



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

**DECISION
CONSENT**

(Section 53 of the *Planning Act*)

File Nos.: D08-01-21/B-00364 & D08-01-21/B-00365
Owner(s): Filament Realty Holdings Corp.
Location: 1387 & 1389, (1387B & 1389B) Raven Avenue
Ward: 16 - River
Legal Description: Lots 586 & 587, and Part of Lot 585, Reg. Plan 346,
Part 5 on Registered Plan 5R-13832
Zoning: R2H
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 Owner wants to subdivide its property into two separate parcels of land in order to establish separate ownerships for the existing two-storey semi-detached dwelling. It is proposed to construct secondary dwelling units in the basement of each semi-detached dwelling.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances. The subject property is shown as ~~Parts 1 to 4~~ **Parts 1 and 2** on the 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-00364	7.62 m	30.04 m	232.4 sq. m	1	1389, (1389B) Raven Ave. (semi-detached dwelling)
B-00365	8.53 m	30.04 m	252.7 sq. m	2	1387, (1387B) Raven Ave. (semi-detached dwelling)

Approval of these applications will have the effect of creating two separate parcels of land. The newly created parcels will not be in conformity with the requirements of the

File Nos.: D08-01-21/B-00364 & D08-01-21/B-00365

Zoning By-law and therefore, Minor Variance Applications (D08-02-21/A-00320 & D08-02-21/A-00321) have been filed and will be heard concurrently with these applications.

PUBLIC HEARING:

The Chair administered an oath to Jessica D'Aoust, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

The Committee also noted that the legal description set out in the Public Notice should be expanded to read as follows: Lots 586 & 587, and Part of Lot 585, Reg. Plan 346, **Part 5 on Registered Plan 5R-13832**. It was further noted that the Public Notice for this application also contained an error and should be amended to read:

The Owner requires the Consent of the Committee for Conveyances. The subject property is shown as ~~Parts 1 to 4~~ **Parts 1 and 2** on the Draft 4R-Plan filed with the applications and the separate parcels will be as follows [...].

With the concurrence of Ms. D'Aoust, the applications were amended accordingly.

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

In addressing the conditions requested by PIEDD, Ms. Culley confirmed that the report contained an error and the requirement for verification of the existing party wall should be included as a condition of provisional consent. Ms. D'Aoust indicated that she had no concerns with the imposition of this condition. She also requested that, further to correspondence with PIEDD, the condition requiring a tree planting plan be amended to refer only to the property 1389 Raven Avenue, rather than both parcels. The Committee heard from Nancy Young, the City's Infill Forester, who agreed to the amended condition, and indicated that it should be further amended to replace the requirement for a Grading Plan with a Site or Servicing Plan. With the concurrence of all parties, the conditions were amended accordingly.

Gershon Thambiah, the Owner of the property, 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 PIEDD 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 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 Owners provide evidence that the accompanying Minor Variance applications (D08-02-21/A-00320 & D08-02-21/A-00321) have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **General Manager of the 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.
3. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.)

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

4. At the Owner(s) expense and to the satisfaction of the **General Manager, Planning, Infrastructure and Economic Development Department, or his/her designate** to address the following:
 - a) The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the **General Manager of the Planning, Infrastructure, and Economic Development Department, or his/her designate**, showing the location of one new 50mm tree to be planted on the property frontage or right-of-way of 1389 Raven Avenue following construction, to enhance the urban tree canopy and streetscape.
 - b) The Owners agree that the location of proposed structures such as new underground services, located on a Site or Servicing Plan, will be determined by the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, based on the least impact to distinctive trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures, and agrees to revise their plans accordingly to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate.
5. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or designate**, that the party wall meets the Ontario Building Code, O Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
6. 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.
7. 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 Conveyances 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, 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. 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.

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-00364 & D08-01-21/B-00365
Owner(s) / Propriétaire(s): Filament Realty Holdings Corp.
Location / Emplacement: 1387 & 1389, (1387B & 1389B) Raven Avenue

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