-2026 By-law Review Workplan ([ACS-2023-EPS-PPD-0001](#)). The Private Approach By-law was identified as a review that aligns with ongoing City initiatives, notably the enactment of a new Zoning By-law. The new [Official Plan](#) (2022) likewise sets a new vision and strategic priorities for the city, with policies related to growing the urban tree canopy, improving stormwater management, and supporting active transportation. These policies have an impact on the municipal right of way, which in turn have an impact on the intent and regulatory considerations of the Private Approach By-law. In addition to the broader policy moves adopted by the City, the comprehensive review of the by-law is driven by the need to improve the enforcement of unauthorized approaches and provide clear direction to the public.

On April 16, 2025, Council approved an initial phase of amendments to the Private Approach By-law ([ACS2025-PDB-TP-0010](#)) that were required to more effectively administer the by-law until the more fulsome review could be completed. Updates included the authority to add and enforce permit conditions and harmonized the enforcement tools with those provided for in the Road Activity By-law, which had undergone a comprehensive review and update between 2019 and 2022.

Present conditions under the Private Approach By-law

The predominant challenge with administration of the Private Approach By-law has been a general lack of public awareness and understanding of the what the requirements are and why they are needed. The installation and widening of private approaches without prior approval from the City and the resulting problems is prevalent citywide.

Widenings often occupy more than 50 per cent of a lot's frontage and in some cases, the entire right of way has been converted to hard surface. This results in a loss of space for snow storage as well as permeable surfaces to absorb stormwater, causing drainage issues that can lead to basement flooding and other property damage. The roots of trees are often impacted by digging and the loss of absorption in the soil can adversely impact

a tree's ability to thrive. In some cases, existing trees are removed and plantable space is also lost. When curbs are lowered to accommodate additional parking spaces, there is typically a corresponding loss of an on-street parking space; the cumulative impact of which is felt in many neighbourhoods across the city. From the property owner or tenant's perspective, the individual needs may outweigh the importance of maintaining the functions of the right of way.

Operational staff continue to encounter issues with driveway culverts failing, either because they have been incorrectly sized or installed, not adequately maintained, or the surrounding ditch has been altered or filled. This is true in rural and older inner and outer urban areas alike and poses issues for stormwater management, the integrity of the ditch system, and has led to private property damage. The exemption from a road cut permit for private approaches installed with a culvert has impacted City staff's ability to effectively control who is constructing an access, if they are qualified to work in the right of way and if the access and reinstatement of the right of way is completed to City standards. With a road cut permit, which is issued for the installation of a private approach without a culvert, the permit holder (contractor) must provide proof of insurance and may be required to provide a security to warranty their work, which ensures restorations of the right of way are completed to by-law requirements, specifications and standards. While staff permitting private approaches draw on subject matter expertise in Roads Services to size a culvert for a given location and provide installation requirements, post-installation inspections are not consistently occurring. Private approach permits are valid for one year and permit holders (generally the property owner) rarely initiate an inspection when work is completed as there is not the same incentive as with the process established under the Road Activity By-law to do so.

The reconstruction of private approaches with culverts have posed similar issues. Traditionally, residents have not been required to obtain a private approach permit for resurfacing projects as a like for like replacement of asphalt or a change of material is not deemed a substantive alteration warranting further approval. Alternatively, when a culvert is reconstructed, there is need for a technical review and approval as a like for like replacement scenario cannot be assumed. The standards for culvert sizing and materials continue to evolve and the surrounding ditch system may have changed over the lifespan of the original culvert requiring a change to the original installation specifications. These items are being missed when permit applications are not submitted for reconstructions. The extent of the impact of ditch alterations, including the installation of a culvert pipe that is not correctly analyzed, is described in a [Technical Memo](#) presented to Council alongside the update of the Ditch Alteration Policy ([ACS2022-PIE-GEN-0001](#)).

From a process and client experience perspective, the technical requirements of the by-law are very rigid and there is limited authority in the by-law to deviate where the situation warrants. This has resulted in by-law provisions not being aligned with current standards and expectations, sometimes being too restrictive and other times being too permissive. This causes delays for various Service Areas when assessing an application against the by-law. In a new development under Site Plan Control, there is authority within the Delegation of Authority By-law to deviate from the by-law requirements for technical reasons, however this authority is not extended to other types of planning applications.

Walkways in the right of way

The scope of the Private Approach By-law is limited to regulating vehicular access. There is a gap in the existing regulations when it comes to addressing pedestrian access (walkways) in the right of way. The Use and Care of Roads By-law prohibits excavation or placing objects in the boulevard. In 2023, allowances for boulevard gardens were added to the by-law, however, hard landscaping, including rocks, stones, cement and pavers, is not permitted. Taken together, these regulations do not allow for the installation of walkways in the right of way.

There are cases though where a walkway must be provided in the right of way. In a residential context, the Property Standards By-law (No. 2013-416) for its part requires that there be a surfaced walk leading to every principal entrance of a building and only a driveway greater than 2.4 metres wide can serve this purpose. There are plenty of instances where residential units are constructed with no driveway, or the driveway is on a different frontage than the primary entrance.

Despite this gap, walkways in the right of way warrant oversight as there are risks associated with their installation, maintenance and use. In the context of a development application, walkways and the associated maintenance responsibilities have been addressed through a legal agreement between the property owner and the City.

DISCUSSION

Right of Way, Heritage and Urban Design Services (ROWHUD) staff have reviewed the by-law and proposed updates to support Council-approved policies and City priorities, operational and enforcement challenges, as well as administrative needs. Staff are recommending that the existing Private Approach By-law (No. 2003-447) be repealed and replaced by the proposed Access By-law as outlined in this report. The full draft proposed by-law has been included as Document 1.

By-law review process

A review of the Private Approach By-law was initiated by ROWHUD in September 2022. Staff initially consulted with internal stakeholders and subject matter experts in ROWHUD and Planning Services to identify those areas of the by-law that were causing gaps in oversight, permitting and enforcement challenges, and where the existing regulations would no longer align with the proposed updates to the Zoning By-law. This feedback was reviewed and prioritized to be addressed through phased by-law updates, the first of which was passed by Council in 2025. The second, more fulsome update of the by-law was targeted to align with the passing of the new Zoning By-law.

In addition to those Service Areas noted above, staff from By-law and Regulatory Services, Roads Services, Development Review, Infrastructure Approvals, Transportation Engineering, Active Transportation Planning, Forestry Services, Natural Systems, Guidelines and Standards, Linear Asset Management, the Accessibility Office and Legal Services participated in internal working group sessions. These sessions focused on updates to the regulatory framework for accesses, analysis of all design and technical requirements, and ensuring proposed regulations aligned with Council-approved policies and strategic priorities.

Guiding policies and regulatory considerations

The by-law review was guided by a core objective to balance the ability to provide access to private properties and the need to preserve the functions of the municipal right of way. The right of way varies in size and context across the city and plays an important role in several of the strategic priorities and policies that are outlined in the [Official Plan \(2022\)](#) and further established in the various Master Plans.

At a high level, the functions of the right of way are:

- **City tree planting.** The right of way is used to accommodate municipal trees, which enhance the pedestrian environment and provide necessary shade to help cool our neighbourhoods in a warming climate. The Official Plan sets a tree canopy cover target of 40 per cent of the land within the urban boundary. Maintaining space in the right of way for City tree planting and protections for existing trees in the right of way are essential to meeting this target. [Related OP policies: 4.1.3 \(6\) and 4.8.2 \(2\)](#).
- **Stormwater management.** Soft landscaping (groundcovers and plants) is an important part of managing stormwater and runoff in developed areas. Ditches and properly maintained driveway culverts are also integral to the drainage system in many rural communities and some older urban neighbourhoods. Climate change is projected to increase the number of events, volume, and

intensity of rainfall in Ottawa (source: [Climate Ready Ottawa](#)). Soft landscaping and ditches soak up water from heavy rainfall and melting snow. Without these surfaces in place or their proper maintenance, stormwater systems can become overwhelmed, leading to basement flooding, soil erosion and pollutants in our waterways, among other issues.

- **Snow storage.** Snow plowed from the roadway and sidewalks and removed from private approaches is meant to be stored on the boulevard until it can be removed or otherwise melt. When the frequency and width of private approaches increases, there is less boulevard space to store snow. During significant snowfall events, limited boulevard space causes snowbanks to become taller more quickly, leading to safety issues and a strain on winter operations.
- **Active transportation and the public realm.** The Official Plan prioritizes and mobility options for those who walk, cycle and use transit and their experience and safety. Active transportation facilities, which includes sidewalks, bike lanes, cycle tracks and multi-use pathways, are an integral part of safely navigating the city and promoting healthy 15-minute neighbourhoods. The size and frequency of driveways crossings and the standards for building them impact the experience and safety of cyclists and pedestrians. The Official Plan aims to enhance the public realm and create high quality pedestrian environments through elements such as wide boulevards, trees, street furniture and minimal driveways. [Related OP policies](#): 4.1.1 (1), 4.1.2 (4), 4.1.4 (10) and (11), 4.1.7 (5), 4.6.3 (1) and 4.6.5 (3).
- **On-street parking.** The size and spacing between driveways impact the availability of on-street parking. In higher-density areas of the city the Official Plan discourages the use of private approaches that provide private parking spaces to one or two landowners, instead prioritizing continuous curb space available for all users for short-term, visitor, permit-zone parking and other purposes. [Related OP policies](#): 5.1.1 (6) and 5.2.1 (5).
- **Space for infrastructure.** There is both aboveground and belowground infrastructure in the right of way. This includes City-owned (fire hydrants, transit services, water, and sewer systems) and third party (Canada Post, natural gas, hydro, telecommunications) assets and utilities. Not only must there be space to install infrastructure, but there must also be consideration for maintenance and repair. The presence of essential infrastructure also requires that those people working in the right of way are qualified to do so, insured and follow safety rules.

The by-law review took into consideration that the Private Approach By-law is but one piece in an interconnected framework of regulations that impacts how an access to

private property is designed, constructed and used. As such, there was close collaboration with other City Service Areas to ensure regulations would be aligned, while also respecting the scope of the by-law.

The related by-laws of note include:

- **Zoning.** The Zoning By-law sets the rules on private property for the location and size of parking spaces, the minimum and maximum allowed driveway width depending on the area of the city, walkways and functional paths of travel, and soft landscaping requirements. The related regulations in the new Zoning By-law ([ACS2025-PDB-PS-0020](#)), have been assessed by staff in ROWHUD and Planning Services to ensure that the proposed new regulations function across the property line into and within the right of way and can be easily understood together.
- **Use and Care of Roads.** The Use and Care of Roads By-law includes regulations related to maintenance of the boulevard abutting residential properties as well as a prohibition on digging up or placing objects on the boulevard. There are allowances for boulevard gardens, however hard landscaping, including rocks, stones, cement and pavers, is not permitted. While not expressly prohibited, these provisions do not allow for the installation of walkways (i.e. hardscape) in the right of way.
- **Road Activity.** Through the issuance of a road cut permit, the Road Activity By-law regulates the physical construction of an access. The by-law has measures to ensure that traffic will be managed safely, the right of way is inspected to confirm construction and reinstatement standards are met, and that the contractor carries the required insurance, as well as provides securities for the work.
- **Licensing.** On October 22, 2025, Council approved updates to the Licensing By-law ([ACS2025-EPS-PPD-0004](#)) to introduce a new business licence category for hardscape contractors operating in Ottawa to improve compliance with the City's by-laws and add consumer protection measures. The licence schedule will come into force on March 1, 2026, and includes requirements such as holding the proper insurance and providing written contracts to clients.
- **Traffic and Parking.** The Traffic and Parking By-law regulates the minimum required distance of a parked vehicle from the sidewalk and the roadway. In high-density neighbourhoods that do not have long driveways, or in households with multiple vehicles, this can have an impact on what size of vehicle or how many vehicles can be parked on a driveway. There are also rules for on-street parking

and how far a vehicle must be from a driveway. Depending on the lot widths and frequency of driveways, this can impact the amount of on-street parking.

Municipal comparison

As part of the research and analysis phase, ROWHUD staff performed a scan of eleven (11) Canadian municipalities, five within Ontario and six in other provinces. Staff found that there are a variety of frameworks used to set out rules related to driveways and providing approval for access in the right of way.

Staff found that there are a variety of frameworks used to set out rules. Some cities, like Mississauga and Hamilton, do not have a specific by-law, instead leaning on their zoning rules and policy documents to set the limits for what can be allowed in the right of way. Others, including Edmonton and Winnipeg, have enacted a self-contained by-law like in Ottawa. The most common approach is to address access within an overarching 'streets' by-law alongside regulations for encroachments and road activity.

Typically, the maximum vehicular access width follows a similar formula to what has been established in Ottawa, with a minimum of 50 per cent of the frontage width reserved for soft landscaping. Notably, Winnipeg and Halifax have a maximum access width of 6.5 and 6.0 metres respectively, even on larger residential lots.

Walkways in the right of way are sometimes found in standalone access or overarching streets by-laws, some cities establishing permit requirements and others with permissions for what can be installed without a permit. Staff found that in those cities that allow a walkway to be next to a driveway the walkway width is included in their total allowable driveway width.

All cities reviewed require a form of approval from the municipality although there is little consistency in approach or a basis for the associated fees. Most cities have measures to ensure the construction of an access is completed by a qualified contractor, either through the issuance of a permit for the road activity, by licensing paving contractors, or by having sole authority for construction of an access left to the municipality.

While there was found to be no direct comparator to the Ottawa context, findings that were documented through the municipal scan were brought forward to internal stakeholders for consideration when evaluating and benchmarking the framework of the by-law and its provisions.

Main elements of the proposed Access By-law

The result of extensive internal consultations, a comprehensive municipal scan and public and industry engagement, staff are presenting a balanced by-law that responds

to an evolving regulatory environment, accounts for resident needs, and continues to preserve and protect the functions of the right of way.

The main elements of the proposed draft by-law are as follows:

Alignment with the new Zoning By-law (No. 2026-50)

The new Zoning By-law has moved to form-based zoning as opposed to building type and terms such as detached and semi-detached dwelling are no longer used. In keeping with this move, the driveway provisions in Part 6 of the new Zoning By-law have been organized into access to one to three spaces, access to parking lots (four or more spaces) and access to parking garages. To ensure that the provisions of the Access By-law align with those in the Zoning By-law and can be easily interpreted together, the draft Access By-law has mirrored this framework. A practical outcome from a move away from the existing framework in the Private Approach By-law is that the vehicular access for a multiple residential dwelling with less than four parking spaces will be evaluated under the same provisions, permit category and fee as a single dwelling unit with the same number of spaces. It should be noted that parking space provisions have been expanded in the new Zoning By-law. Specifically, front yard parking spaces associated with a residential use established as of September 30, 2007, that are perpendicular to the street and conform to the Traffic and Parking By-law are permitted as they existed on that date. The proposed Access By-law provides clarity that an access that was established on or before this date to serve a parking space that is permitted in the Zoning By-law is permitted to remain in the right of way. The new Zoning By-law also provides the option for the addition of a front yard parking space on some lots. Under the proposed Access By-law, a property owner who can take advantage of these permissions on their lot and wishes to create a corresponding access in the right of way may apply for an access permit to initiate a technical review.

Addressing Pedestrian Access

During the by-law review process, the regulatory gaps associated with walkways in the right of way began to pose real issues both from an operational and enforcement standpoint. A lack of awareness of, or disregard for, the rules around hardscaping and driveway widening, has led to walkway installation counter to zoning allowances and the prohibitions in the Use and Care of Roads By-law. This issue is felt citywide and has had impacts on stormwater management, snow storage, on-street parking and the health and viability of municipal trees in the right of way.

Staff recognized the opportunity presented by the review of the Private Approach By-law to address the operational and regulatory requirements for walkways in the right of way alongside those for driveways. As such, the provisions in the draft Access By-law

related to maintenance, liability and enforcement tools are intended to apply to both vehicular and pedestrian access to private property.

A significant outcome of the proposed inclusion of walkways, in addition to the indemnification provisions further detailed below, is the streamlining of the development review process. The Council-approved [Housing Acceleration Plan](#) (HAP) aims to simplify the regulatory environment and expedite approvals processes by optimizing legal agreements (HAP Actions 1.9 and 1.10). By capturing the maintenance responsibilities and liability for walkways within a by-law, those developments that would otherwise only require a Maintenance and Liability Agreement can proceed under a Letter of Undertaking instead of the further requirement for a Site Plan Agreement.

From a regulatory and enforcement perspective, outlining the design and location parameters and the maintenance requirements for walkways sets clear expectations for residents and their contractors moving forward.

Options for properties with residential units

As noted, staff have found that there is a need for clear parameters for when and how walkways can extend to the sidewalk or roadway. In a residential context, a walkway may provide necessary pedestrian access through the right of way, either because the unit's primary entrance and the driveway are on different frontages, or because there is no driveway at all that can serve this function. Staff also considered that when installed next to a driveway, walkways can provide residents with a measure of relief to enter and exit or maneuver a vehicle, and greater mobility around vehicles parked on a narrow driveway.

As the draft Access By-law includes pedestrian access within its scope, staff are further recommending that there be established a set of permissions for residential properties to install a walkway that can continue into the right of way without the requirement for an access permit. The parameters for installing a separated walkway (pedestrian access) and a walkway next to a driveway (vehicular access extension) are detailed in Document 1 and illustrated in Document 3. An important consideration for developing these allowances was the preservation of soft landscaping in the right of way, and therefore there is both a proposed maximum width for such walkways and a cumulative maximum width of all accesses, both pedestrian and vehicular, on the same frontage. The cumulative maximum is set at 50 per cent, which is the existing established maximum for hard surface in the Private Approach By-law, which is proposed to be maintained. It is further proposed that on a lot where the frontage width is 12.0 metres or less and there is a driveway, that a pedestrian access is not permitted such that an area of contiguous soft landscaping can be preserved where a tree could be planted.

This does not preclude the installation of a vehicular access extension if all other conditions can be met.

It is acknowledged that many residential units across the city have a driveway that is already 50 per cent the width of their lot and as such would not have the opportunity to install a walkway that extends into the right of way. The intention of these recommendations is to offer a measure of flexibility to residents where there is space to do so while still preserving the functions of the right of way, notably space for tree planting and protections for existing trees, stormwater management, snow storage and on-street parking.

Should the nature of the resident's request fall outside of the permissions provided for in the by-law, a permit application would be required to conduct a technical review and evaluate if approval can be granted. An example of such a request would be a functional access used for solid waste collection that requires a width greater than 1.8 metres and a curb depression. In the case where such an access was not previously approved at the time of construction, it is proposed that the property owner apply to the City for a permit just as with the application for a vehicular access post-construction.

Recognizing the significance of culvert design and construction

Since the passing of the Private Approach By-law in 2003, the decision to exempt private approaches with culverts from the requirement for a road cut permit has led to significant gaps in oversight. Likewise, the reconstruction of culverts without pre- and post-installation assessment and approval has shown to have negative impacts on the overall integrity of ditch and drainage systems.

Staff are therefore recommending the following:

- The Road Activity By-law apply equally to all forms of access. As with a standard vehicular access, a road cut permit will be required for the construction of an access with a culvert. As such, the inspection gap will be closed as post-installation inspections for culverts will be conducted through the established process associated with the road cut permit.
- Reconstruction of an access with a culvert warrants an application to the City. This will initiate a review by staff in the Public Works Department to size the culvert appropriately and provide installation instructions as well as the necessary approval required for the road cut permit. It is recognized that a reconstruction requires less staff effort than a new construction to ensure the technical provisions of the Access By-law are met so it is also recommended that applicable fees take this into consideration.

- In conjunction with the above, the draft Access By-law includes a provision to waive the requirement and fee for City staff to size a culvert when a permit application includes stamped drawings prepared by a professional engineer, certified engineering technologist or landscape architect qualified in the Province of Ontario.

Delegated authority to establish requirements

The Private Approach By-law includes an extensive list of design and construction requirements specific to private approaches for single dwelling units and those for public purposes, commercial and industrial properties and multiple residential dwellings. The provisions provide little flexibility for staff to deviate on a given file when the particulars warrant that it is appropriate to do so. Over time, many of these provisions have become misaligned as Council-approved policies and City design and construction standards evolve. The municipal scan conducted early in the by-law review also showed that Ottawa is an outlier in the complexity of the provisions of its by-law.

Staff recommend a more targeted scope moving forward with the proposed Access By-law and are seeking delegated authority to establish design requirements for vehicular and pedestrian access. Locating appropriate requirements within a separate document will provide more flexibility to be reactive to site constraints and individual context and will further enable a consistent approach to the review and revision of requirements as opposed to a by-law amendment. This is similar in approach to how the City regulates sewer connections and the review and revision of standards that are outlined within the Sewer Design Guidelines. The existing subjects within the Private Approach By-law that are proposed to be relocated to the design requirements document are outlined in Document 2. The development of the final design requirements will be informed by approved policies within the Official Plan and Transportation Master Plan and will reflect current City standards.

The intention is for the design requirements document to set out the base requirements that are to be satisfied in the design of vehicular and pedestrian accesses. If the owner of a property served by an access wishes to apply methods that differ from the requirements provided in this document, the onus shall be upon the property owner or their representative to justify the proposal or resolve any concerns to the satisfaction of the City. The City reserves the right to provide the final decision regarding the interpretation and intent of the requirements as well as the acceptability of deviations or exceptions from the requirements.

Clarifying owner responsibility and indemnification

The proposed Access By-law includes provisions related to indemnification that are in line with allowing private property owners to install an asset in the municipal right of way that serves their property. The addition of these provisions provides further clarification on the responsibilities of the abutting property owner related to vehicular and pedestrian access and specifically furthers the goals of the Housing Acceleration Plan by enabling an increase in the use of Letters of Undertaking. It is proposed to include express language that outlines the General Manager's continued authority to require a property owner to enter into a Maintenance and Liability Agreement (MLA) in relation to a pedestrian access when warranted. As a point of reference, an MLA may be required if there are other public realm enhancements or infrastructure proposed for which the City would otherwise require an agreement, such as planters or other hardscaping, or if there is an increased risk of liability where there will be a high volume of public traffic, and the City would benefit from a specific agreement with associated insurance.

The maintenance obligations for vehicular access have previously been accounted for within the Private Approach By-law and as such the proposed indemnification provisions provide clarity in this regard. As the maintenance obligations and associated liability of pedestrian accesses have not previously been outlined under a City by-law, the proposed provisions are express that they apply to any access that is installed or continues to remain in the right of way from the date of the by-law's enactment.

City responsibilities due to infrastructure projects

The Private Approach By-law Section 8 outlines the City's responsibility to reconstruct, at the City's expense, a private approach that has been affected by construction or reconstruction work undertaken by the City in the right of way. This section also provides the authority, when doing so, to reconstruct a non-conforming private approach in a location and with a design that will bring it into compliance. Staff propose to bring forward these provisions into the Access By-law with the authority to likewise determine the reconstructed location and design of a previously conforming access, acting reasonably, if the circumstances of the construction work so warrant. There may be instances where road realignments or such projects may bring about a hazardous situation, and this provides clarification on the City's role in mitigating such hazards.

It is staff's interpretation of this section, that the scope of construction and reconstruction work does not include regular operations such as snow clearing or routine ditch maintenance or enhanced maintenance such as road resurfacing or sidewalk panel replacements. Further, the interpretation of what warrants affect to an access is work that requires the removal of an access or that necessitates a change in design to what would otherwise be a functioning access.

Purposeful permitting and enforcement tools

The existing Private Approach By-law includes exemptions for the requirement for a permit when a private approach is receiving technical review and approval through the Site Plan Control approval process or a plan of subdivision application. Staff recommend that these exemptions be carried forward into the Access By-law and expanded to include accesses reviewed and approved through a building permit application. This aligns with the [Housing Acceleration Plan](#) Action 1.9 to simplify the regulatory environment and expedite approvals, which does not currently apply for new housing construction that falls outside the threshold for Site Plan Control. There are internal process improvements proposed that will facilitate the approval of an access through the current review of driveways and grading plans. The Road Activity By-law continues to apply when there is work in the right of way and the authority and process for issuing road cut permits falls under the scope of that by-law.

The draft by-law clarifies permit application requirements and confirms that resurfacing an access does not require an application. The draft Access By-law continues to tie a permitted access to zoning compliance. Whereas the Private Approach By-law limited permit issuance to private approaches leading to parking spaces, staff recommend broadening the language to include zoning compliant land use. This provides greater flexibility, especially in rural areas, to enable staff to issue a permit to establish a permanent access from a public roadway if the proposed land use associated with the access conforms to the zoning, for example to establish an access to a private wooded lot.

In April 2025, Council approved amendments to the enforcement provisions in the Private Approach By-law to harmonize the tools available to enforcement staff with those established in the Road Activity By-law, specifically the ability to issue stop work orders, corrective work orders and the process and recovery of costs for remedial action. These provisions are proposed to be carried forward in the same form as was approved in 2025.

General Manager Authority

The General Manager, Planning, Development and Building Services, or their designate, will be authorized to administer, enforce, and make decisions under various sections of the Access By-law.

In summary, the General Manager is authorized to:

- Approve the final location and design of an access reconstructed through a City infrastructure project (*further clarified*)

- Establish requirements setting out the design, size and location, as well as any other aspect of an access (*new*)
- Order the removal of unused or redundant access (*further clarified*)
- Approve the final location and design of an access that has an associated hazardous condition identified (*existing*)
- Confirm a reinstatement of the right of way is satisfactory (*existing*)
- Determine the form and content of a permit application (*existing*)
- Identify, alter or revoke permit terms and conditions, issue access permits and deny access permits (*existing*)
- Require a culvert be added to an access (*existing*)
- Waive fees related to the design of a culvert when professional drawings have been submitted (*new*)
- Require the owner to enter into a Maintenance and Liability Agreement (*new*)
- Enforce the by-law through inspections, issuance of Orders, and contracting reinstatement of the right of way (*existing*)

Fee Schedule

The Private Approach By-law includes a fee schedule (Schedule A) that outlines the associated permit and culvert inspection fees. The by-law review included a review of the fees and found the following issues:

- The permit categories do not accurately reflect the types of requests received. Notably, there is no fee category that corresponds to requests for a permanent agricultural access (access to a farm or farm field) or any type of land use that isn't associated with residential uses or parking lots. The two permit fees associated with parking lots over 49 spaces are not triggered as parking lots of such size would require a formal modification of their site plan agreement.
- The fees associated with the permit categories that are routinely used do not accurately reflect the true cost for the City to administer the permitting program. As new construction is provided an exemption, the requests that the permit office receives are often complex in nature requiring a fulsome technical review with stakeholder groups. Requests, for example, to widen an existing private approach in an established area of the city have to account for existing infrastructure, compliance with the Zoning by-law and mature municipal trees that adds time and effort to the review.

Staff considered submitting a revised fee schedule alongside the Access By-law, however, the process of determining cost-recovery, which assesses the number of permits issued against the time taken to issue a permit, would be based on the available statistics for the permitting under the existing regulatory environment. Notably, there are significant changes forthcoming in 2026 that create considerable unknowns, namely the regulation of pedestrian access, new permit exemptions, more parking space opportunities in the new Zoning By-law, and the introduction of the hardscape contractor licence. It is therefore staff's recommendation that in the 2026 transition year, the Council-approved fees under the Private Approach By-law continue to be used. Permit volumes, the types of requests received, and the time it takes to issue permits will be monitored and will inform a subsequent fee review. Staff intend to introduce a fee schedule in line with the next Term of Council's first budget that is reflective of the regulatory environment under the Access By-law and in accordance with the City's user fee policy. Staff will likewise review the updated statistics to evaluate if the review and permitting office is resourced appropriately.

Table 1 outlines how the existing fee schedule is recommended to be applied in the interim.

Table 1: Application of existing fee schedule to the proposed Access By-law

Current naming	Interim naming	Requests proposed to be processed with this fee	Fee approved in the 2026 budget
Private Approach Permit fee: Single detached dwellings	Access Permit (standard)	Vehicular access to one to three parking spaces Vehicular access to agricultural land and other land uses Pedestrian access that does not comply with the as of right by-law provisions	\$208
Private Approach Permit fee: Commercial, industrial and multi-residential – up to and including 49 parking spaces	Access Permit (parking lot)	Vehicular access to a parking lot as defined in the new Zoning By-law (four or more parking spaces)	\$361
Temporary access	Access Permit (temporary access)	Accesses that have a defined date for removal and reinstatement	\$208

Current naming	Interim naming	Requests proposed to be processed with this fee	Fee approved in the 2026 budget
Removal of redundant approach	Access Permit (access removal)	Removal of an access not associated with a temporary access permit	\$208
Inspection fee for culvert installation	Culvert approval	Design and installation specifications for culvert construction or alteration (applications submitted without professional stamped drawings) Applications for culvert reconstruction	\$121

Updates to related by-laws

To allow the scope and requirements of the draft Access By-law to function as intended, staff recommend that there be minor amendments made to the related by-laws that govern the municipal right of way.

The required amendments are summarized as follows and detailed in Documents 4 to 6:

- The **Use and Care of Roads By-law** (No. 2003-498) includes a general prohibition that no person shall break, dig up, destroy or damage the sod or grass of a boulevard. This has precluded the installation of walkways in the right of way. It is recommended to add a new exemption to the by-law prohibitions that clarifies that Section 3 does not prohibit the owner of a residential unit from installing an access in accordance with the Access By-law.
- The provisions that have been recommended to allow residential property owners to install a pedestrian access or an extension of the vehicular access without an access permit have also considered the potential for an exemption for the requirement for a road cut permit. Staff came to this recommendation as the requirements for installation prohibit any modification to the sidewalk or curb. The contractor doing this type of installation will also be required to be licensed with the City, a requirement of which is proof that they are appropriately insured. As such, it is recommended to amend the **Road Activity By-law** (No. 2003-445) to include a new exemption to the requirement for a road cut permit that clarifies Section 2 does apply to a road cut associated with the installation of a residential pedestrian access or vehicular access extension that is in accordance with the as of right permissions proposed in the Access By-law.

- The **Encroachment By-law** (No. 2003-446) will require an amendment to the existing exemptions to align with the terminology in the Access By-law, specifically that private entrance walkway and private approach be replaced with access.

Conclusion

The Private Approach By-law was identified for review through the Council-approved 2023-2026 Corporate By-law Review Workplan. Staff have reviewed the by-law regulations and conducted an extensive issues analysis with internal stakeholders that was informed by a comprehensive municipal scan. Staff are recommending that the existing Private Approach By-law (No. 2003-447) be repealed and replaced by the proposed Access By-law. The proposed is a balanced by-law that responds to an evolving regulatory environment, accounts for resident needs, maintains safety regulations and supports Council-approved policies and City priorities.

FINANCIAL IMPLICATIONS

Implementation of the Access By-law will result in a change to the categorization of accesses whereby all properties with one to three parking spaces will be charged one permit fee and properties with four or more spaces will be charged one permit fee. This may result in a property owner being charged either a lower fee or a higher fee than they would be charged under the current categories that are based on building type. The Access By-law includes a provision to waive the requirement for City staff to size a culvert when a permit application includes stamped drawings from a licensed professional, this will result in the City not providing the service and the fee not being collected. A new permit exemption for access through a building permit application covering infill scenarios is being proposed. The provision in the Private Approach By-law that waives the requirement for a road cut permit for an access with a culvert is proposed to not be carried forward into the Access By-law. This will result in the City receiving more funds for issuing road cut permits. These changes will have a direct impact on the permit fees collected; it is not known yet how these changes will impact volumes. It is proposed that a fee review be undertaken to assess permit volume with the potential of a new fee schedule being brought forward through future budget processes.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations as outlined in the report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a citywide report.

CONSULTATION

Prior to public engagement, an internal working group was established to consult with key stakeholders and subject matter experts in various City departments. Working group sessions identified and analysed the issues experienced with the Private Approach By-law and provided input into proposed updates.

Public engagement

On June 26, 2025, an online public engagement campaign was initiated through the City of Ottawa's Engage Ottawa platform. The page provided a background of the by-law and the review as well as an overview of the municipal right of way and its functions. The project page was promoted through the Engage Ottawa and City Builders newsletters. There were approximately 6,400 visitors to the page between the launch and December 31, 2025.

At launch, the Engage Ottawa page included a question tool to allow residents to submit their questions privately for City staff to respond. There were 49 submissions through the English page and 16 resident emails directed to the project team.

On September 15, 2025, staff provided an overview of the by-law review process and considerations to the Federation of Citizens' Associations (FCA) Ottawa and provided awareness of the intention to include pedestrian access within the new by-law. Staff detailed the engagement strategy and FCA advised early notice of information sessions was essential.

Residents were provided notice of the virtual information sessions on the Engage Ottawa page on October 14, 2025, which was further promoted through the City Builders newsletter and through ward newsletters. Information sessions were designed to educate the public on the municipal right of way and its functions, the different by-laws that regulate driveways and their use, the review of the Private Approach by-law and the recommendations being considered as well as an opportunity to pose questions to staff.

The first virtual public information session was hosted on Zoom on November 4, 2025, and was promoted as a citywide session. At peak, there were 85 participants in attendance. The second session, held on November 10, was tailored to rural residents and had 18 attendees, including three Councillors and ward representatives.

The online questions tool was closed once the information sessions began and was replaced with a feedback form to more directly comment on the recommendations.

There was one form submitted on the English page. The [What We Learned Report](#) covering the questions and comments received from the public was published on the Engage Ottawa project page in January 2026.

Advisory Committees and external stakeholder groups

Accessibility Advisory Committee

Staff presented to the Accessibility Advisory Committee on November 18, 2025. The presentation focused on the staff recommendation to include permissions for owners of residential units to install a walkway in the right of way without a permit. There were no specific comments on recommendations for the proposed allowances. Comments received highlighted the importance of unencumbered sidewalks and maintaining a minimum distance for vehicles parked on a driveway and private approach. There were also questions related to maintenance requirements, specifically if there is assistance available for seniors or persons with disabilities to remove the windrow caused by City snow removal. Snow Go, Snow Go Assist and Snow Angel are the programs established that aim to assist residents in this area.

Planning and Engineering Liaison Committee

Staff presented to industry stakeholders at the Planning and Engineering Liaison Committee on November 20, 2025, to discuss and consult on the proposed Access By-law, specifically the inclusion of pedestrian access to increase the use of letters of undertaking and the permit exemption for accesses being reviewed through a building permit application.

Greater Ottawa Home Builders Association (GOHBA)

Staff presented to 21 interested members of GOHBA on November 28, 2025. The presentation highlighted the inclusion of pedestrian access, permitting changes and the proposed shift within the by-law to move design requirements to a separate document. Comments received reiterated the importance of a regulatory framework that can provide greater flexibility to achieve the design particulars of a project while still meeting the by-law's safety objectives and protections for the right of way.

Utility Coordinating Committee

Staff presented their recommendations to utilities through the Utility Coordinating Committee on December 3, 2025, and consulted on the allowances for residents to install walkways in the right of way. The proposed minimum 1.0 metre setback from above ground infrastructure was discussed, with no objections received, and Utilities were assured they would be consulted on any request to permit a walkway within the

setback to their infrastructure.

ACCESSIBILITY IMPACTS

Staff consulted with the City's Accessibility Office to ensure recommendations continue to follow applicable legislation. The City is committed to providing equal treatment to persons with disabilities and removing barriers where possible. The experience of persons with disabilities, older adults and persons using mobility devices were considered when establishing the parameters under which property owners can install a pedestrian access or install an extension to a vehicular access. The 1.8 metre width that establishes the maximum dimensions of such installations is based on the City's Accessibility Design Standards for an accessible path of travel and an access aisle adjacent to a parking space. While it is acknowledged that not all properties will meet the requirements for a 1.8 metre installation as of right, due to existing installations or available space as example, staff have ensured that the by-law provisions can permit an access if a technical review allows.

All actions that arise from the enactment of the Access By-law will adhere to accessibility legislation that includes the *Integrated Accessibility Standards Regulation* (IASR) under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* and the City's Accessibility Design Standards (ADS) to the greatest extent possible.

All educational initiatives will be available in an accessible format. All web content regarding regulations and guidelines will conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.

ASSET MANAGEMENT IMPLICATIONS

Asset management has reviewed and there are no asset management implications arising from the recommendation of this report.

CLIMATE IMPLICATIONS

[Climate Ready Ottawa](#), approved by Council in 2025, is a strategy to help prepare Ottawa for the growing impacts of climate change through strengthening our communities to be more climate resilient. The recommendations in this report are aligned with the long-term objectives and five-year action plan established through the strategy.

Protecting from extreme heat

As described in Climate Ready Ottawa, public health risks intensify in areas with minimal tree canopy and extensive hard surfaces. Action is needed to protect and expand the tree canopy, and the City has established the target of 40 per cent canopy

cover city wide. The five-year action plan for a resilient natural environment includes accelerating the implementation of the Tree Planting Strategy. The recommendations presented in this report and the draft Access By-law have considered these goals. In particular, the draft by-law maintains the requirement for a minimum percentage of soft surface in the right of way relative to the property frontage width and sets parameters for when an abutting property owner can install a walkway that would divide the area available to plant a tree. The recommendations are likewise intended to protect existing trees from damage to encourage growth and sustain the canopy.

Preparing for flooding

Climate change is projected to increase the number of events, volume, and intensity of rainfall in Ottawa. Heavy rains can overwhelm sewer and drainage systems leading to sewer overflows, flooded basements, and streets. Climate Ready Ottawa has identified that action is needed to raise public awareness of flood risks and support residents to take action to protect their property and improve their onsite stormwater management. The importance of preserving soft landscaping in the right of way to absorb stormwater has been a strategic focus of the by-law review and all related public communication. The draft Access By-law maintains the cumulative maximum width of hard surface at 50 per cent of the width of the frontage, which was previously established in the Private Approach By-law. The proposed allowances that increase options for residential property owners by installing a pedestrian access or extension of a vehicular access are included within this limit. Established maximum widths for each individual type of access further limit the extent of hard surfaces. This additional soft surface could help improve stormwater retention, improving community flood resiliency.

Additionally, the restoration and proper maintenance of urban and rural ditches has been identified in Climate Ready Ottawa as a key ongoing project to build community flood resiliency. The proposed by-law changes improve oversight where culvert modifications are needed, leading to better outcomes for ditches, maintaining these critical elements of urban and rural stormwater management.

ECONOMIC IMPLICATIONS

There are no economic implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

The recommendations described in the report support the City's tree planting goals.

INDIGENOUS GENDER AND EQUITY IMPLICATIONS

There are no Indigenous, Gender and Equity implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no direct risk implications associated with the recommendations in this report.

RURAL IMPLICATIONS

The Access By-law will impact all Ottawa residents. While the Private Approach By-law has provisions specifically for farm and field entrances, it is restrictive and does not inherently offer the flexibility to approve private approach dimensions that can accommodate large equipment. The simplified regulatory environment under the Access By-law will allow staff the opportunity to review the specifics of a request and provide any necessary design and construction conditions within the permit. The recommendation to no longer provide an exemption to the Road Activity By-law for access culvert installation has implications for rural areas that predominantly use roadside ditches for stormwater management. There are, however, tangible benefits for rural residents in a consistent approach to access permitting and inspections. Under the current framework where there is inconsistent oversight there is increased risk to residents of flooding, erosion and property damage from incorrectly installed and failing culverts and ditch infills along their immediate network.

TERM OF COUNCIL PRIORITIES

This report supports the following [2023-2026 Term of Council Priorities](#):

- A city that has affordable housing and is more liveable for all
- A city that is more connected with reliable, safe and accessible mobility options
- A city that is green and resilient

SUPPORTING DOCUMENTATION

Document 1 – Draft Access By-law issued separately and held on file

Document 2 – Details: Access Design Requirements immediately follows the report

Document 3 – Visual representations of the proposed permissions for residential units immediately follows the report

Document 4 – Details of proposed amendments (Use and Care of Roads By-law) immediately follows the report

Document 5 – Details of proposed amendments (Road Activity By-law) immediately follows the report

Document 6 – Details of proposed amendments (Encroachments By-law) immediately follows the report

DISPOSITION

Following approval of this report, Right of Way, Heritage and Urban Design Services, with Legal Services, will prepare the Access By-law for enactment by Council and will apply for the appropriate set fines in accordance with applicable processes. All related administrative requirements for implementation of the by-law and repeal of the existing Private Approach By-law 2003-447 will be undertaken. ROWHUD, with Legal Services, will likewise prepare the amending by-laws to the Use and Care of Roads By-law, the Road Activity By-law and the Encroachments By-law for enactment by Council.

Document 2 – Details: Access Design Requirements

Staff are recommending a more targeted scope moving forward with the proposed Access By-law and are seeking delegated authority to establish design requirements for vehicular and pedestrian access, as described in this report. The existing requirements in the Private Approach By-law that are proposed to be contained in the design requirements are as follows.

Requirements that are applicable to vehicular access to parking spaces:

- Minimum and maximum grade
- Minimum distance between two accesses to the same property
- Minimum setback of an access from a neighbouring property line
- Minimum setback of an access with a culvert from a neighbouring property line
- Location of an access in relation to an intersection

Requirements that are applicable to vehicular access to parking lots and parking garages:

- Minimum and maximum grade
- Minimum distance between two accesses to the same property
- Minimum setback of an access from a neighbouring property line
- Location of an access in relation to an intersection
- Maximum number of accesses to a parking lot permitted per frontage
- Location of an access in relation to an intersection when the access is on a roadway classified as an arterial or major collector
- Authority to determine the appropriate location for access to a parking lot when the lot has frontage on two roadways and the minimum location requirements cannot be met on both frontages
- Authority to require a median between two one-way accesses
- Signage for one-way accesses to parking lots and parking garages

Requirements that are applicable to farm and field entrances:

- Maximum grade

Document 3 – Visual representations of the proposed permissions for residential units

The following drawings illustrate the proposed permissions for installing a walkway serving a residential unit without the requirement for a permit. Under the proposed draft Access By-law, walkways in the right of way are categorized as a pedestrian access or as an extension of the vehicular access when they are next to a driveway. Drawings are not to scale and do not represent every possible option or right of way configuration.

Figures 2 and 3 illustrate potential configurations for the installation of a pedestrian access. It is proposed that when there is an existing driveway, a separate pedestrian access only be permitted on lots with frontage greater than 12.0 metres wide (Figure 3).

Figure 2: Residential pedestrian access separated from a driveway

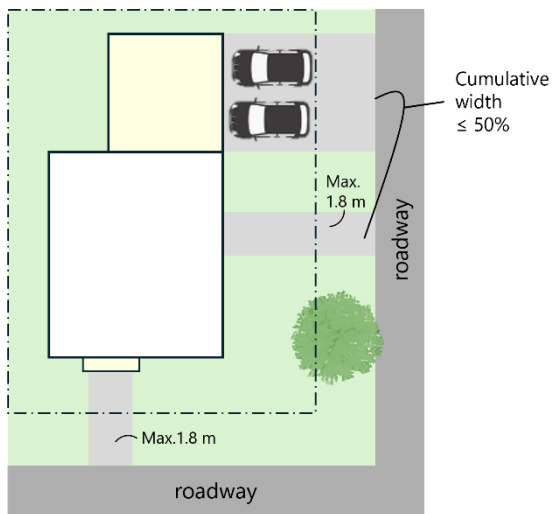
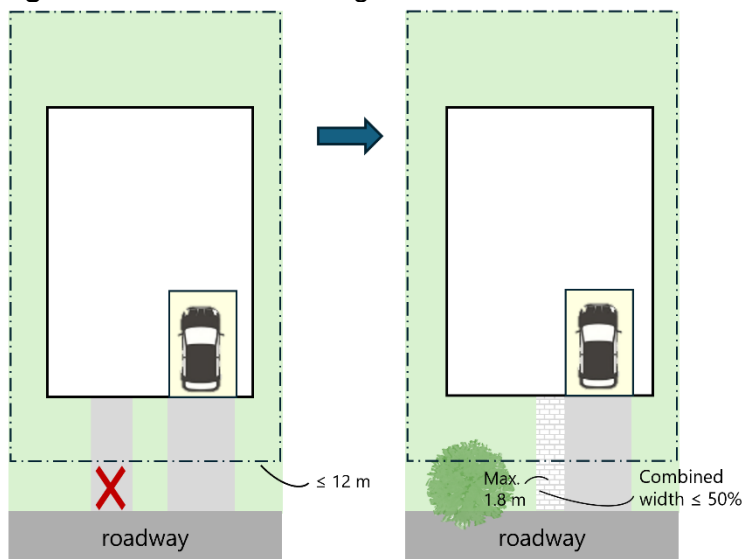


Figure 3: Lots with a frontage 12.0 metres wide or less with an existing driveway



Figures 4 and 5 illustrate extensions to the vehicular access. The draft Access By-law maintains an existing maximum cumulative width of hard surface in the right of way at

50 per cent of the width of the frontage.

Figure 4: Extension of the vehicular access

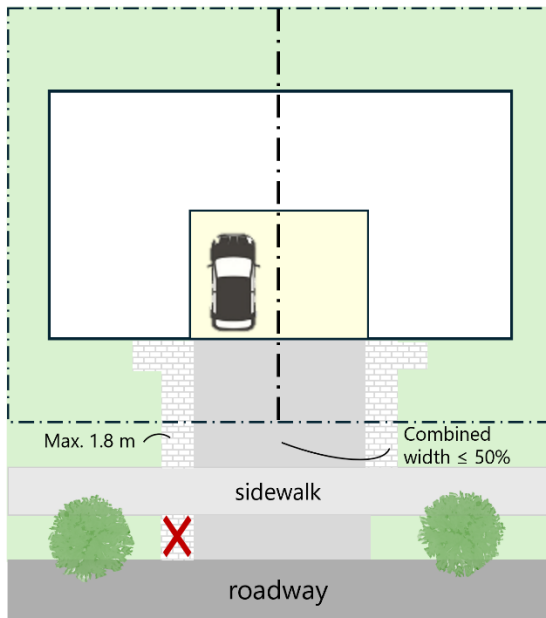
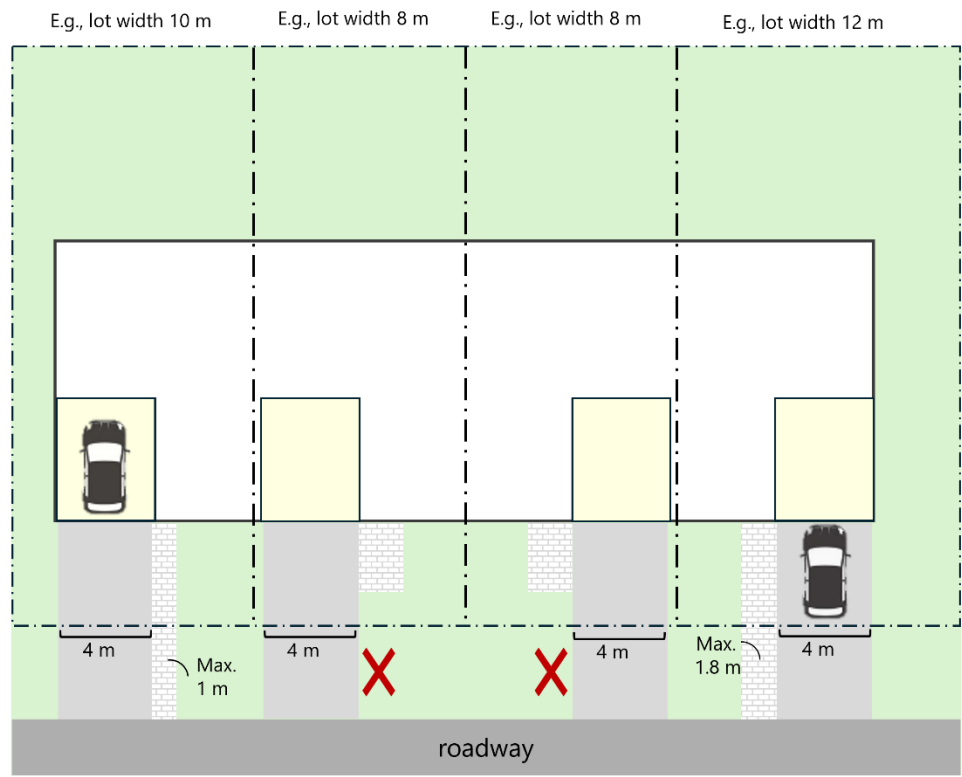


Figure 5: Extensions of the vehicular access on a row of townhomes



Document 4 – Details of proposed amendments (Use and Care of Roads By-law)

Staff recommend amending By-law No. 2003-498 with provisions similar in effect to the following:

1. Section 4 of By-law No. 2003-498 entitled “A by-law of the City of Ottawa to regulate the use and care of roads”, as amended, is amended by adding thereto, immediately after Section 4 (6), the following:
 - (7) Section 3 does not prohibit a person from installing an access in accordance with the Access By-law.

Document 5 – Details of proposed amendments (Road Activity)

Staff recommend amending By-law No. 2003-445 with provisions similar in effect to the following:

1. Section 2.1 of By-law No. 2003-445 entitled “A by-law of the City of Ottawa to regulate road activity on City highways”, as amended, is deleted entirely and replaced with the following:

2A (1) Section 2 does not apply to a road cut associated with:

(a) the installation of a boulevard garden or free library box as defined by the Use and Care of Roads By-law No. 2003-498, as amended;
and,

(b) the resurfacing of an existing access or work done in accordance with sections 16(3) and 18(1) of the Access By-law.

Document 6 – Details of proposed amendments (Encroachments)

Staff recommend amending By-law No. 2003-446 with provisions similar in effect to the following:

1. Section 2 (1) (a) of By-law No. 2003-446 entitled “A by-law of the City of Ottawa to regulate encroachments on City highways”, as amended is deleted entirely and replaced with the following:
 - (a) pedestrian accesses, vehicular accesses, lawns, boulevard gardens, free library boxes, or pop-up retail display and vending placed or constructed in accordance with the City’s by-laws;