

December 16<sup>th</sup>, 2025

Committee of Adjustment  
City of Ottawa  
101 Centrepointe Drive  
Ottawa, ON, K2G 5K7

**Attention: Michel Bellemare, Secretary - Treasurer**

**Committee of Adjustment**  
Received | Reçu le

**2025-12-18**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Mr. Bellemare:

**Reference: 362 Terry Fox Drive**  
**Application for Consent (Lot Line Adjustment and Easement)**  
**Our File No. 125028**

Novatech has been retained by the owner of the property 362 Terry Fox Drive (the “Subject Site”) to prepare and file an application for Consent. The proposed Consent is for a Lot Line Adjustment application to convey a portion of the Subject Site to the adjacent property at 360 Terry Fox Drive and an easement application to establish servicing and vehicular access. A separate concurrent Consent application will be submitted for 360 Terry Fox Drive to sever the property and create one new lot and for easements to establish servicing and vehicular access.

This letter describes the existing conditions of the site and its surrounding context, outlines the proposed lot line adjustment and easement application and provides a rationale in support of the application.

*Figure 1: Location of the Subject Site. (Source: GeoOttawa).*



## Site and Context

### Site

The Subject Site is located in the South March neighbourhood within Ward 4 – Kanata North in the City of Ottawa (Figure 1). The Subject Site is an interior lot located on the north side of Terry Fox Drive (Figure 2). The Subject Site has approximately 130.3 metres of frontage along Terry Fox Drive, a lot depth of 94.76 metres, and a lot area of approximately 1.19 hectares. The Subject Site is legally known as PCL 3-3, SEC 4M-642 ; PT BLK 3, PL 4M-642 , PART 1 , 4R7014 ; S/T LT912062 ; KANATA TOGETHER WITH AN EASEMENT OVER BLOCK 3 PLAN 4M642 SAVE AND EXCEPT PART 1 4R7013, PART 1 4R7014, PARTS 1, 2, 3, 4 4R12024 AS IN OC2805437 SUBJECT TO AN EASEMENT IN FAVOUR OF BLOCK 3 PLAN 4M642 SAVE AND EXCEPT PART 1 4R7013, PART 1 4R7014, PARTS 1, 2, 3, 4 4R12024 AS IN OC2805468.

The Subject Site is developed with a two-storey office building with a surface parking lot that is shared with the abutting property to the north.

Figure 2: Subject Site. (Source: GeoOttawa).



Figure 3: Streetview of Subject Site. (Source: Google Maps).



### **Surrounding Context**

The abutting property to the north of the Subject Site is developed with a two-storey office building that shares a parking lot with the office building on the Subject Site. The Subject Site is located within an area that is characterized by office buildings to the south and to the west of Terry Fox Drive and residential buildings to the north. The adjacent properties to the east, south, and southwest are developed with office buildings and surface parking lots. The adjacent properties to the north are low-rise residential dwellings, comprised mostly of townhouse dwellings.

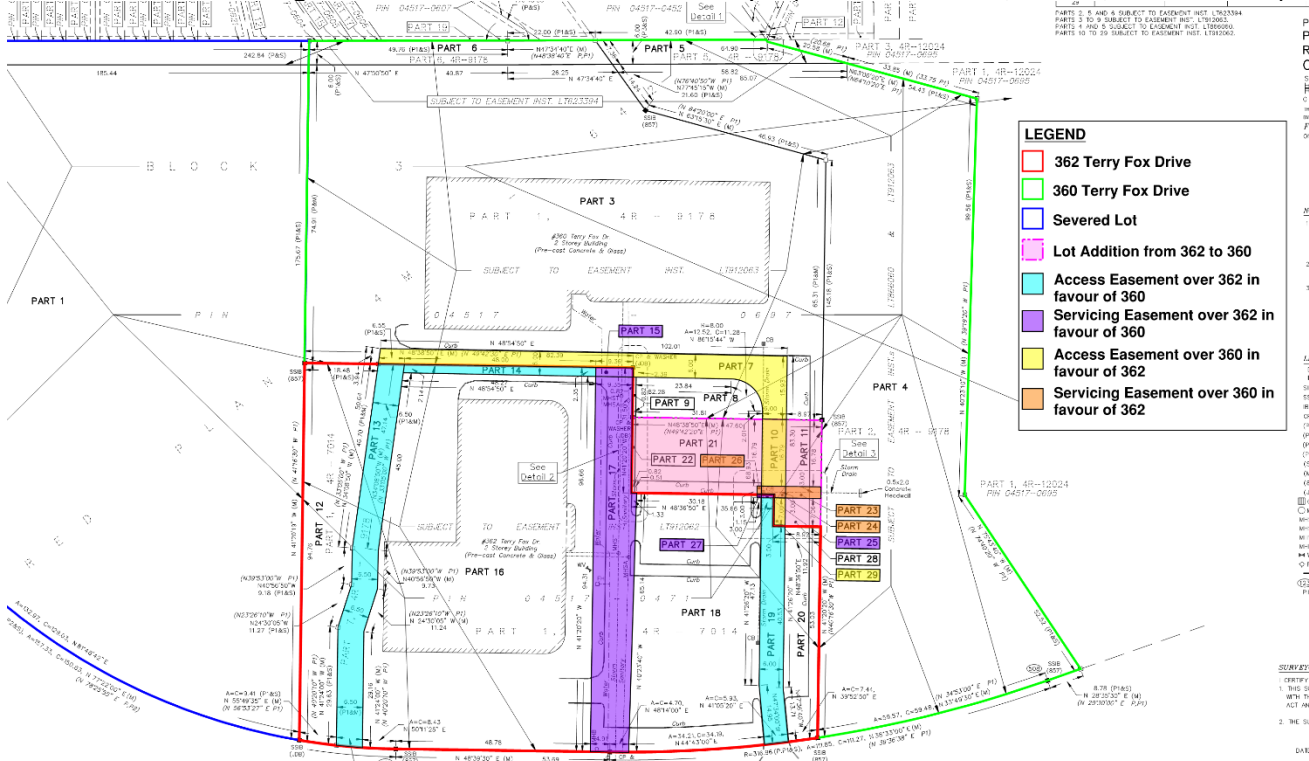
Shirley's Brook runs to the east of the Subject Site and is located on part of the adjacent property (360 Terry Fox Drive). Part of the Kanata Marshes golf course is located to the south and to the east of the site.

### **Proposed Development**

The proposed Consent application is for a Lot Line Adjustment to convey a 993 square metre portion of the Subject Site (362 Terry Fox Drive) to the abutting property to the north (360 Terry Fox Drive). An easement application over Parts 13, 14, 15, 17, 19, 25, and 27 is requested (Figure 4).

The easements over Parts 13 and 14 would be for vehicular access. The easements over Parts 15 and 17 would be for vehicular access and to maintain the existing storm, sanitary, and water service connections. The easement over Part 19 would be for vehicular access and to maintain the existing storm drain. The easement over Part 25 would be for vehicular access and to maintain the existing storm drain out to Shirley's Brook. The easement over Part 27 would be to maintain the existing storm drain out to Shirley's Brook. The image below indicates access easements in blue and servicing easements in purple. The Lot Line Adjustment is indicated in pink.

Figure 4: Draft Reference Plan Excerpt. (Source: Fairhall, Moffat, & Woodland).



## Consent Applications

### Lot Line Adjustment Application:

This application will convey a portion of the Subject Site, identified as Parts 10, 11, 21, 22, 23, 24, 26, 28, and 29 to 360 Terry Fox Drive. The area conveyed to 360 Terry Fox Drive is 993 square metres in area. The retained lot for 362 Terry Fox Drive is identified as Parts 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, and 27 with a lot area of 10,878 square metres.

### Easement Application:

This application proposes easements over Parts 13, 14, 15, 17, 19, 25, and 27 of the Subject Site (retained lands) in favour of 360 Terry Fox Drive, which is identified as Parts 1, 2, 3, 4, 5, 5, 7, 8, 9, 10, 11, 21, 22, 23, 24, 26, 28, and 29 after the Lot Line Adjustment.

## Consent Rationale

### Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on October 20<sup>th</sup>, 2024.

Section 3.6, Policy 2 of the PPS states that:

*2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

360 Terry Fox Drive and 362 Terry Fox Drive have access to existing municipal services along Terry Fox Drive. The consent application includes proposed easements over the existing servicing connections through the Subject Site to ensure continued access for maintenance purposes.

Section 5.2, Policy 3d states that:

*3. Development and site alteration shall not be permitted within:*

*d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*

A very small portion of the Subject Site (~ 5 m<sup>2</sup>) is in the Floodplain. The proposed lot line adjustment and easements would not be considered “development” or “site alteration” as defined by the PPS. The proposed consents will have no impact on the Floodplain.

**The proposed consents are consistent with the Provincial Planning Statement (2024).**

### **Planning Act**

Subsection 53(1) of the Planning Act states:

*“53(1) An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).”*

The proposed consents do not result in the construction of new public infrastructure, including roads and services. The proposed lot line adjustment results in the conveyance of a 993 square metre portion of 362 Terry Fox to 360 Terry Fox Drive to ensure that each lot has an appropriate amount of parking to serve the property owner’s tenant obligations. The proposed easements are to provide continued servicing and vehicular access. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

*“53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”*

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

*“51(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;***

The proposed consents have regard for the following matter(s) of provincial interest:

- the orderly development of safe and healthy communities

***(b) whether the proposed subdivision is premature or in the public interest;***

362 Terry Fox Drive and 360 Terry Fox Drive are located within the City of Ottawa's urban boundary. The proposed lot line adjustment will adjust an existing lot line to accommodate sufficient levels of surface parking on each property. The lot line adjustment is not premature and is in the public interest. The proposed easements allow for the owner of 360 Terry Fox Drive to have vehicular access over the Subject Site and to have continued access to maintain their servicing connections running through the Subject Site. The easements are not premature and are in the public interest.

***(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;***

The Subject Site is designated as part of the Kanata North Economic District in the City of Ottawa Official Plan. Section 6.6.3.2 of the Official Plan provides policy direction for the Kanata North Economic District. The policies for the Kanata North Economic District are aimed transitioning the district from a car-oriented business park to a mixed-use innovation district, with a broader range of uses served by sustainable transportation modes.

The lot line adjustment proposes to adjust the shared property line so that a sufficient number of parking spaces in the shared parking lot is accommodated on both 360 and 362 Terry Fox Drive for the property owner to meet their lease obligations. The easement application allows for the owner of 360 Terry Fox Drive to have continued vehicular and servicing access through the Subject Site. The proposed lot line adjustment and easements generally conform with the policy direction for the Kanata North Economic District.

Policy 8 of Section 11.5 states:

*11) The City shall permit lot adjustments in any land-use designated for legal or technical reasons. For the purposes of this section, legal or technical reasons include severances for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot or render an existing lot as non-complying.*

The proposed lot line adjustment is a minor boundary adjustment that does not result in the creation of a new lot or render either 360 or 362 Terry Fox Drive as non-complying. The proposed easement is required for legal/technical reasons to ensure servicing and vehicular access to 362 Terry Fox Drive in favour of 360 Terry Fox Drive.

The proposed lot line adjustment and easement applications conform to the policies of the City of Ottawa's Official Plan.

***(d) the suitability of the land for the purposes for which it is to be subdivided;***

The proposed lot line adjustment will adjust a shared property line between 362 Terry Fox Drive and 360 Terry Fox Drive that runs through the shared parking lot. The lot line will be adjusted to accommodate enough parking spaces for the property owner to meet their obligations to the office building tenants on each property. The proposed easement will allow for vehicular access and for maintenance access to the existing servicing connections over 362 Terry Fox Drive in favour of 360 Terry Fox Drive. The Subject Site is suitable for the proposed lot line adjustment and easements.

***(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;***

No affordable housing units are proposed.

***(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;***

The consent applications do not propose any new highways.

***(f) the dimensions and shapes of the proposed lots;***

The proposed lot line adjustment supports the conveyance of a 993 square metre portion of 362 Terry Fox Drive to 360 Terry Fox Drive. The proposed easement allows for vehicular and servicing access over 362 Terry Fox Drive in favour of 360 Terry Fox Drive. The proposed consents do not result in the creation of a new lot. The consents result in lot shapes and dimensions that are appropriate based on the existing lot fabric and which meet the requirements of the Zoning By-law.

***(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;***

There are existing easements over portions of the severed and retained lots which are proposed to be maintained. Apart from the existing and proposed easements, there are no other restrictions or proposed restrictions on the lots, beyond the provisions of the Zoning By-law.

***(h) conservation of natural resources and flood control;***

A small portion of 362 Terry Fox Drive is located within the Floodplain Overlay as identified in the City of Ottawa Zoning By-law. The proposed consent applications for lot line adjustment and easements will have no effect on the floodplain. The proposed consent applications are technical in nature to allow for the adjustment of an existing property boundary and to allow for continued servicing and vehicular access.

The easements over Parts 25 and 27 of the Subject Site in favour of 360 Terry Fox Drive allow for continued maintenance access to the storm drain that outlets into Shirley's Brook. The easement application will not alter the service itself in any way.

***(i) the adequacy of utilities and municipal services;***

362 Terry Fox Drive has access to municipal sanitary, stormwater, and water servicing along Terry Fox Drive. Existing servicing connections for 360 Terry Fox and 362 Terry Fox are provided under the shared driveway and drive aisle. The proposed easements over Part 15 and Part 17 of the Subject Site will allow for the owners of 360 Terry Fox Drive to have continued access to these service connections for maintenance.

***(j) the adequacy of school sites;***

Approval of the consent application is not anticipated to have an impact on 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;***

No area of land is proposed to be conveyed or dedicated for public purposes as a result of the proposed consent applications.

***(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and***

Approval of the proposed lot line adjustment results in a lot configuration that benefits the owners of 360 Terry Fox and 362 Terry Fox by ensuring that an adequate number of parking spaces are provided on each lot to meet tenant obligations. Approval of the easements ensures continued vehicular and servicing access over 362 Terry Fox in favour of 360 Terry Fox.

***(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).***

The proposed development is not subject to site plan control.

**The proposed consents meet the criteria set out in Section 51(24) of the Planning Act.**

## **Conclusion**

The proposed lot line adjustment and easement applications at 362 Terry Fox Drive meet the criteria of Section 51(24) of the Planning Act. The consent application is consistent with the policies of the Provincial Planning Statement. The consent application meets the intent of the Official Plan. The proposed lot line adjustment ensures that a sufficient parking split is provided between 360 and 362 Terry Fox Drive and the proposed easements ensure that 360 Terry Fox will have vehicular access over the Subject Site and access to the existing servicing connections through the Subject Site for maintenance.

The consent application represents good land use planning.

In support of the consent application, please find enclosed:

- Cover Letter (one copy)

- Complete Consent Application Form (one original copy)
- Signed Consent Authorization Form (one original copy)
- Application fee
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract for 362 Terry Fox Drive (one copy)

Should you have any questions regarding these applications, please do not hesitate to contact me.

Yours truly,

**NOVATECH**



Arjan Soor, M.PL  
Planner