



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CONSENT

(Section 53 of the *Planning Act*)

File No.:	D08-01-22/B-00144
Owner(s):	2363251 Ontario Inc.
Location:	250 Rochester Street
Ward:	14 - Somerset
Legal Description:	Lot 236, Registered Plan 14
Zoning:	R4UD-c
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **June 1 and July 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its hearing on June 1, 2022, the Committee adjourned application D08-01-22/B-00144 to allow the Owner time to revise the plans and identify additional variances. The Owner has submitted revised material and wishes to proceed with the application.

The Owner wants to sever its property into two separate parcels of land. It is proposed to construct a new two-storey, six-unit stacked dwelling on the newly formed parcel. The existing detached dwelling will remain on the other parcel.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for a Conveyance and Grant of Easements/Rights-of-Ways.

The lands to be severed, shown as Parts 3 and 4 on the Draft Plan filed with the application, will have frontage of ~~6.89~~ **8.39** metres on Rochester Street, a depth of 30.83 metres and an area of 258 square metres. This property will contain the proposed two-storey, six-unit stacked dwelling, and will be known municipally as (252) Rochester Street.

The lands to be retained, shown as Parts 1 and 2 on said plan will have frontage of 6.84 metres on Rochester Street, a depth of 30.83 metres and an area of 244 square metres. This parcel contains an existing detached dwelling and is known municipally as 250 Rochester Street.

It is proposed to Grant Easements/Rights-of-Ways over Part 3 in favour of Parts 1 and 2, and over Part 2 in favour of Parts 3 and 4, for pedestrian and vehicular traffic.

Approval of this application will have the effect of creating two separate parcels of land, one of which will not be in conformity with the requirements of the Zoning By-law and therefore, a Minor Variance Application (D08-02-22/A-00124) has been filed and will be heard concurrently with this application.

PUBLIC HEARING:

Prior to the hearing on June 1, 2022, the Committee received an adjournment request from Margot Linker of the City's Planning, Real Estate and Economic Development Department (PRED), seeking additional time for the Owner to revise its plans to provide opaque screening for balconies and to apply for additional required variances. At the hearing, the Committee heard from Erin Duncan, Agent for the Owner, who confirmed that they would seek the additional variances identified by the City. With the concurrence of all parties, the applications were adjourned *Sine Die*. Ms. Linker was also in attendance.

At the renewed Hearing, the Chair administered an oath to Ms. Duncan, who confirmed that the statutory notice posting requirements were satisfied. Ms. Duncan, who appeared along with Jane Thompson, also representing the Owner, provided the Committee with a full presentation.

The Committee also heard from Ms. Linker, who confirmed that, with the submission of the revised plans, she had no concerns with the applications. Ms. Linker confirmed that the City had not requested any conditions be imposed should the Committee grant this Consent Application, as the proposal was undergoing Site Plan Approval, and any technical requirements could be dealt with through that process.

The Committee noted that as per the City's planning report on file, the frontage of the severed land should be amended as follows:

The lands to be severed, shown as Parts 3 and 4 on the Draft Plan filed with the application, will have frontage of ~~6.89~~ **8.39** metres on Rochester Street, a depth of 30.83 metres and an area of 258 square metres. This property will contain the proposed two-storey, six-unit stacked dwelling, and will be known municipally as (252) Rochester Street.

With all parties in agreement, the application was amended accordingly.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

The Committee considered any written and oral submissions relating to the application in making its Decision.

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).

The Committee notes that the City's planning report raises "no concerns" regarding the applications. Based on the evidence, the majority of the Committee (Member B. Oakes Charron dissenting) is 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. The majority of the Committee is also satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. In addition, the majority of 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.

Member B. Oakes Charron dissents, finding that the proposal represents overdevelopment of the site, further noting that the number of proposed dwelling units combined with the reduced lot size may negatively impact the functionality of the site and the neighbourhood in general.

The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a two-year period from the date of this Decision:**

1. That the Owner(s) provide evidence that the accompanying Minor Variance Application (D08-02-22/A-00124) have been approved, with all levels of appeal exhausted.
2. 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.
3. 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 the Conveyance and Grant of Easements/Rights-of-Way for which the Consent is required.

The Consent lapses two years from the date of this Decision.

All technical studies must be submitted to Planning, Real Estate and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

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 and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th 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.

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-00144
Owner(s) / Propriétaire(s): 2363251 Ontario Inc.
Location / Emplacement: 250 Rochester Street

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**

“Stan Wilder”

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

Dissent / Dissidente

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“Michael Wildman”

**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