



## **COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA**

### **DECISION CONSENT**

(Section 53 of the *Planning Act*)

<b>File No.:</b>	D08-01-22/B-00162
<b>Owner(s):</b>	Firooz Hatam
<b>Location:</b>	986 (988) Laporte Street
<b>Ward:</b>	11-Beacon Hill-Cyrville
<b>Legal Description:</b>	Part of Lot 17, Concession 1 (Ottawa Front)
<b>Zoning:</b>	R1W[767]
<b>Zoning By-law:</b>	2008-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

#### **PURPOSE OF THE APPLICATION:**

In 2020, the Committee of Adjustment approved a Consent Application (D08-01-20/B-00209) pertaining to the development of this property, which was not completed with the statutory timeframe. The Owner is now reapplying to subdivide its property into two separate parcels and to construct a new detached dwelling on the newly created vacant parcel. The existing semi-detached dwelling will remain on the other parcel.

#### **CONSENT IS REQUIRED FOR THE FOLLOWING:**

The severed land, shown as Part 2 on Draft 4R-Plan filed with the application, will have a frontage of 9.35 metres to a depth of 39.49 metres, and will contain an area of 369.23 square metres. This parcel will contain a proposed detached dwelling which will be known municipally as 988 Laporte Avenue.

The retained lands, shown as Part 1 on said plan, will have a frontage of 21.13 metres, to a depth of 39.52 metres and will contain an area of 835.05 square metres. This parcel contains a semi-detached dwelling and will be known municipally as 986 Laporte Avenue.

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, Minor Variance Application (D08-02-22/A-00183) has been filed and will be heard concurrently with this application.

**PUBLIC HEARING:**

The Panel Chair administered an oath to Bijan Safi, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Safi confirmed that this application was identical to the application that was previously approved by the Committee.

In addressing the conditions requested by the City in its planning report on file, Mr. Safi questioned the need to resubmit evidence to satisfy conditions that were cleared in connection with the previous application. In response, the Committee heard from Siobhan Kelly, a City Planner, who explained that the application had been reviewed and evaluated independently. She agreed, however, that if the applicant was able to provide satisfactory evidence that the accessory structures on site had been removed or relocated in accordance with Zoning By-law requirements, that could be reviewed quickly and the associated condition (Condition #6 in the report) could be waived.

The Committee agreed that, if this application was approved and Mr. Safi was able to provide said evidence to Ms. Kelly's satisfaction immediately following the public hearing, the condition would be waived.

The Committee also noted that the need for evidence that the driveway, garage and soft landscaping for the proposed new dwelling was zoning compliant (Condition #2 in the report) would depend on the outcome of the Committee's vote on the related Minor Variance Application (D08-02-22/A-00183). It was agreed that, if that application was refused, the condition would not be necessary.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

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 with the proposed severance", highlighting that "the lots are consistent with the lot pattern along

Laporte Street,” and acknowledges confirmation from Ms. Kelly that the evidence requested for the removal or relocation of the accessory structures was received.

Based on the evidence, the Committee 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 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. 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. 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.

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 design drawings or other documentation prepared by a qualified designer, to the satisfaction of the **Chief Building Official**, demonstrating that as a result of the proposed severance the existing building on Part 1 on the Draft 4R Plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the new property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations, which shall be completed to the satisfaction of the Chief Building Official.
2. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
3. The Owner(s) shall prepare a noise attenuation study (or noise and vibration attenuation study if applicable) in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement

any noise control (and vibration if applicable) attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. That the Owner(s) shall provide evidence 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, has been submitted to the satisfaction of the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **Development Review Manager of the East Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**.
5. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, showing the location of one new 50mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.
6. 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.
7. 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 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 18, 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-00162  
**Owner(s) / Propriétaire(s):** Firooz Hatam  
**Location / Emplacement:** 986 Laporte 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.

***“Ann M. Tremblay”***

**ANN M. TREMBLAY  
CHAIR / PRÉSIDENTE**

***“Kathleen Willis”***

**KATHLEEN WILLIS  
MEMBER / MEMBRE**

***“Scott Hindle”***

**SCOTT HINDLE  
MEMBER / MEMBRE**

***“Colin White”***

**COLIN WHITE  
MEMBER / MEMBRE**

**Absent / Absente**

**JULIA MARKOVICH  
MEMBER / MEMBRE**

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 29, 2022 / 29 juillet 2022**



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