



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

**DECISION
MINOR VARIANCE / PERMISSION**
(Section 45 of the *Planning Act*)

File No.: D08-02-22/A-00228
Owner(s): Taylor Major Holdings Inc.
Location: 296 Metcalfe Street
Ward: 14 - Somerset
Legal Description: Part Lot 14, S/S Lewis Street; Lot 11 & Part lot 12,
Registered Plan 15558, W/S Metcalfe Street
Zoning: R4UD[478]
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 21, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to convert the first and second floors of the existing building, currently used as ~~a medical facility (limited to audiologist offices)~~ to a ~~medical facility , which will allow for a dental office and a dental laboratory.~~ The residential units will remain in the basement and on the third floor.

PERMISSION REQUIRED:

The Owner requires the Permission of the Committee to ~~expand~~ **change** the legally non-conforming **audiologist offices to a dental office and dental laboratory use.** ~~medical facility use (limited to audiologist offices) to a medical facility use~~

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING:

The Committee heard from Barbara Sinclair, Agent for the Applicant, who provided the Committee with an overview and history of the existing building. In 2008 the Committee granted the change from the legal non-conforming use of technological offices to audiologist offices. It was noted that the R4UD (Residential Fourth Density, Subzone UD) Zone does not permit Medical Facility Uses. Nevertheless, the building has

included medical use facilities for a period of time. Ms. Sinclair also stated that the purpose of the change of use would allow for a greater number of medical facilities uses for the community and transition over time, instead of limiting it to a dental practice.

In response to questions from the Committee, Ms. Sinclair confirmed that the building includes space for the audiologist office and laser use and two residential units, one on the third floor and one in the basement.

The Committee highlighted the two-fold test relating to desirability and impact. Also, the Committee noted that the wording of the requested permission should be amended to read “dental offices and dental laboratory” rather than the more general “medical facility” that could include uses with a greater impact on the surrounding area in terms of parking and patient count.

In response, Ms. Sinclair requested that the application be stepped down and recalled later in the agenda to allow her to consult with her client.

Upon recall, Ms. Sinclair confirmed that her client would agree to the amended wording to limit the uses to dental office and dental laboratory. The application was amended accordingly.

Also in attendance was Craig Hamilton, of the City’s Planning, Real Estate and Economic Development Department.

**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.

The Committee has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.

The Committee notes that the City’s Planning Report raises “no concerns” regarding the application, highlighting that “no changes are proposed to the exterior of the building and as the Medical Facility limited to an Audiologist Office is currently in existence, Staff has no concerns with the conversion to permit a medical office also captured under the general Medical Facility use per S.54 of the By-law.”

Considering the circumstances, the Committee finds that, because the proposal fits well within the area, the requested permission is, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property,

and relative to the neighbouring lands. The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore grants the amended application and the use as a dental office and dental laboratory is permitted.

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 **October 20, 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.

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

File No. / Dossier n°: D08-02-22/A-00228
Owner(s) / Propriétaire(s): Taylor Major Holdings Inc.
Location / Emplacement: 296 Metcalfe 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.

“John Blatherwick”

**JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT**

“Stan Wilder”

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“Michael Wildman”

**MICHAEL WILDMAN
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 29, 2022 / 29 septembre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier