

**DECISION
VALIDATION OF TITLE**

Date of Decision:	March 27, 2026
File No.:	D08-04-26/T-00001
Application:	Validation Certificate under section 57 of the <i>Planning Act</i>
Applicant:	Theberge Developments Land Holdings Limited
Property Address:	19 Withrow Avenue
Ward:	8 - College
Legal Description:	Lots 407, 408, 409, 410, 411, 412, 413 and Part of Lot 414, Part of Adjacent Lane (closed by Judge's Order Inst, CR294685), Part of St. Helen's Place (closed by Judges Order Inst. CR294865), Reg. Plan 375
Zoning:	R1FF [632] and R1R [2600]
Zoning By-law:	2008-250
Hearing Date:	March 17, 2026, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant is seeking a certificate of validation to correct a title error relating to an easement that contravened section 50 of the *Planning Act*.
- [2] The subject lands comprise the following parcels:
- Lot 1, Plan 4M-1706 (PIN 04689-0176)
 - Lot 2, Plan 4M-1706 (PIN 04689-0177)
 - Lot 3, Plan 4M-1706 (PIN 04689-0178)
 - Lot 4, Plan 4M-1706 (PIN 04689-0179)
 - Lot 5, Plan 4M-1706 (PIN 04689-0180)
 - Lot 6, Plan 4M-1706 (PIN 04689-0181)
 - Lot 7, Plan 4M-1706 (PIN 04689-0182)
 - Lot 8, Plan 4M-1706 (PIN 04689-0183)
 - Lot 9, Plan 4M-1706 (PIN 04689-0184)
 - Lot 10, Plan 4M-1706 (PIN 04689-0184)
 - Lot 407, Part of St. Helen's Place and Part of the adjacent lane, Plan 375 (PIN 04689-0169)
- [3] On January 23, 2023, an easement was registered as instrument no. OC2570228 for drainage and access purposes.

- [4] At the time of registration, a part lot control exemption by-law had not yet been enacted for the lands. On August 29, 2025 the exemption by-law was passed and registered on title.

PUBLIC HEARING

Oral Submissions Summary

- [5] Madelaine Thurston, agent for the Applicant, and City Planner Elizabeth King were present.
- [6] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Test

- [7] Under the *Planning Act*, the Committee has the power to issue a certificate of validation if it is satisfied that an application has regard for the following criteria set out in subsection 51(24):

Criteria

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

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

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

Evidence

- [8] Evidence considered by the Committee included the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:
- Application and supporting documents, including cover letter, parcel abstracts, plans, and registered transfers.
 - City Planning Report received March 12, 2026, with no concerns

- Rideau Valley Conservation Authority email received March 11, 2026, with no objections

[9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.

[10] Based on the evidence, the Committee is satisfied that the application has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.

[11] **THE COMMITTEE OF ADJUSTMENT ORDERS** the issuance of a certificate of validation.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
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 Ottawa Committee of Adjustment, dated **March 27, 2026**.

"Michel Bellemare"
MICHEL BELLEMARE
SECRETARY-TREASURER

Ce document est également offert en français.

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