

DECISION
CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision: May 1, 2026
Panel: 2 - Suburban
Files: D08-01-26/B-00055, D08-01-26/B-00056
D08-02-26/A-00029
Applications: Consent under section 53 of the *Planning Act*
Minor Variance under section 45 of the *Planning Act*
Applicant: A. Humoud
Property Address: 1991 Kingsdale Avenue
Ward: 10 - Gloucester-Southgate
Legal Description: Part of Lots 1309, 1310, and 1311, and Part of the Lane,
Registered Plan 326
Zoning By-law: 2008-250 2026-50
Zoning R1WW N2D
Heard: April 21, 2026, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

[1] The Applicant wants to subdivide their property into two parcels of land for future development. The existing dwelling will remain.

CONSENT REQUIRED:

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

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part	Building
B-00055	13.20 metres	30.48 metres	402.3 square metres	1	Detached dwelling (1991 Kingsdale Avenue)

B-00056	15.25 metres	30.49 metres	524.0 square metres	2	Vacant
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[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 requests that the Committee authorize the following minor variances from Zoning By-law 2008-250:

A-00029: Part 1 on the draft 4R-Plan, existing detached dwelling:

- a) To permit a reduced lot area of 402.3 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- b) To permit an increased driveway width of 5.5 metres, whereas the By-law permits a maximum driveway width of 3 metres.
- c) To permit a reduced rear yard area of 20.7% of the lot area or 83.8 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 100.57 square metres.

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

[6] For the purposes of the transition and continuation provisions of Zoning By-law 2026-50, the applications were deemed complete on March 10, 2026.

PUBLIC HEARING

[7] On April 7, 2026, the hearing of the applications was adjourned to allow time to consult with neighbours and City Planning staff, and to amend the applications.

Oral Submissions Summary

[8] Mike Segreto, agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. He also confirmed that, based on revised plans submitted to the Committee, the applications should be amended as follows:

File No.	Frontage	Depth	Area	Part	Building
B-00055	12.18 metres 13.20 metres	30.48 metres	371.2 metres 402.3 square metres	1	Detached Dwelling (1991 Kingsdale Avenue)

B-00056	16.27 metres 15.25 metres	30.49 metres	555.1 square metres 524.0 square metres	2	Vacant
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A-00029: Part 1 on the draft 4R-Plan, existing detached dwelling:

- a) To permit a reduced lot area of ~~371.2 square metres~~ **402.3 square metres**, whereas the By-law requires a minimum lot area of 450 square metres.
- c) To permit a reduced rear yard area of ~~20.7%~~ **20.8%** of the lot area or ~~77.4 square metres~~ **83.8 square metres**, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, ~~92.88 square metres~~ 100.57 square metres.

[9] Mr. Segreto explained that the proposed lot line was shifted by one metre to move the lot containing the existing dwelling closer to conformity with the Zoning By-law. He further confirmed that he agreed with the City's requested conditions of provisional consent.

[10] City Planner Elizabeth King confirmed that she had no concerns with the applications.

[11] The Committee also heard oral submissions from the following individuals:

- D. Schierbeck, resident, highlighted concerns about the size and the density of the proposed development on the vacant lot, its incompatibility with nearby houses and its impact on the character of the neighbourhood, as well as the configuration of the existing dwelling, which would face the proposed building along Conroy Road.
- M. Adair, representing a local resident, expressed concerns over the impacts of increased traffic, the density of the development, and its impact on the character of the neighbourhood.

[12] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE:

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

Consent Application Must Satisfy Statutory Tests

[13] Under the *Planning Act*, the Committee has the power to grant 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

- [14] 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

- [15] 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 plans, tree information report, parcel abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received April 16, 2026, with no concerns; received April 2, 2026, with concerns.
 - Rideau Valley Conservation Authority email received March 31, 2026, with no objections.
 - Hydro Ottawa email received April 13, 2026, with comments; received April 2, 2026, with comments.
 - Ottawa Macdonald-Cartier International Airport email received March 30, 2026, with comments.
 - D. and J. Schierbeck, residents, email received April 8, 2026, with comments.
 - M. Adair and L. Beatty, residents, email received April 2, 2026, with comments.
 - R. and M. Campagna, residents, email received April 6, 2026, with comments.

Effect of Submissions on Decision

- [16] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [17] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, subject to the requested conditions agreed to by the Applicant's agent.
- [18] 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.
- [19] 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.
- [20] 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.
- [21] 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.
- [22] Based on the evidence, the majority of the Committee (Member J. Baltz dissenting on variance (a)) is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [23] The majority of the Committee notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [24] Considering the circumstances, the majority of 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.
- [25] The majority of 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.
- [26] In addition, the majority of 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.

- [27] Moreover, the majority of 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.
- [28] **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.
- [29] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is granted, as amended, the variances to the Zoning By-law are authorized.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
(With noted dissent)
JAY BALTZ
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

Absent
JULIANNE WRIGHT
MEMBER

"Gary Duncan"
GARY DUNCAN
MEMBER

I certify this is a true copy of the decision of the Ottawa Committee of Adjustment, dated **May 1, 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 May 21, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436

APPENDIX "A"

1. The Owner(s) provide evidence that the accompanying minor variance application (D08-02-26/A-00029) has been approved, with all levels of appeal exhausted.
2. 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 severance on Draft R-plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the proposed property line easterly side are affected. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
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) 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 (arterial 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.

5. If required, 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:

"Purchasers/building occupants are forewarned that this property/dwelling unit is located in a noise sensitive area due to its proximity to Ottawa Macdonald-Cartier International Airport. Noise due to aircraft operations will interfere with indoor and outdoor activities, particularly during the summer months. The purchaser/building occupant is further advised that the Airport is open and operates 24 hours a day, and that changes to operations or expansion of the airport facilities, including the construction and operations of new runways, may have negative impact on the living environment of the residents of this property/area. The Ottawa Macdonald-Cartier International Airport Authority will not accept liability nor modify operations and future plan implementation for the purpose of noise abatement.

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. a) 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,
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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. Where deemed 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.

7. The Owner conveys to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 metres by 9 metres, at the intersection Kingsdale Avenue and Conroy Road. 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.
8. 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.
9. 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.
10. 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.**
5. 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 conveyance for which the consent is required, to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate.**