



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CONSENT

(Section 53 of the *Planning Act*)

File Nos.: D08-01-22/B-00187 & D08-01-22/B-00188
Owner(s): Riverain Developments Inc.
Location: 3 Selkirk Street
Ward: 12 - Rideau-Vanier
Legal Description: Lots 2, 4, 6, 8, 10, 12, 14, 16, 32, 33, 34, & 35,
Registered Plan 49; Part of Lot 1, Registered Plan 49;
Part of Lots 1, 2, 3, 4, 14, Registered Plan 51; Lots 15
& 16, Registered Plan 51; Part of Lot 7, Concession
Junction Gore
Zoning: TM3[2719]S441
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **August 3, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owner wants to divide its property into three separate parcels of land to create two new mixed-use lots.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyance, Partial Discharge of Mortgage/Charge and Mortgage/Charge.

The property is shown as Parts 2 to 5 on 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-00187	65.57 65.67 metres (Montgomery Street) & 4.64 metres (North River Road)	73.10 (irreg.) metres	6,263.7 square metres	2	280 Montgomery Street

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00188	88.12 metres (North River Road), 48.27 metres (Selkirk Street)	25.10 (irreg.) metres	3,405 square metres	3	3 Selkirk Street

The retained land (Part 4 & 5) will have a frontage of 110.42 metres on Montgomery Street and 147.47 on Selkirk Street, to an irregular depth of 54.09 (irreg.) metres and will contain an area of 5,589.8 square metres. This parcel contains an existing mixed-use building, which is to be demolished, and will be known municipally as 300 Montgomery Street.

The applications indicate that the Property is the subject of a Site Plan Control Application (D07-12-21-0123) under the *Planning Act*.

PUBLIC HEARING:

Prior to the Hearing, the Committee received an adjournment request from Krista Libman, Agent for the Applicant, for additional time to discuss the conditions requested by the City's Planning, Real Estate and Economic Development Department (PRED). At the outset of the Hearing, the Committee heard from Ms. Libman, who confirmed that the adjournment was no longer necessary, that concerns relating to the conditions had been resolved, and that the Applicant was prepared to proceed with the hearing as scheduled. The Committee therefore stepped the applications down to be recalled later in the agenda.

Upon recall, the Panel Chair noted that the lot frontage for application D08-01-22/B-00187 should be amended to read as follows: ~~65.57~~ **65.67** metres (Montgomery Street) & 4.64 metres (North River Road). With the concurrence of Ms. Libman, the application was amended accordingly.

In response to questions from the Committee, Ms. Libman confirmed that the status of the Site Plan Control Application (D07-12-21-0123) is awaiting approval of Phase 1. She also confirmed that the applications are to facilitate financing and that any required easements will be determined through further applications.

Ms. Libman confirmed she was in agreement with the requested conditions to be fulfilled throughout the Site Plan Control Application process. Cass Schlauzero, City Planner, was also in attendance and concurred with Ms. Libman's assessment.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED
AS AMENDED**

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 proof to the satisfaction of the Development Review Manager of the Central 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 the existing building has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.
2. That the Owner(s) submit a Site Servicing Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, outlining the municipal servicing

requirements for each proposed building and indicating that capacity exists within existing City infrastructure, and that both the severed and retained parcels have access to their own independent water, sanitary and sewer connection, and that these services do not cross the proposed severance line and are connected directly to City infrastructure.

3. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Selkirk Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate determines that an Infrastructure Agreement Ottawa to extend the municipal services is no longer necessary, this condition shall be deemed as fulfilled.

4. 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 Central 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.
5. That the Owner convey a 5 m x 5 m corner sight triangle located at the intersection of Selkirk and North River Road to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.
6. That the Owner provide a Geotechnical Report prepared by a Professional Civil Engineer licensed in the Province of Ontario, that is satisfactory to both the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate and to the Rideau Valley Conservation Authority to be confirmed in writing from the PRED and the Authority to the Committee, demonstrating the following:

- a) That all parcels to be created by this application are or can be made suitable for mixed-use purposes.
- b) That there are no adverse environmental impacts.

The Geotechnical Report shall, as a minimum, determine the limit of organic soils present on the severed parcel and provide recommendations for construction methods based on the soil types encountered.

7. 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.
8. 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, Partial Discharge of Mortgage/Charge and Mortgage/Charge 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 **September 1, 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-00187 & D08-01-22/B-00188
Owner(s) / Propriétaire(s): Riverain Developments Inc.
Location / Emplacement: 3 Selkirk 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**

Absent / Absente

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**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
August 12, 2022 / 12 août 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier