



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CONSENT

(Section 53 of the *Planning Act*)

File No.: D08-01-22/B-00211 & D08-01-22/B-00224
Owner(s): 1514947 Ontario Inc.
Location: 1500 Thomas Argue Road
Ward: 5 - West Carleton-March
Legal Description: Part Lots 12, 13, 14 And 15, Concession 3, Part Lots 13 And 14, Concession 4, Part of Road Allowance Between Concession 3 And 4, Former Township of Huntley
Zoning: T1B
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **August 17, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to subdivide the property into two separate parcels of land to create separate ownership for the former Carp Airport operations building, its associated parking lot and septic system.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances and Grants of Easements/Rights of Way.

The severed land, shown as Parts 1 and 3 on a draft 4R plan filed with the application, will have a frontage of 100.22 metres on private roads (~~38.26~~ **26.26** metres on Wingover Private and ~~61.96~~ **73.96** metres on an unnamed private road), an irregular depth and will contain a lot area of 0.92 hectares. This parcel will contain former Carp Airport operations building, its associated parking lot and septic system and will be known municipally as ~~1500 Thomas Argue Road~~.

The retained lands, shown as on draft plan, will have a frontage of 872 metres on multiple roads, an irregular depth and will contain a lot area of 133 hectares. This parcel will contain new Carp Airport operations building, associated hangers and buildings and will be known municipally as ~~4502~~ **1500** Thomas Argue Road.

It is proposed to create an easement, shown as Part 2 on the draft 4R Plan, over a portion of the retained lands in favor of the severed lot and will have a width of ~~46.33~~ **15** metres ~~on a private road~~ and an area of 900.6 square metres for drainage.

The application indicates there is an existing easement over Part 3 on the draft 4Rplan (OC2117895) for servicing.

Approval of this application will have the effect of creating two separate parcels of land and one of the parcels will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Application (D08-02-22/A-00192) have been filed and will be heard concurrently with these applications.

PUBLIC HEARING:

The Panel Chair administered an oath to Ellen Potts, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Ms. Potts confirmed that the frontages for the severed lands and the municipal addresses for the retained lands should be amended as follows:

The severed land, shown as Parts 1 and 3 on a draft 4R plan filed with the application, will have a frontage of 100.22 metres on private roads (~~38.26~~ **26.26** metres on Wingover Private and ~~61.96~~ **73.96 metres** on an unnamed private road), an irregular depth and will contain a lot area of 0.92 hectares. This parcel will contain former Carp Airport operations building, its associated parking lot and septic system ~~and will be known municipally as 1500 Thomas Argue Road.~~

The retained lands, shown as on draft plan, will have a frontage of 872 metres on multiple roads, an irregular depth and will contain a lot area of 133 hectares. This parcel will contain new Carp Airport operations building, associated hangers and buildings and will be known municipally as ~~1502~~ **1500** Thomas Argue Road.

It is proposed to create an easement, shown as Part 2 on the draft 4R Plan, over a portion of the retained lands in favor of the severed lot and will have a width of ~~46.33~~ **15** metres ~~on a private road~~ and an area of 900.6 square metres for drainage.

It was noted the municipal address for the severed lands would be assigned through a Private Road Naming Agreement. With the Committee in agreement, the application was amended accordingly.

The Committee also heard from Brittany Moy of the Mississippi Valley Conservation Authority who stated no concerns with the application. It was stated that any additional works associated with the watercourses within the subject property and proposed easement lands would require written permission from the MVCA.

Also in attendance was Stephan Kukkonen of the City's Planning, Real Estate and Economic Development Department.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications 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 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 evidence that the accompanying Minor Variance Application (D08-02-22/A-00192) has been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide proof to the satisfaction of **Development Review Manager of the Relevant 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 each existing parcel has its own independent

private sewage system, storm/foundation drainage, and water supply and that they do not cross the proposed severance line. If the systems cross the proposed severance line or are not independent, the Owner(s) will be required to relocate the existing systems, establish a servicing easement to continue using the airport communal system, or construct new systems, at his/her own cost.

3. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of Cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
4. That the Owner enter into the Private Road Naming Agreement.
5. 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.
6. 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.

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

All technical studies shall 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 **September 15, 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-00211 & D08-01-22/B-00224**Owner(s) / Propriétaire(s):** 1514947 Ontario Inc.**Location / Emplacement:** 1500 Thomas Argue Road

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

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

“Fabian Poulin”**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

Absent / Absent

**TERENCE OTTO
MEMBER / MEMBRE*****“Steven Lewis”*****STEVEN LEWIS
MEMBER / MEMBRE*****“Martin Vervoort”*****MARTIN VERVOORT
MEMBER / MEMBRE**

Absent / Absente

**JOCELYN CHANDLER
MEMBER / MEMBRE**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa-

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
August 26, 2022 / 26 août 2022**

**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**