

**DECISION**  
**CONSENT/SEVERANCE AND MINOR VARIANCE**

**Date of Decision:** February 13, 2026  
**Panel:** 2 - Suburban  
**Files:** D08-01-25/B-00300  
 D08-02-25/A-00284 & D08-02-25/A-00285  
**Applications:** Consent under section 53 of the *Planning Act*  
 Minor Variance under section 45 of the *Planning Act*  
**Applicants:** R. Krystiyan  
**Property Address:** 51 St. Claire Avenue  
**Ward:** 8 - College  
**Legal Description** Lots 1675, 1676, 1677, 1678, Registered Plan 375  
**Zoning** R1FF  
**Zoning By-law:** 2008-250  
**Heard:** February 3, 2026, in person and by videoconference

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

[1] The Applicant wants to subdivide the property into two separate parcels of land to construct two detached dwellings, as shown on the plans with the Committee. The existing dwelling will be demolished.

**CONSENT REQUIRED:**

[2] The Applicant seeks the Committee’s consent to sever land. The property is shown as Part 1 and 2 on a draft 4R-plan filed with the applications and the separate parcels will be as follows:

*Table 1 Proposed Parcels*

File No.	Frontage	Depth	Area	Part No.	Building
B-00300	14.12 m	27.45 m	409.2 sq. m	1	Detached dwelling

Retained	16.33 m	27.41 m	472 sq. m	2	Detached dwelling

[3] The proposal does not comply with the Zoning By-law and therefore minor variance applications have also been filed.

**REQUESTED VARIANCES**

[4] The Applicant seeks the Committee of Adjustment’s authorization for minor variances from the Zoning By-law as follows:

**A-00284: Part 1 on draft 4R-Plan, proposed detached dwelling:**

- a) To permit a reduced lot width of 14.12 metres, whereas the By-law requires a minimum lot width of 19.5 metres;
- b) To permit a reduced lot area of 409.2 square metres, whereas the By-law requires a minimum lot area of 600 square metres;
- ~~c) To permit an increased lot coverage of 47.43%, whereas the By-law permits a maximum lot coverage of 45%.~~

**A-00285: Part 2 on draft 4R-Plan, proposed detached dwelling:**

- d) To permit a reduced lot width of 16.33 metres, whereas the By-law requires a minimum lot width of 19.5 metres;
- e) To permit a reduced lot area of 472 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- f) To permit a reduced corner side yard setback of 3.23 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 metres.

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

**PUBLIC HEARING**

**Oral Submissions Summary**

[6] Charlene Zandbelt, agent for the Applicant, provided an overview of the applications.

- [7] The Committee noted the City's Planning Report, which recommended variance (c) be deleted from the application.
- [8] With no objections, the application was amended accordingly.
- [9] Also in attendance was City Planner Dylan Geldart, who confirmed that the concerns raised in the City's Planning Report regarding protected trees on the property will be addressed as conditions of provisional consent.
- [10] Following the public hearing, the Committee reserved its decision.

#### **DECISION AND REASONS OF THE COMMITTEE:**

- **CONSENT APPLICATION GRANTED**
- **MINOR VARIANCE APPLICATIONS GRANTED, AS AMENDED**

#### **Consent Application Must Satisfy Statutory Tests**

- [11] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the *Provincial Planning Statement, 2024*, and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

#### **Criteria**

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the

highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

### **Minor Variance Application Must Satisfy Statutory Four-Part Test**

[12] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

### **Evidence**

[13] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Applications and supporting documents, including a cover letter, plans, area certificate, legal letter, parcel abstract, tree information, photo of the posted sign, and a sign posting declaration.

- City Planning Report received January 29, 2026, with no concerns; revised received January 30, 2026, with concerns.
- Rideau Valley Conservation Authority email dated January 27, 2026, with no objections.
- Hydro Ottawa email dated January 28, 2026, with comments.
- Ottawa International Airport Authority email dated February 2, 2026, with comments.

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

- [14] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [15] The Committee notes that the City’s Planning Report raises “concerns” regarding the applications, specifically the potential impact to a “high-priority tree located within the City’s right-of-way.” To address these concerns, the report recommends the approval of these applications, subject to the requested conditions agreed to by the Applicant’s agent.
- [16] Based on the evidence, the Committee is satisfied that the proposal is consistent with the *Provincial Planning Statement, 2024*, that promotes building homes, sustaining strong communities; providing infrastructure and public service facilities in an efficient manner while accommodating projected needs; the wise use and management of resources; and, protecting public health and safety.
- [17] The Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety.
- [18] Additionally, the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- [19] Moreover, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [20] Based on the evidence, the Committee is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [21] The Committee notes that no evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [22] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public

interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.

- [23] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [24] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [25] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [26] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [27] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance applications, as amended, are granted and the requested variances to the Zoning By-law are authorized, **subject to** the location and size of the proposed construction complying with the revised plans filed with the Committee of Adjustment on January 27, 2026, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*Absent*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 13, 2026**

*"Michel Bellemare"*  
MICHEL BELLEMARE  
SECRETARY-TREASURER

## NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on March 5, 2026**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#). First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to [cofa@ottawa.ca](mailto:cofa@ottawa.ca). The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 Centrepointe Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the appeal form if you wish to pay by credit card.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

## NOTICE TO APPLICANT

Should a Development Agreement be required, such request should be initiated 30 working days prior to lapsing date of the consent and should include all required documentation including that related to transfers, easements, and postponements, and

all approved technical studies. If you do not fulfill the conditions of provisional consent within the two-year period, the *Planning Act* provides that your application “shall be deemed to be refused”.

*Ce document est également offert en français.*

**Committee of Adjustment**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
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613-580-2436

## APPENDIX "A"

1. The Owner(s) provide evidence that the accompanying minor variance applications D08-02-25/A-00284 & D08-02-25/A-00285 have been approved, with all levels of appeal exhausted.
2. That the Owner(s) submit a request for municipal addresses for each parcel, as required, to be assigned by the City, **to the satisfaction of the Chief Building Official, or their designate**. Confirmation of the assigned municipal addresses shall be provided in writing from Municipal Addressing, Building Code Services, to the Committee.
3. That the Owner(s) provide evidence, **to the satisfaction of the Manager of Development Review All Wards, Planning, Development and Building Services Department**, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
4. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The report shall be **to the satisfaction of and approved by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, **for approval by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.

The Owner(s) shall enter into a Development Agreement with the City to construct the required stormwater system, which may include required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain all necessary approvals from the Ontario Ministry of Environment, Conservation and Parks.

5. That the Owner(s) provide proof that a grading and drainage plan, prepared by a qualified Civil Engineer, licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, delineating the existing and proposed grades for both the severed and retained lands has been provided **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.

6. That the Owner(s) enter into a Resurfacing Agreement with the City, **to the satisfaction of the Program Manager, Right of Way Branch within the Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of St. Claire Avenue, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City's Road Cut Resurfacing Policy, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
7. That the Owner/Applicant(s) provide a revised Tree Information Report, **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**. This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the current site plan, and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
8. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan/Stormwater Management Plan with the proposed elements/structures (driveways, parking, retaining walls, projections, services, stormwater structures, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
9. That the Owner/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**. A development agreement is to be registered on title of the property (where applicable). The agreement/LOU will include the tree protection and mitigation requirements detailed in the Tree Protection By-law and the approved Tree Information Report (or any approved revisions), and associated securities for tree protection. The securities, which will be based on the value of the City tree(s) to be protected (Trees 1 and 2) shall be retained for two (2) years following issuance of a final occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable. The Owner(s) acknowledges and agrees that if, in the opinion of the City Forester and/or the Manager of Development Review All Wards Branch, the report indicates that any tree is declining and/or must be removed, the security for that tree, in its entirety, will be forfeited.
10. That the Owner/Applicant(s) provide a tree planting plan, prepared **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**,

showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.

Planting within the municipal right-of-way or frontage should be prioritized, where space allows, to enhance the streetscape and maximize public benefit.

11. The Owner must convey to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 metres by 3 metres, at the intersection of St Claire Ave and Pender St. The corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, **to the City Surveyor for review and approval** prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required corner sight triangle. The Committee shall be provided written confirmation from City Legal Services that the transfer of the corner sight triangle to the City has been registered. All costs shall be borne by the Owner.
12. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**
13. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for a severance for which the Consent is required to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**