



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

**DECISION  
CONSENT**

(Section 53 of the *Planning Act*)

**File Nos.:** D08-01-21/B-00292, D08-01-21/B-00293  
**Owner(s):** Joseph and Grace Braia  
**Location:** 2538 (2536) Pagé Road  
**Ward:** 2-Innes  
**Legal Description:** Part of Lot 6, Concession 3 (Ottawa Front)  
**Zoning:** R1WW  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **November 3, 2021**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

The Owners want to subdivide their property into two separate parcels. ~~It is proposed to construct a new detached dwelling on the south side of the property and~~ The existing detached dwelling on the ~~north~~ **south** side of the property is to remain, **and the existing attached garage is to be demolished.**

**CONSENT IS REQUIRED FOR THE FOLLOWING:**

The Owners require the Consent of the Committee for Conveyances.

The property is shown as Parts 1 and 2 on the draft 4R-Plan filed with the applications and the separate lots will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00292	20.66 m	47.20 m	975.3 m <sup>2</sup>	1	2538 Pagé Road (detached dwelling to remain)
B-00293	9.83 m	47.20 m	464.0 m <sup>2</sup>	2	2536 Pagé Road (proposed detached dwelling)

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

### **PUBLIC HEARING:**

The Chair administered an oath to Michael Segreto, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. Segreto confirmed that the Purpose of the Applications should be amended to remove the reference to a proposed detached dwelling, since there were no development plans for the proposed new parcel, and to correctly identify the location of the existing dwelling. The Purpose of the Applications was therefore amended as follows:

The Owners want to subdivide their property into two separate parcels. ~~It is proposed to construct a new detached dwelling on the south side of the property and~~ The existing detached dwelling on the north ~~side~~ **south** side of the property is to remain, **and the existing attached garage is to be demolished.**

With the concurrence of Mr. Segreto, the application was amended accordingly.

Mr. Segreto provided the Committee with an overview of the proposal, with reference to photographs, a Draft 4R-Plan and a lot fabric plan to demonstrate the compatibility of the proposed lots within their context. He indicated that the existing attached garage located on Part 2 will be demolished. He also confirmed that the parcels fully comply with the requirements of the R1WW subzone for lot width and lot area.

Sylvain Boily of 2069 Rolling Brook Drive, Paul Heenan of 2065 Rolling Brook Drive, and Patrick Bedard of 2067 Rolling Brook Drive were also in attendance and expressed concerns with the applications and the future development on the severed parcel. The concerns raised by the area residents generally related to the precedent that the proposal may set for future development in the Chapel Hill South community and its impact in terms of the character of street, the loss of mature trees, increased vehicle traffic and parking, and the potential size, scale, and massing of the future development of the severed parcel relative to adjacent neighbours.

Lucy Ramirez of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance.

### **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

The Committee considered any written and oral submissions relating to the applications in making its Decision.

The Committee notes that the report filed by PIEDD raises "no concerns" regarding the applications, highlighting that the proposal fully complies with the requirements of the Zoning By-law.

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 a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. In addition, 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 one-year period from the date of this Decision:**

1. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on 2538 Pagé Rd (Part 1 on Draft 4R-Plan] shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the North property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
2. That the Owner(s) provide evidence to the satisfaction of the **Development Review Manager of the East Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
3. That the Owner(s) provide evidence to the satisfaction of the **Development Review Manager of the East Branch within Planning, Infrastructure and Economic Development Department, or his/her designate** that the existing driveway has been removed and relocated in conformity with the Site Plan submitted as part of the application. Staff note a Private Approach Permit is required to close a driveway and to establish a new driveway.
4. That the Owner(s) provide evidence (servicing plan), to the satisfaction of **Select the Development Review Manager of the East Branch within Planning, Infrastructure 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.

5. 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, Infrastructure 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**.
6. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (Pagé Road.). The Agreement shall be to the satisfaction of **the Development Review Manager of the East Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
7. That the Owner(s) convey, if required, at no charge to the City of Ottawa, sufficient frontage across the severed and retained lands to provide for a road right-of-way measuring 12m metres from the centreline of Pagé Road. The Owner(s) must provide to the **City Surveyor** a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from **City Legal Services** that the transfer of the widening to the City has been registered. If the Owner's Surveyor determines that the widening condition has already been satisfied, it must be indicated on the Draft Reference Plan and submitted to the **City Surveyor** for approval. The Committee requires written confirmation from the **City Surveyor** confirming that the widening is not required.
8. 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**.

9. That the Owner(s) satisfy the requirements of Hydro Ottawa with respect to the relocation of the existing overhead services or grant an easement as required, the consent to which is hereby granted.
10. 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.
11. That upon completion of the above conditions, and **within the one-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 one year from the date of this Decision.**

All technical studies must be submitted to Planning, Infrastructure 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), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **December 2, 2021**, delivered 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. 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.

**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°:** D08-01-21/B-00292, D08-01-21/B-00293  
**Owner(s) / Propriétaire(s):** Joseph and Grace Braia  
**Location / Emplacement:** 2538 (2536) Page Road

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**

***“Julia Markovich”***

**JULIA MARKOVICH  
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

***Date of Decision / Date de la décision***  
**November 12, 2021 / 12 novembre 2021**



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