



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

### DECISION CONSENT

(Section 53 of the *Planning Act*)

**File No.:** D08-01-22/B-00171 & D08-01-22/B-00172  
**Owner(s):** Stephen Peippo and Matthew Greig  
**Location:** 62 Stirling Avenue  
**Ward:** 15 - Kitchissippi  
**Legal Description:** Part of Lot 10, Registered Plan 43  
**Zoning:** R4UB  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **July 6, 2022**, as required by the *Planning Act*.

#### PURPOSE OF THE APPLICATION:

The Owners want to divide their property into two separate parcels of land for the construction of a proposed semi-detached dwelling, with one unit on each of the newly created parcels. The existing detached dwelling will be demolished.

#### CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owners require the Consent of the Committee for Conveyances. The property is shown as Parts 1 and 2 on a Draft 4R-Plan filed with the applications, and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00171	8.65 m (Stirling) 14.865 m (Ladouceur)	14.865 m	129.5 sq. m	1	62 Stirling Ave. (one half of the proposed semi-detached dwelling)
B-00172	15.315 m (Ladouceur)	7.83 m	134.3 sq. m	2	(69) Ladouceur Ave. (one half of the proposed semi-detached dwelling)

Approval of these applications will have the effect of creating two separate parcels of land. The proposed parcels and development will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-22/A-00148 and D08-02-22/A-00149) have been filed and will be heard concurrently with these applications.

### **PUBLIC HEARING:**

The Chair administered an oath to Caleb Miller, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Mr. Miller, who appeared along with Murray Chown, also representing the Owners, provided the Committee with a full presentation.

The Committee also heard from Linda Hoad, representing the Hintonburg Community Association, who indicated that she was not opposed to the applications but expressed some concerns with the proposal. Her concerns related to the overall size and scale of the development, proposed use of asphalt on the driveway rather than permeable pavers, the adequacy of tree planting proposed for the site, and the proposed location of "active living space," which was not at grade and therefore not adding to the animation of the street.

Craig Hamilton of the City's Planning, Real Estate and Economic Development Department was also in attendance and indicated that he had no concerns with the applications.

### **DECISION AND REASONS OF THE COMMITTEE:      APPLICATIONS REFUSED**

The Committee considered any written and oral submissions relating to the applications in making its Decision, including the concerns submitted by the Hintonburg Community Association.

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 Policy Statement 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).

Based on the evidence, two of the four Members of the Committee that heard the

applications (Members S. Wilder and B. Oakes Charron) are not satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. In addition, two of the four Members are not satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act*, including the reduced dimensions of the lots considered under Minor Variance Applications D08-02-22/A-00148 and D08-02-22/A-00149, which were refused, or that it is in the public interest. Pursuant to the Committee's *Rules of Procedure*, any application on which there is a tie vote is deemed to be refused.

#### **NOTICE OF RIGHT TO APPEAL:**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **August 4, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

#### **NOTICE TO APPLICANT:**

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE**  
**PAGE DE SIGNATURE DE LA DÉCISION**

**File No. / Dossier n°:** D08-01-22/B-00171 & D08-01-22/B-00172  
**Owner(s) / Propriétaire(s):** Stephen Peippo and Matthew Greig  
**Location / Emplacement:** 62 Stirling Avenue

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

Absent / Absent

**JOHN BLATHERWICK**  
**VICE-CHAIR / VICE-PRÉSIDENT**

Dissent / Dissident

***"Heather MacLean"***

**STAN WILDER**  
**MEMBER / MEMBRE**

**HEATHER MACLEAN**  
**MEMBER / MEMBRE**

Dissent / Dissidente

***"Michael Wildman"***

**BONNIE OAKES CHARRON**  
**MEMBER / MEMBRE**

**MICHAEL WILDMAN**  
**ACTING VICE-CHAIR / VICE-PRÉSIDENT**  
**INTÉRIMAIRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

***Date of Decision / Date de la décision***  
**July 15, 2022 / 15 juillet 2022**

  
**Matthew Garnett**  
**Acting Secretary-Treasurer /**  
**Secrétaire-trésorier intérimaire**