

2026-04-15



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 318 Duncairn Avenue
Legal Description: Lot 3 and Part of Lot 2, Registered Plan 362
File No.: D08-01-26/B-00040
Report Date: April 16, 2026
Hearing Date: April 22, 2026
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation
Zoning By-law 2008-250: R3R[2687] H(8.5)
Zoning By-law 2026-50: N3C[2687] H(8.5)

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

ADDITIONAL COMMENTS

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.

- The surface storm water runoff including the roof water must be self contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Development and Building Services Department.
- Existing grading and drainage patterns must not be altered.
- This property does not have frontage on a storm sewer.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Planning Forestry

The TIR for both 324 and 318 Duncairn notes that a minimum of 1 protected tree would require removal if the future design builds to the maximum allowable footprint. All existing trees on both sites are outside of the buildable footprint and should be prioritized for retention through the future design.

The submission materials do not address whether new driveways are proposed to access the existing buildings to replace those which are being severed. The TIR must be revised or new TIRs provided with future private approach permits, if new parking is proposed; there are several protected trees within the frontages of both retained lots which must be retained and protected through design.

A grading/servicing/stormwater management plan must be provided to ensure that these services can be provided without further impacts to protected trees. A minimum of 1 new 50mm must be planted in the ROW or frontage of the severed lot following development to improve the streetscape and canopy cover of the site.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application. The Owner shall be made aware however, that a private approach permit is required to construct any new entrance, as well as to modify or close an existing entrance that becomes redundant. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage [Driveways | City of Ottawa](#) to submit a Private Approach application.

CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence, to the satisfaction of both the Chief Building Official and the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
2. That the Owner(s) provide a Fire Flow Adequacy brief/memo, prepared by a Professional Engineer, licensed in the Province of Ontario, that assesses the fire flow demand including boundary conditions. The brief/memo shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
3. That the owner(s) submit a QuickSWM Analysis to determine if On-Site Stormwater Management ("SWM") Measures are required including what storage volume is required to maintain or improve the existing level of service; or alternatively,
 - a) The owner(s) shall submit a SWM Report/Brief, prepared by a professional civil engineer, licensed in the province of Ontario, based on the current City of Ottawa Sewer Design Guidelines to determine On-Site SWM Measures and what storage volume is to maintain or improve the existing level of service.
 - b) If required through a) The owner shall submit a detailed engineering design based on the results of the QuickSWM Analysis prepared pursuant to paragraph (a), or the recommendations of the SWM Brief prepared pursuant to paragraph (b), prepared by a professional civil engineer, licensed in the province of Ontario. The detailed engineering design shall include all required grading, servicing and stormwater management construction design details. Where the QuickSWM Analysis or SWM Brief demonstrates on-site stormwater management measures are not required, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
 - c) If all or a portion of the On-Site SWM Measures include infiltration techniques, then the owner(s) shall submit a Geotechnical Brief, prepared by a geotechnical professional, licensed in the province of Ontario, or a professional geoscientist, licensed in the province of Ontario.

- d) If On-Site SWM Measures are required, then the owner(s) may be required to enter into a Development Agreement with the City to implement any On-Site SWM Measures including construction of any proposed On-Site SWM works. The Development Agreement may include a requirement to post the securities for certain On-Site SWM works. The Development Agreement will require compliance with the Ministry of Environment, Conservation and Parks, Consolidated Linear Infrastructure, Environmental Compliance Approval (CLI-ECA) for any sewers constructed on municipally owned property, as well as any other permits or approvals required by other governments or regulatory agencies. The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
- e) If On-Site SWM works cross and/or benefit more than one property, then the owner(s) shall apply to the Committee of Adjustment to grant easement(s) for access and maintenance and/or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.
- f) All of the above (a) to (f) shall be to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
4. 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.
5. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:
- “The property is located next to lands that have an existing source of environmental noise (Major Collector Road) and may therefore be subject to noise and other activities associated with that use.”
- The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
6. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural

elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee shall be provided written confirmation that the Agreement is satisfactory to the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or is satisfactory to City Legal Services, as well as a copy of the Agreement and confirmation that it has been registered on title.

7. That the Owner(s) provide proof, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that the accessory structure has been demolished in accordance with the demolition permit if required or relocated in conformity with the Zoning By-law.
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, 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) 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.



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