



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CHANGE OF CONDITION (Section 53 of the *Planning Act*)

File No.: D08-01-22/B-00186
Owners: Doug Everett Healey & Sandra Maureen Healey
Location: 7072 Flewellyn Road
Ward: 21 – Rideau-Goulbourn
Legal Description: Part lot 16, Concession 8, Former Township of Goulbourn
Zoning: RU
Zoning By-law: 2008-250
Original Decision Issue Date: July 29, 2022

Change of Condition Decision Date: September 16, 2022

On **July 20, 2022**, the Committee of Adjustment granted provisional consent for a lot line adjustment in which the Owners of 7072 Flewellyn conveyed approximately 37 hectares of land to the abutting property to the northeast known municipally as 7018 Flewellyn Road.

At its Public Hearing on **September 7, 2022**, the Committee of Adjustment considered a request from the Applicant to change Condition No. 1 and Condition No. 4 of its Decision regarding the above-noted Consent Application.

PURPOSE OF THE CHANGE OF CONDITION REQUEST

The applicant is requesting to change the wording of Condition No. 1 from “severed” to “retained” and is requesting Condition No. 4 also be amended to replace the word “severed” with “retained”.

PUBLIC HEARING

Tracy Zander, Agent for the Applicant, advised the Committee that the request to change the wording in the two conditions was due to the large size of the lot addition. She further advised that a legal description could be created for the lands through a

save and except description.

Stephan Kukkonen, from the City's Planning, Real Estate, and Economic Development Department was also in attendance. He advised that based on advice received from the City's Legal Services department the severed lands would need to be surveyed to produce a suitable legal description.

DECISION AND REASONS OF THE COMMITTEE: REQUEST GRANTED IN PART

Under subsection 53(23) of the *Planning Act*, the Committee has the power to change the conditions of a provisional consent at any time before a consent is given.

Pursuant to subsection 53(26) of the *Planning Act*, the Committee is not required to give written notice under subsection (24) if, in the Committee's opinion, the change to conditions is minor.

The Committee notes that the City's planning report raises no concerns as the wording of Condition No. 1 is already such that a survey of the severed lands is not necessary, and Condition No. 4 "was not requested by Planning Staff and modifying the wording from "severed" to "retained" has no bearing on the department's original comments on the subject application". And despite the legal opinion received by PRED, the Committee finds that by providing flexibility in the revised condition would allow for a registerable legal description of the severed parcel.

Based on the evidence, the Committee finds that the change of Condition No. 4 is minor, reasonable, and appropriate. The Committee also finds that Condition No. 1 already provides sufficient flexibility in not requiring a survey of the severed lands.

The Committee therefore grants the change of condition request in part. Condition No.1 is not amended, and Condition No. 4 now reads as follows:

- (4) 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~~ **retained** land and providing a registerable legal description 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.

DECISION FINAL

The Committee's Decision on a minor change of condition is final and there is no right to appeal.

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

File No. / Dossier n°: D08-01-22/B-00186
Owners / Propriétaires: Douglas Everett Healey &
Sandra Maureen Healey
Location / Emplacement: 7072 Flewellyn 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

“Terence Otto”

TERENCE OTTO

MEMBER / MEMBRE

“Steven Lewis”

STEVEN LEWIS

MEMBER / MEMBRE

“Martin Vervoort”

MARTIN VERVOORT

MEMBER / MEMBRE

“Jocelyn Chandler”

JOCELYN CHANDLER

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

September 16, 2022 / 16 septembre 2022

Michel Bellemare

Secretary-Treasurer / Secrétaire-trésorier