



November 6, 2025

Committee of Adjustment  
101 CentrepoinTE Drive  
Ottawa, Ontario  
K2G 5K7

Committee of Adjustment  
Received | Reçu le

Revised | Modifié le : 2025-11-19

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

Dear Committee Members,

**RE: Application for Minor Variance and Consent  
651 Donat Street  
LT 47, PL 587 ; S/T OT10142 OTTAWA/GLOUCESTER  
City of Ottawa  
Owner: KOWALCZYK, PHILIP**

HP Urban Inc and The Stirling Group have been retained by the Property Owner to assist with a Minor Variance and Consent application for the property located at 655 Donat Street, described as LT 47, PL 587 ; S/T OT10142 OTTAWA/GLOUCESTER. The property is rectangular in shape and resides within the Vanier neighbourhood, Ward 12 (Rideau-Vanier). The property owner is proposing to build a low-rise rental apartment building with 10 units.

The subject property is located within the Inner Urban Transect and is identified as Neighbourhood on Schedule B2 of the Official Plan. The subject property is zoned Residential Fourth Density, subzone UA (R4UA) in the City of Ottawa Zoning By-Law.

To proceed with the development as proposed, a Minor Variance is required to amend the maximum number of units from 8 to 10.

Attached with this letter are copies of the following documents:

- Committee of Adjustment Application requesting a minor variance for maximum number of units
- Committee of Adjustment Application for a consent application to create an easement
- Site Plan and Elevations
- Topographic Survey
- Tree Report

**SITE LOCATION**

The subject property is a large rectangular lot located on Donat Street off Ducharme Boulevard. The lot is approximately 564 m<sup>2</sup> and currently contains a one and a half storey residential dwelling.

Figure 1 shows an aerial view of the subject property outlined in Orange. As shown in the aerial image, the surrounding land uses are predominantly residential. An institutional exist on the East side of de l’Eglise Street.



Figure 1 – Aerial view of the subject property, 651 Donat Street

## PROVINCIAL POLICY STATEMENT, 2024

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020. The PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

**Section 2.2** notes that “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market by:

- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
  - *The proposed development efficiently uses land, existing resources and infrastructure. It is well positioned within the City for residents to use active transportation modes; the property is located between two Major Corridors in Montreal Road and McArthur Avenue. It is also just West of St. Laurent Boulevard, another Major Corridor.*
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
  - *As noted, the proposed development would see the introduction of 10 rental units on a lot where a single residential dwelling is located. The subject property is in close proximity to transit and three Major Corridors.*

**Section 3.1** speaks to General Policies for Infrastructure and Public Service Facilities and Policy 2. a) notes “the use of existing infrastructure and public service facilities should be optimized”

- *The proposed development would utilize existing services along Donat Street that have the capacity to serve this development.*

**Section 4.1** discussed Natural Heritage and Policy 1. Says “Natural features and areas shall be protected for the long term.

- *The subject property does not have any Natural Features on site.*

As demonstrated above, the proposed development and subsequent minor variance application aligns with the Provincial Policy Statement (2024).

## CITY OF OTTAWA OFFICIAL PLAN, 2022

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B2 – Inner Urban Transect – of the Official Plan identifies the land designation for the subject property as Neighbourhood.

The City of Ottawa’s Growth Management Framework is set out in Section 3 of the Official Plan. It focuses on the goal of providing sufficient development opportunities to increase sustainable transportation mode shares and use of existing and planned infrastructure, while reducing greenhouse gas emissions.

The intent of the City’s Growth Management Framework is:

- To provide an appropriate range and mix of housing that considered the geographic distribution of new dwelling types and/or sizes to 2046;
- To prioritize the location of residential growth to areas with existing municipal infrastructure, including piped services, rapid transit, neighbourhood facilities and a diversity of commercial services;
- To reduce greenhouse gas emissions in the development and building sectors and in the transportation network; and,
- To establish a growth management framework that maintains a greater amount of population and employment inside the Greenbelt than outside the Greenbelt.

The proposed minor variance application at 651 Donat Street which would allow for intensification on the subject site meets the following Growth Management Framework policies among others:

- **Policy 3 in Section 3.2** states that the vast majority of residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors, and adjacent Neighbourhoods.
  - *The subject property is designated Neighbourhood and is within walking distance of three Major Corridors – Montreal Road, McArthur Avenue, and St. Laurent Boulevard.*
- **Policy 4 in Section 3.2** states that intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services.
  - *The subject property has municipal water and sewer services along Donat Street*
- **Policy 8 in Section 3.2** states that intensification should occur in a variety of dwelling unit floor space sizes to provide housing choices.
  - *The proposed development seeks to develop the subject site with ten rental units consisting of five one-bedroom units and five two-bedroom units. The units range in size from 500 square feet to over 1,000 square feet.*

**Section 4.2.1** of the new Plan’s housing policy provides that the City will support mid density low rise multi unit housing by allowing housing forms that are denser, of smaller scale, of 3 or more units in appropriate locations.

- *The proposed Low-rise Apartment conform to the new plans housing direction.*

As defined in the Official Plan... *“Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of this Plan that they, along with hubs and corridors, permit a mix of building forms and densities.”*

**Section 5.2.4** provides direction to the Neighbourhoods located within the Inner Urban Transect such as the subject property. Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined on the page above. It also notes that

- Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;
  - *The subject proposal provides for missing middle housing*
- The application of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;
- Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;
  - *A 3-storey building is proposed*
- Provides an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration;
  - *This section highlights the importance that the City’s Official Plan has placed on built form rather than unit count. Despite requesting a variance to allow a maximum of 10 units where 8 units are permitted, the built form of the proposed building complies with the zoning by-law and frames the right of way along Donat Street.*
- In appropriate locations, to support the production of missing middle housing, lower-density typologies may be prohibited.

**Section 6.3.1** of the Plan speaks to the function of Neighbourhoods and Policy 4) notes that “the Zoning By-law and approvals under the Planning Act shall allow a range of residential and nonresidential built forms within the Neighbourhood designation”, including: b) “Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

**Section 6.3.2 1)** further notes that “The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order

to strengthen, guide towards or seed conditions for 15- minute neighbourhoods. Innovative building forms include, but are not limited to:... development of a single lot or a consolidation of lots to produce missing middle housing;”

- *As noted on the cover page, if approved, these applications would allow for the creation of missing middle housing units on a single lot where one single detached dwelling had previously existed all while meeting most of the provisions of the R4UA zoning.*

As demonstrated above, the proposed development and subsequent minor variance comply with and are supported by the policies found within the City of Ottawa Official Plan (2022).

### **Consent Application for easements**

The consent application is required to create an easement for a shared driveway with 655 Donat. The driveway will be used to vehicular and pedestrian access to the rear of both properties.

A Draft R-Plan has been provided:

- Part 1 contains a low rise apartment building at 651 Donat with Parts 2 & 3 comprising the shared driveway
- Part 5 contains a low rise apartment building at 655 Donat with Parts 6 & 7 comprising the shared driveway

Reciprocal easements are proposed for the shared driveway and to allow for appropriate pedestrian access:

- Part 1, 2, 3 & 4 has an easement over Part 6, 7 and 8 to allow for vehicle and pedestrian access to allow access to the units, parking spaces.
- Part 5, 6, 7 & 8 has an easement over Part 2, 3 and 4 to allow for vehicle and pedestrian access to allow access to the units, parking spaces.

The property is currently subject to easements in favour of Hydro Ottawa which provide access to the rear hydro line. These easements are identified in OT10142 which established the easements in 1953. These easements will remain. Document OT10142 is attached to this letter.

### **CITY OF OTTAWA ZONING BY-LAW, 2020-290**

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. As noted on Page 1, the subject site is zoned Residential Fourth Density, subzone UA (R4UA).

The R4UA zoning notes apartment dwelling, low rise as a permitted use.

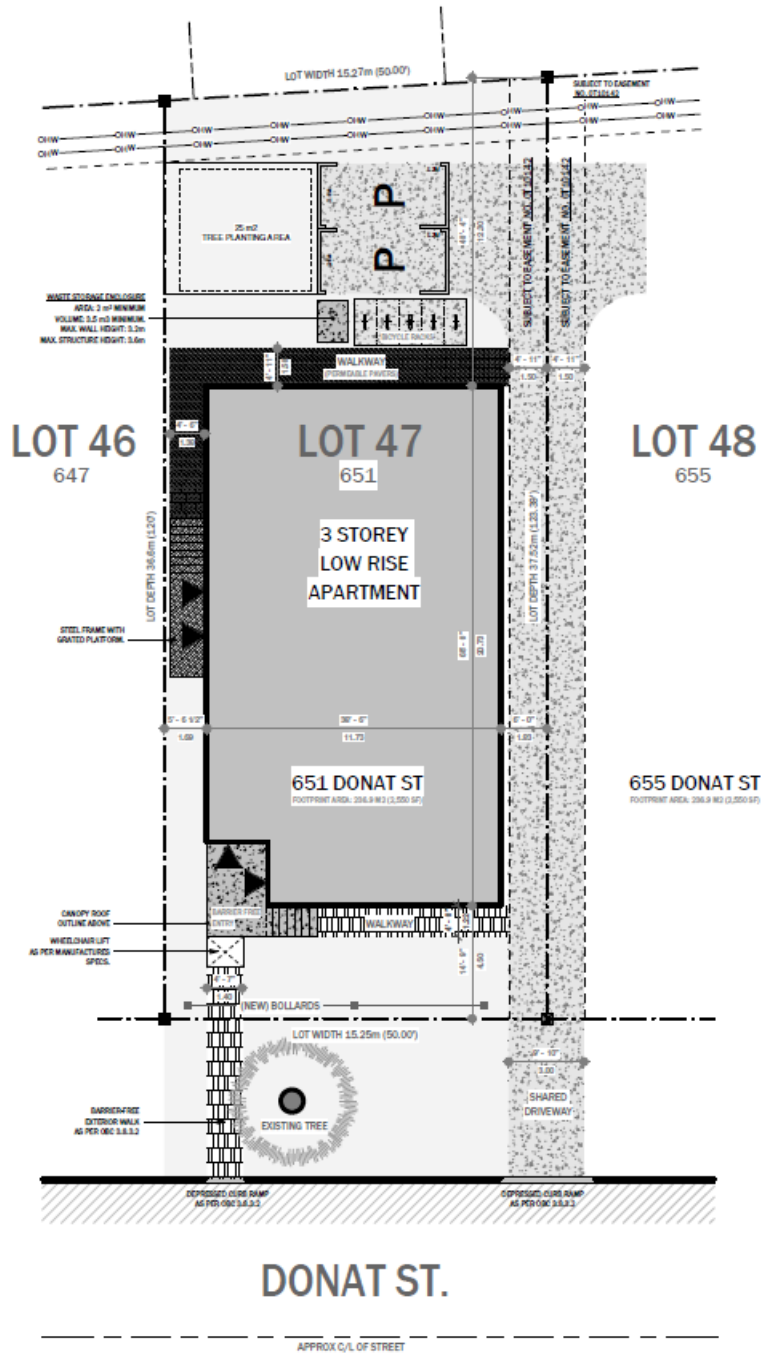
The below table outlines how the proposed development meets the R4UA zoning provisions as provided by Table 162A.

<b>R4UA</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Width	12m	15.25m
Minimum Lot Area	360 m <sup>2</sup>	564 m <sup>2</sup>
Building Height	11m	11m
Minimum Front Yard	4.5m	4.5m
Minimum Rear Yard	30% of lot depth (11.26m)	32.7% of lot depth (12.3m)
Rear Yard Area	25% of the lot area (145 m <sup>2</sup> )	33.3% of the lot area (187.58 m <sup>2</sup> )
Minimum Interior Side Yard	1.5m	1.69 / 1.83 m
Landscape – Front Yard	40% of the front yard area	49.9% of the front yard area
Landscape – Rear Yard	50% of the rear yard area	64.6% of the rear yard area
Landscaped Lot Area	30% of the lot area	32% of the lot area
Maximum number of units	8	10

As shown above, the proposed development complies with the R4UA zoning provisions but requires a variance to the maximum number of units permitted from 8 to 10.

To evaluate the requested variances, in context of the four tests of a minor variance as described in Section 45 of the Planning Act, a review of the site plan is required. The evaluation should show how the new buildings differs from the existing in context of the surrounding environment and streetscape and should demonstrate that the new construction will not have any adverse impacts.

The proposed Site Plan is provided on the subsequent page.



1 SITE PLAN.  
1/8" = 1'-0"

Figure 2 – proposed Site Plan

COMMUNITY CONTEXT



Figure 3, below, shows the existing 1.5 storey dwelling at 651 Donat Street. It is important to note that the existing tree at the front of the property will be preserved.



Adjacent the subject property at 655 Donat Street, the Committee has recently approved a 3-storey low rise apartment with 10 units in it - D08-02-25/A-00136. This was approved in June of 2025.

Heading South, at 659 Donat Street, a low-rise apartment building exists. It is under construction now so a rendering of the approved building has been provided below.



630 Donat Street has been developed as a low-rise, multi-unit building – shown below.



A similar building exists at 619 Donat Street – shown below.



## DISCUSSION

As noted, a minor variance is required for the maximum number of units permitted. The Zoning By-Law specifies that while an apartment dwelling, low-rise, is permitted within the R4UA zone, it is limited to 8 units. This application seeks to amend that provision to allow for 10 residential units.

The subject property is larger than what is typically found within the R4UA zone. This is made evident by the permitted lot area of a low-rise apartment dwelling in this zone requiring a lot area of 360m<sup>2</sup> whereas the subject property is 564m<sup>2</sup>. As such, the subject property can handle additional units from the 8 permitted.

This is made further obvious by the proposed development meeting every zoning provision of the R4UA zone particular to a low-rise apartment dwelling as shown in the table on Page 6. The Owner is just looking to optimize the internal configuration of the building to maximize unit count. As noted earlier in the letter, the building proposes five 1-bedroom units and five 2-bedroom units. The unit's range in size from 500 square feet to over 1000 square feet. Based on these unit types, it's clear that the size of the units is not being compromised either. A good mix of unit types will be made available.

Finally, the City's Official Plan makes numerous references to the importance of built form rather than unit count. The two most prominent and relevant sections to this application are highlighted below.

- **Section 4.3.4: Housing** states that the City will provide development standards primarily through the Zoning By-law that ... "Primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology"
  - *While requesting a variance from 8 permitted units to 10, the built form of the proposed development meets all other zoning requirements. This shift is intended to allow for a variety of housing within a defined physical envelope which is what this proposed development achieves; a zoning compliant physical envelope.*
- **Section 5.2.4** states that development in Neighbourhoods near Major Corridors shall ... "Provide(s) an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration"
  - *This section highlights the importance that the City's Official Plan has placed on built form rather than unit count. Despite requesting a variance to allow a maximum of 10 units where 8 units are permitted, the built form of the proposed building complies with the zoning by-law and frames the right of way along Donat Street.*

In reviewing the proposed development, the variance requested to the maximum number of units permitted is minor, has no impact on abutting properties and is desirable as it allows for the development of sensitive intensification with the addition of a Low-rise Apartment.

### **New Zoning Bylaw**

The City of Ottawa has started to update the zoning bylaw to conform to the approved Official Plan. The final version #3 has been released, and while not in force the new bylaw provides context in relation to conformity to the City of Ottawa Official Plan.

The recommended zoning for this property would be Neighbourhood Zone subzone 3B (N3B). This new zoning bylaw does away with traditional lot area calculations and instead moves to a units per hectare calculation to determine the appropriate density on the site - 2.2 per 100 sq m of lot area, maximum 10 per building. The lot area of 564 square metres supports a density of 12 units. The proposed 10 units would comply with the density provisions of the N3B zone and the maximum per building requirement.

This compliance to the new zoning bylaw is a strong indicator that this proposed development conforms to the purpose and intent of the provisions of the City of Ottawa Official Plan.

### **FOUR TESTS**

Based on the rationale provided, the proposed variance meets the four tests of a minor variance as described in Section 45 of the Planning Act.

1. The variance is minor.

The requested variance is minor in nature and will have no impact on adjacent properties.

2. The variance is desirable for the appropriate development or use of the property.

The requested variance is appropriate so that a new Low-rise Apartment building can be constructed.

3. The general intent and purpose of the Zoning By-law is maintained.

A Low-rise Apartment is a permitted use in the R4UA zone. The surrounding properties are all zoned R4UA as well. As shown in the Community Context section above, several of the surrounding properties are developed in a similar manner to what is proposed; multi unit, Low-rise developments.

4. The general intent and purpose of the Official Plan is maintained.

The site is designated Neighbourhood and as such the construction of a Low-rise Apartment is consistent with the strategic direction of the Official Plan. The Official Plan provides importance on built form versus unit count and the subject application proposes to develop the site in accordance with the zoning envelope permitted as of right.

**Planning Act Section 51 – Part 24 Compliance**

Provision	Applicability	Application Compliance
(a) The effect of the development of the proposed subdivision on matters of provincial interest as referred to in section 2.	Yes	The Provincial Policy Statement (PPS) provides direction on matters of provincial interest on land use planning which local planning decisions must be consistent with. The policies of the PPS focus growth within settlement areas with lands uses managed to accommodate a full range of current and future needs taking advantage of existing infrastructure. The proposed consent conforms to the overall objectives and intent of the PPS.
(b) Whether the proposed subdivision is premature or in the public interest;	Yes	The subject lands are zoned for the development. The easement is therefore in the public interest as it allows for the development of much needed rental units while sharing hard surface areas.
(c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	Yes	The parcels conform to both the appropriate OP and Secondary Plan policies.
(d) The suitability of the land for the purposes for which it is to be subdivided;	Yes	The easement is meant to facilitate the creation of a shared driveway that will

		support access to the rear of 2 buildings. Any development that occurs will adhere to City zoning and building regulations.
(e) If any affordable housing is being proposed the suitability of the proposed units for affordable housing;	No	
(f) The number, width, location and proposed grades and elevations of highways and the adequacy of them, and the highways linking the highways in the proposing subdivision with the established highway system in the vicinity and the adequacy of them;	No	
(g) The dimensions and shapes of the proposed lots;	Yes	The parcels exist today and will continue to function in the same manner with the new easements.
(h) 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 the adjoining land;	No	
(i) Conservation of natural resources and flood control;	No	
(j) The adequacy of utilities and municipal services;	Yes	Full Municipal Services exist on Donat and can service the development in accordance with City of Ottawa servicing standards
(k) The adequacy of school sites;	No	

<p>(l) The area of land, if any, within the proposed subdivision that, exclusive of highways is to be conveyed or dedicated for public purposes;</p>	<p>No</p>
<p>(m) The extend to which the plan’s design optimized the available supply, means of supplying, efficient use and conservation of energy; and</p>	<p>No</p>
<p>(n) 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 designed 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).</p>	<p>No</p>



## CONCLUSION

The lot fabric, scale of the proposed construction and the ability to meet all performance standards of the R4UA zone demonstrates that the proposed minor variance is desirable and will have little to no effect on adjacent properties. The approval of the minor variance will allow the proposed construction to take place in a manner consistent with the Official Plan and community expectations.

As a result, it is our opinion that the requested minor variance and consent application represents good planning and urban development.

Sincerely,

Peter Hume  
HP Urban Inc.

Alison Clarke  
The Stirling Group

OT

12

I HEREBY HERALD THE ...  
IS ONLY ENTERED ...  
REGISTERED ...  
OFFICE OF THE ...

CITY OF OTTAWA AT ...  
P. A. OF THE ...  
1912

1912  
W. J. ...

24th DAY OF APRIL 1912

ALLEN CONSTRUCTION LIMITED

and

COMMISSIONER OF THE CITY OF OTTAWA

and

COMMISSIONER OF THE CITY OF OTTAWA

and

THE ... COMPANY OF CANADA

AGREEMENT AND GRANT OF EASEMENT

LEGAL DEPARTMENT  
CITY HALL, OTTAWA

A COMPLETION &c.

SWORN before me at the City of  
Ottawa in the County of Carleton  
this day of 19

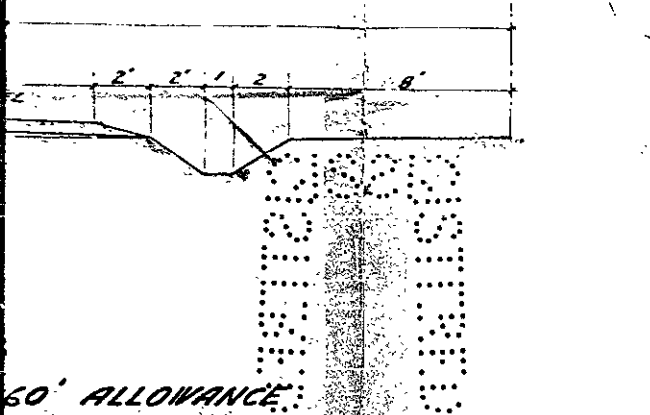
1. THAT I was personally present and did see the within agreement and duplicate duly signed, sealed and executed by
2. THAT the said agreement and duplicate were executed by the said part
3. THAT I know the said part
4. THAT I am a subscribing witness to the said agreement and duplicate.

make oath and say:

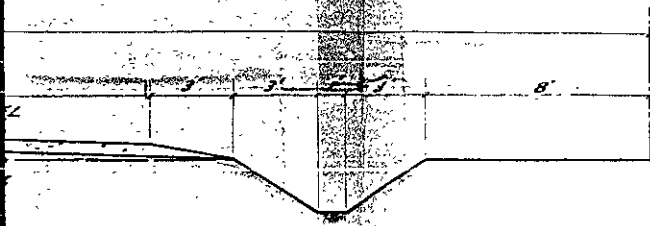
COUNTY OF CARLETON )  
I, )  
of the City of Ottawa )  
TO WIT: )  
in the County of Carleton,

AFFIDAVIT OF EXECUTION

10' ALLOWANCE



60' ALLOWANCE



6' ALLOWANCE



**CITY OF OTTAWA**  
**ENGINEERING DEPT. ROADWAY BRANCH**

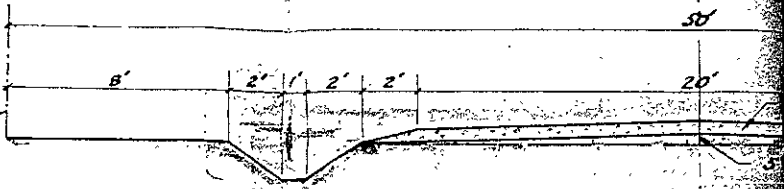
**TYPICAL CROSS SECTIONS SHOWING  
 GRAVEL ROAD CONSTRUCTION IN  
 URBAN AREAS**

<i>S. Dwyer</i> COMMISSIONER OF WORKS	SURVEY PLAN	L. S. D.
<i>H. M. ...</i> ASSISTANT COMMISSIONER OF WORKS	DATE	MARCH 17 1950
<i>M. W. ...</i> FOREMAN ENGINEER	SCALE	1/4" = 1'-0"

ROAD CONSTRUCTION

58'

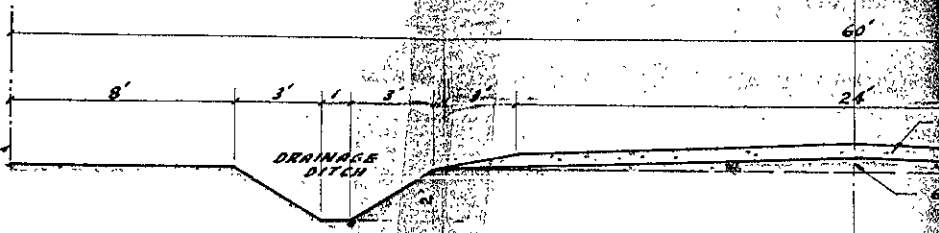
LOT LINE



ROAD CONSTRUCTION

60'

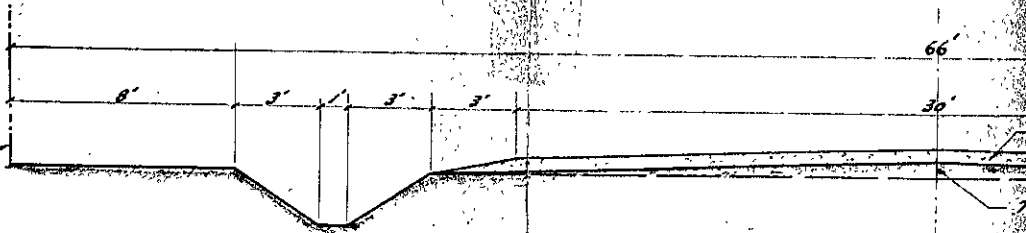
LOT LINE



ROAD CONSTRUCTION

66'

LOT LINE



MEMORANDUM OF AGREEMENT AND GRANT OF EASEMENT made in triplicate

this 24th day of April 1953.

B E T W E E N:

ALLEN CONSTRUCTION LIMITED a body corporate having its head office situate in the City of Ottawa in the County of Carleton hereinafter called the "Owner",

Of the First Part,

A N D:

THE CORPORATION OF THE CITY OF OTTAWA, of the County of Carleton and Province of Ontario, hereinafter called the "City",

Of the Second Part,

A N D:

THE HYDRO ELECTRIC COMMISSION OF THE CITY OF OTTAWA, hereinafter called the "Commission", and THE BELL TELEPHONE COMPANY OF CANADA, hereinafter called the "Company",

Of the Third Part.

WHEREAS the Owner has represented to the City that it is the sole owner in fee simple and clear of encumbrance of those lands comprising of part of Lots 5 and 6 Junction Gore of the Township of Gloucester now within the limits of the City of Ottawa.

AND WHEREAS the Owner has applied to the City for approval of that certain plan of subdivision of the said lands, according to the plan thereof prepared by S. E. Farley, O.L.S. and dated the 20th day of April 1953;

AND WHEREAS the City has approved of the said plan upon the conditions set forth in this agreement;

AND WHEREAS the Owner -

(a) has undertaken to construct the roads in accordance with the terms of this agreement and has deposited with the City a financial guarantee bond issued by a security bonding company of recognized standing duly licensed to carry on business in the Province of Ontario in the amount of \$ 3,237.50 estimated by the Commissioner of Works as the cost of construction of the roads guaranteeing full financial responsibility for the construction and maintenance of the

roads for the guarantee period hereinafter referred to, (upon completion of the work to the satisfaction of the Commissioner of Works the Owner shall have the privilege of reducing the amount of the bond to 50% of the estimated cost of construction for the guarantee period);

~~(h) he deposited a certified cheque with the City in the amount of \$ as a guarantee of full and faithful performance to the City of the construction and maintenance for the guarantee period hereinafter referred to, (upon completion of the work to the satisfaction of the Commissioner of Works the Owner shall have the privilege of depositing a certified cheque in the amount of 50% of the cheque originally deposited by for the guarantee period);~~

~~AND WHEREAS the Owner has deposited with the City the amount of \$ estimated by the Commissioner of Works to be the cost of construction of the said roads and has requested the City to construct the said roads and to pay for such construction out of the \$ deposited;~~

~~AND WHEREAS the City has agreed to construct the said roads;~~

THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises, the Owner, for its, ~~heir~~, ~~successors, administrators, successors and assigns~~, successors and assigns, covenants and agrees with the City as follows:

1. This agreement shall apply to lots 36 to 75 inclusive <sup>and</sup> Block B

as shown on registered plan Number 587. (587)

2. All roads on the said plan and drainage works incidental thereto shall be constructed by and at the expense of the Owner, heirs, executors, administrators, successors and assigns, in accordance with the plan annexed hereto and the specifications set forth in Schedule "A" hereto, and such construction shall be carried on under the supervision of and shall be built to grades established by the Commissioner of Works of the City. The Owner shall commence the construction of the said roads at a time satisfactory to the Commissioner of Works. Where the installation of sewer and/or water

services is contemplated by the City at an early date following the registration of the plan of subdivision, the Commissioner of Works may require the Owner to defer the commencement of the construction of the roads to a future date to be determined by the Commissioner of Works of the City, provided, however, that the construction or installation of such services shall not be construed as an obligation on the City to assume the roads. When the construction of any road or roads within the subdivision follows the installation of a municipal service on the said road or roads, such construction shall be proceeded with by the Owner, notwithstanding the conditions occasioned by the installation of such sewer and/or water services, but shall not include any work which, in the opinion of the Commissioner of Works and/or the Commissioner of Water Works of the City, forms a part of the work required to be done by the contractor by whom the sewer and/or water services were installed.

This agreement shall apply to the following streets:-

<u>Street</u>	<u>From</u>	<u>To</u>
Benoit Street	Ducharme Boulevard	Donat Avenue
Ducharme Boulevard	Benoit Street	Regis Street
Regis Street	Ducharme Boulevard	the south limit of the plan

3. No application or petition shall be made or proceedings taken for the construction or the financing of the construction of any such road or roads under the provisions of The Local Improvement Act, and amendments thereto, or any other Act of like nature.

4. (1) Should the Owner or its surety or sureties fail to perform the construction of the work, or any part thereof, to be undertaken by it in accordance with the terms of this agreement to the satisfaction of the Commissioner of Works of the City within ~~...six months...~~ of the registration of the plan of subdivision, or within such further time as may be decided upon by the Commissioner of Works in his sole discretion, the Commissioner of Works may undertake the construction to completion of the work as aforesaid.

(2) Should the amount expended by the City in the construction

of the roads be in excess of the amount secured by the performance bond or of the amount of the certified cheque deposited with the City or of the amount of cash paid to the City on request that the City construct the roads, such excess cost shall be borne by the Owner .

(3) Upon request, the Commissioner of Works shall attend and inspect the said roads and order any additional work to be done in accordance with the specifications and such additional work shall be completed to his satisfaction. The Owner shall keep and maintain in good order and repair the whole of the work performed under this agreement, including any extra work which may be ordered pursuant thereto for the period of one year following the completion of the said work to the satisfaction of the Commissioner of Works. The Owner shall then hand over the same to the said City completed and in perfect order and repair and the City shall by resolution accept the said roads as public highways. He shall at all times, until the date upon which the streets are accepted by the City, indemnify and keep indemnified the City and all the officers, servants, and agents thereof from any and all manner of loss, damage, expense, suits, claims, liens and demands arising out of the said work in pursuance to this agreement, or incurred by reason of the execution of the said work, or the supply of material therefor, according to the terms of the agreement.

(4) Should the Owner construct or proceed to construct any building or buildings prior to the construction and completion of the said roads, as herein provided, and their acceptance by the City, or convey any of the said lands to any third parties who may erect or proceed to erect buildings on the said lands prior to such completion and acceptance, then, and in that event, the Owner shall continue to be responsible for providing access to the said lands and premises until such time as the said roads have been accepted by the City.

(5) The Owner shall permit the City to remove snow from the roads in question until the date of formal acceptance of the said roads by resolution of the City, but the granting of any such permission shall



not be construed as an obligation on the City to perform such service or to assume the road.

5. Should the Owner well, truly and faithfully in all respects perform, execute and carry out the terms of this agreement to the satisfaction of the Commissioner of Works of the City, the obligation of the financial guarantee bond referred to in paragraph 4 shall be null and void.

6. The Owner shall prohibit the use of land and the erection or use of buildings on the said land as follows: the owner undertakes and agrees that only one single family dwelling with necessary accessory buildings not to be used for human habitation shall be erected on each of the lots.

It is hereby declared that this restriction shall remain in force until altered or otherwise dealt with by by-law of the Council of the City.

7. The Owner shall satisfy the following conditions respecting the installation of sewer and water services and the payment of taxes, namely, pay all charges levied or imposed in respect of sewer and water services and to pay all taxes levied or imposed in respect to the said lands.

8. The Owner shall convey to the City in fee simple all one foot reserves, all lands to be dedicated for public purposes, other than streets, shown on the said plan. The deed shall be prepared by the City and be registered by the Owner, at the Owner expense, immediately following the registration of the plan and of this agreement and a duplicate registered copy of the deed shall be lodged with the City Clerk immediately following the registration thereof.

The lands referred to in this paragraph are composed of: Block B and the one foot reserve shown at the southerly limit of Regis Avenue.

9. The approval of this plan of subdivision shall not obligate the City to proceed with the construction or installation of municipal services for or in respect of the land shown on the said plan.

10. The City shall have a lien against the lands and premises upon which this agreement is registered for any amount the City expends in carrying out any of the obligations of the Owner under this agreement over and above the amount of any certified cheque deposited with the City by the Owner or paid to the City under any financial guarantee or other bond deposited with the City to secure such obligations, provided always that such lien shall in no case take priority over any advance or advances under any first mortgage registered upon land shown upon the said plan.

THE OWNER HEREBY GRANT to the Commission and the Company, their respective successors and assigns, the right, license and authority at all times -

(a) to enter with or without animals, vehicles, machinery and other equipment and material and construct, repair, replace, remove, operate and maintain their lines of electricity and telephone including all necessary poles, anchors, conductors, wires, cables, conduits and other fixtures upon, over, under, along and across all lands shown as "public utility easements" on the said plan and being eight feet in width, four feet on each side of the centre line of such "public utility easements" on the said plan together with full right of unobstructed access, ingress and egress over all lands shown on the said plan to and from public highways to and from the place where the said lines of electricity and telephone are to be constructed, repaired, replaced, removed, operated and maintained and

(b) to trim, fell or remove any trees or brush upon the said eight foot strips of land so as to keep the said lines of electricity and telephone clear therefrom for a distance of at least four feet.

TO HAVE AND TO HOLD unto the Commission and Company, their respective successors and assigns for ever,

The Owner shall at the Owner expense cause this agreement and grant of easement to be registered in respect of each lot or parcel of land shown on the said plan immediately following the registration of the said plan and before any other instrument is registered.

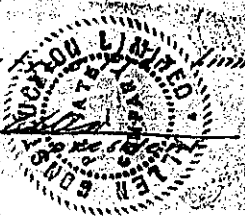
IN WITNESS WHEREOF the Owner has hereunto ~~xxx~~ affixed its corporate seal under the hands of its proper officers in ~~the presence of its proper officers~~ that behalf ~~of the said Owner~~

SIGNED, SEALED, and DELIVERED

in the presence of

Allen Const

per Allen



SPECIFICATIONS FOR  
CONSTRUCTION OF GRAVEL ROADS  
FOR NEW SUBDIVISIONS

"A" GENERAL

1. OWNER TO SUPERINTEND PERSONALLY:

The Owner of a new subdivision, shall give his personal superintendence and direction to the work, keeping also a competent foreman constantly on the ground. He shall provide all labor, transportation, materials, apparatus, machinery and tools necessary for the complete and substantial execution of everything described, shown or reasonably implied in these specifications and accompanying drawings.

2. NO DEVIATIONS:

No deviations shall be made by the owner from these specifications and drawings without written authority from the Commissioner of Works, and should any part of the work be altered without that authority, or should any part of the work be executed in an unsatisfactory manner, the same shall be re-constructed at the expense of the owner.

3. SAFEGUARDS AGAINST ACCIDENTS AND DAMAGES:

The owner shall provide proper and sufficient safeguards and protection against the occurrence of any accidents, injuries, damages or hurt to any person or property during the progress of the work, and shall alone be responsible for making good any damage to the work in progress, or for making compensation to persons or property damaged or injured in the execution of the work.

4. ACCEPTANCE OF WORK:

No part of the work shall be accepted until the whole is completed to the satisfaction of the Commissioner of Works.

"B" CLEARING AND GRUBBING:

1. CLEARING:

The entire road allowance shall be cleared of all standing timbers and brush, dead timber, brush piles, logs, stumps and windfalls, except over areas designated as boulevards where sound timber may be left standing. The disposal of all such material shall be to the satisfaction of the Commissioner of Works.

2. GRUBBING:

The road allowance cleared as specified above shall be completely grubbed. The grubbing shall include the removal of all stumps and roots. All waste material shall be burned or otherwise disposed of to the satisfaction of the Commissioner of Works. All excavations made below the subgrade surface by the removal of trees, stumps, roots, etc, shall be filled with suitable material, thoroughly compacted, so as to make the surface at these points conform to the surrounding subgrade.

"C" EXCAVATION AND FILL FOR SUBGRADE

1. EXCAVATION:

Excavation shall be made so that the subgrade conforms with the grades established by the Commissioner of Works. The alignment, grade and cross-section shall be made to the satisfaction of the Commissioner of Works. Stones obtained in cuts may be deposited in the embankments and distributed so as not to form pockets or cavities. All acceptable material taken from the excavations

shall be deposited in the embankments or spread evenly over the adjacent property where lower than the proposed subgrade. All embankments shall be carried up in horizontal layers, which shall be successively consolidated until the required finished grade is obtained. Ditches shall be excavated to the depth required to permit the free run-off of water. Typical cross-sections are shown in the drawings accompanying these specifications. A uniform grade on the ditches and smooth uniform slopes on the ditch banks are to be secured.

## 2. FILL AND EARTH BORROW:

Where the material taken from the cuts is insufficient to construct the required embankments, earth borrow material shall be provided to the satisfaction of the Commissioner of works. The earth borrow shall be free of all roots, stumps or other objectionable material.

### "B" GRAVELLING:

#### 1. MATERIAL:

All material shall be Number 1 pit run gravel or crushed stone and shall be approved by the Commissioner of Works before use. Two mixtures of gravel or crushed stone shall be used and shall conform as closely as possible to the following specifications.

(A) BASE COURSE: This shall consist of a mixture of gravel and sand with the proportions of the various sizes as follows: All to pass a 2½" screen and to leave at least sixty per cent and not more than seventy-five per cent of the total coarse aggregate retained on a 1" screen; at least sixty-five per cent and not more than eighty-five per cent of the total fine aggregate to be retained on a 200 mesh sieve.

(B) TOP COURSE: This shall consist of a mixture of gravel and sand with the proportions of the various sizes as follows. All to pass a 1½" screen and to leave sixty per cent and not more than seventy-five per cent retained on a ¾" screen; at least twenty-five per cent and not more than seventy-five per cent of the total coarse aggregate (material over ½" in size) to be retained on a ¾" screen; at least sixty-five per cent and not more than eighty-five per cent of the total fine aggregate (material under ½" in size) to be retained on a 200 mesh sieve.

## 2. LOADING AND HAULING

Loading from the pit or pits shall be performed in such a manner that a uniform grade of materials shall be deposited on the roads. Stone exceeding the maximum size shall not be loaded. No earth, sod, foreign or vegetable matter, strippings or any excess of sand or clay shall be allowed in the gravel. Any loads taken to the work containing such objectionable materials shall be rejected and the owner shall be obliged to remove the defective material from the site of the work.

## 3. DUMPING AND SPREADING:

The material shall be deposited in a uniform ridge on the centre line of the roads and shall be immediately spread upon the subgrade to a uniform section. This work shall be started at a point on the roads nearest the pit and shall proceed therefrom until the extreme haul in one direction is reached and the gravel has a total compacted thickness of six (6) inches. Gravel shall be spread in two 3 inch courses, the bottom course to be completed before second course commenced. The subgrade will be brought to the required cross-section before any gravel shall be placed on it. Gravel shall not be spread on a wet subgrade.

4. SHAPING AND COMPACTING:

The surfacing material shall be shaped, while being compacted under traffic, by the use of a blade grader, drag or other suitable means. Ruts formed by the hauling or by traffic shall be dragged full at least once a day and more frequently if necessary, to prevent cutting through the surfacing material into the subgrade. Holes, waves and undulations which develop and are not filled by dragging shall be filled by adding more material. The shaping of the material shall be continued until the surface is well compacted, free from ruts, waves and undulations and conforms to the required grade and the cross-section shown on the drawings and is to the satisfaction of the Commissioner of Works.

"E" CULVERTS AND DRAINAGE

1. Drainage within the subdivision shall be provided by the owner.

All road allowances shall be ditched on both sides. Where topography requires ditches on the other than street allowances, the owner shall provide right of way and construct such ditches.

2. CULVERTS:

Culverts shall be provided and installed by the owner at all street intersections within the subdivision and also outside where streets from the subdivision connect to other streets.

All culverts shall be of size and material approved by the Commissioner of Works and all ditching subject to his approval.

3. After ditching has been provided by the owner and buildings erected on the lots, the City on application from the lot owner, will provide and install one 16 foot length of culvert for each lot.