

DECISION
CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision:	February 13, 2026
Panel:	2 - Suburban
Files:	D08-01-25/B-00303 D08-01-26/B-00002 & D08-01-26/B-00003 D08-02-25/A-00287
Applications:	Consent under section 53 of the <i>Planning Act</i> Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Ottawa Catholic District School Board and The Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa
Property Address:	1485 & 1461 Heron Road
Ward:	18 - Alta Vista
Legal Description	Part of Lot 20, Junction Gore, Geographic Township of Gloucester
Zoning	I1A H(15)
Zoning By-law:	2008-250
Heard:	February 3, 2026, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to convey a portion of the property to the abutting property owner to the north, known municipally as 1495 Heron Road, and to establish reciprocal easements for access and servicing.

CONSENT REQUIRED:

- [2] The Applicants seek the Committee's consent to sever land for a lot line adjustment and for grants of easements/rights of way. The property is shown as Parts 5 to 11 and 15 to 23 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-00303	0 m	Irregular	5,525.3 sq. m	9, 11, 15 & 19	Vacant land to be merged with 1495 Heron Road
Retained	148.16 m	202.33 m	14,836.8 sq. m	5 to 8, 10, 16 to 18 & 20 to 23	Existing Institutional Buildings and associated parking 1485, 1461 Heron Road

[3] It is proposed to establish easements/rights of way as follows:

26B-00002: Parts 9, 11, 15 and 19 on draft 4R-Plan, proposed vacant land to be merged with 1495 Heron Road:

- Over Parts 9, 11 and 19 in favour of 1485 Heron Road for access and services on lands which will form part of a private street.

26B-00003: Parts 5 to 8, 10, 16 to 18 & 20 to 23 on draft 4R-Plan, retained land:

- Over Parts 17 and 21 in favour of 1495 Heron Road for access and maintenance of the existing sanitary **and storm** sewers.

[4] The proposal does not comply with the Zoning By-law and therefore a minor variance application has also been filed.

REQUESTED VARIANCE

[5] The Applicants seek the Committee of Adjustment's authorization for a minor variance from the Zoning By-law as follows:

A-00287: 1485, 1461 Heron Road, Parts 5 to 8, 10, 16 to 18 & 20 to 23 on draft 4R-Plan, retained land:

- a) To permit a reduced (east) interior side yard setback of 3.8 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres.

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

PUBLIC HEARING

Oral Submissions Summary

- [7] Serene Shahzadeh and Eric Bays, agents for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [8] The Panel Chair noted a revised City planning report recommending that the proposed easement over Parts 17 and 21 be amended as follows:
- Over Parts 17 and 21 in favour of 1495 Heron Road for access and maintenance of the existing sanitary **and storm** sewers.
- [9] With no objections, the application was amended accordingly.
- [10] The Panel Chair, referring to the revised report from City Planning, further noted the amended wording of the dedication of road widening condition, modified to allow greater flexibility for the Applicant. Mr. Bays confirmed he was in agreement with the amended wording.
- [11] In response to questions from the Committee, Mr. Bays clarified that the purpose of Part 19 on the draft 4R-plan is to serve as a corner sight triangle and will form part of the private street to be constructed. He further clarified that the proposal takes into consideration future access requirements for the school.
- [12] City Planner James Ireland responded to the Committee's questions, highlighting that in his opinion, the proposal was not premature, and that the easement documents for the private street will be reviewed by the City's Legal Services as a condition of approval to ensure they provide sufficient access for the future school.
- [13] The Committee also heard oral submissions from the following individuals:
- M. Vala, Ottawa Catholic School Board, expressed his support for the proposal.
- [14] Also in attendance was A. Cleave, representing Canada Lands Company CLC Limited, who confirmed she had no comments.
- [15] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE:

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

Consent Application Must Satisfy Statutory Tests

[16] 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

- [17] 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

- [18] 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, 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 February 3, 2026, with no concerns.
- Rideau Valley Conservation Authority email dated January 27, 2026, with no objections.
- Hydro Ottawa email dated January 28, 2026, with comments.

- L. Davidson-Fournier, President, Guildwood Residents Alliance, email dated February 2, 2026, with no objections.

Effect of Submissions on Decision

- [19] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [20] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the requested conditions of provisional consent, as amended, agreed to by the Applicant's agent.
- [21] 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.
- [22] 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.
- [23] 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.
- [24] 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.
- [25] Based on the evidence, the Committee is also satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [26] The Committee notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [27] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance is, 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.
- [28] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.

- [29] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [30] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [31] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent applications are granted, as amended, and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [32] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the requested minor variance application is granted and the variance to the Zoning By-law is authorized.

"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. 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, 4th 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(S)

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.

D08-01-25/B-00303
D08-01-26/B-00002 & D08-01-26/B-00003
D08-02-25/A-00287

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Comité de dérogation
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APPENDIX "A"

1. The Owner agrees to provide an in-preparation draft of the Transfer Easement, including the easement schedule, for the subject easements to register on title, **for review and approval by City Legal Services**. Said draft easement schedule shall set forth the access rights, joint use, and maintenance obligations for the private street, watermains, sanitary services, hydrants between the Owner(s) and the future owners. The Committee of Adjustment requires written confirmation that the agreement is satisfactory to City Legal Services, as well as a copy of the in-preparation draft Transfer Easement.
2. Pursuant to clause 51 (25) (c) of the Planning Act and Schedule C16 of the City's Official Plan, the Owner agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Heron Road frontage of the lands measuring 22.25 metres from the existing centerline of pavement. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee shall be provided written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

Should the widening be encumbered, then the Owner shall remove the encumbrance and provide proof of its removal, or receive the necessary permissions to permit the encumbrance, to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.

3. That the Owner(s) provide a servicing plan or other proof, **to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line. If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) may be required to obtain all necessary approvals from the Ontario Ministry of Environment, Conservation and Parks, the approval of the Committee to grant easement(s) for access and maintenance of the services, and/or to register on title, a Joint Use and Maintenance Agreement, between the Owners of the services, which shall be at their own costs.
4. That the Owner(s) satisfies the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a

result of the proposed lot line adjustment shown on the Draft 4R-plan, shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the east property lines for the existing 1 Storey Tin Sided Building and the existing building on Part 10. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

5. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:

- a) A copy of the Reference Plan and/or legal description of the severed land and the deed or Instrument conveying the severed land to the owner of the abutting property to the _____, known municipally as _____, so that no new lot is being created, in accordance with paragraph (b) below;
- b) A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (insert name) described as PIN (insert property identification number) being Part(s) (insert numbers) on Plan (insert plan number), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the *Planning Act*, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction”;

- c) An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the *Planning Act* in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **60 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the *Planning Act* stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the

Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d) Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s Undertaking in paragraph (c) above cannot be reasonably completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under the *Land Titles Act* must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment”.

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 60 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.

6. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**
7. That upon completion of the above conditions, and **within the two-year period outlined above,** the Owner(s) file with the Committee, the “electronic registration in preparation documents” for a severance, lot line adjustment and for grants of easements/rights of ways for which the Consent is required to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**