



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

**DECISION
CONSENT**

(Section 53 of the *Planning Act*)

File Nos.: D08-01-21/B-00269 to D08-01-21/B-00274
Owner(s): Concorde Properties
Location: 3663 (~~3661, 3663, 3669, 3673, 3677, 3681~~)
(**3667, 3669, 3671, 3673, 3675, and 3677**) Albion
Road South
Ward: 10 – Gloucester-Southgate
Legal Description: Part of Lot 7, Concession 4, **Part 1** on Reg. Plan
5R1069
Zoning: R2N
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 1 and October 6, and November 3, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owner wants to subdivide the property into six separate lots for the purpose of developing three semi-detached dwellings. It is proposed that each lot will contain one semi-detached dwelling unit with a secondary dwelling unit in the basement.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances.

The property is shown as Parts 1 to 6 on the Draft 4R-Plan filed with the applications and the separate lots will be as follows:

File No.	Lot Width	Depth	Lot Area	Part No.	Municipal Address
B-00269	7.62 m	54 m	406.2 sq. m	1	(3664) (3667) Albion Road South (semi-detached dwelling with secondary unit proposed)

File Nos.: D08-01-21/B-00269 to D08-01-21/B-00274

B-00270	7.62 m	54 m	406.5 sq. m	2	(3663) (3669) Albion Road South (semi-detached dwelling with secondary unit proposed)
B-00271	7.62 m	54 m	406.5 sq. m	3	(3669) (3671) Albion Road South (semi-detached dwelling with secondary unit proposed)
B-00272	7.62 m	54 m	406.5 sq. m	4	(3673) Albion Road South (semi-detached dwelling with secondary unit proposed)
B-00273	7.62 m	54 m	406.5 sq. m	5	(3677) (3675) Albion Road South (semi-detached dwelling with secondary unit proposed)
B-00274	7.62 m	54 m	406.2 sq. m	6	(3684) (3677) Albion Road South (semi-detached dwelling with secondary unit proposed)

Approval of these applications will have the effect of creating six separate lots which will not be in conformity with the requirements of the Zoning By-law and, therefore, Minor Variance Applications (D08-02-2021/A-00256 to D08-02-2021/A-00261) have been filed and will be heard concurrently with these applications.

PUBLIC HEARING:

Prior to the Hearing on September 1, the Committee received an adjournment request from Christine McCuaig, Agent for the Owner, seeking additional time to redesign parts of the proposal to lessen the impact on trees and to address concerns raised by the City's Planning, Infrastructure and Economic Development Department (PIEDD). At the Hearing, the Committee heard from Ms. McCuaig, who reiterated her request for adjournment. With the concurrence of all parties, the applications were adjourned to October 6.

Prior to the Hearing on October 6, the Committee received correspondence from Ms. McCuaig, requesting a further adjournment to allow additional time to submit revised plans. With the concurrence of the Committee, the applications were further adjourned to November 3.

At the renewed Hearing, the Chair administered an oath to Ms. McCuaig, who confirmed that the statutory notice posting requirements were satisfied.

Ms. McCuaig provided the Committee with a full presentation, with reference to photographs, a revised site plan and a lot fabric plan to demonstrate the compatibility of the proposed lots within their context. She also noted outlined the effect of the revisions to the plans in terms of retention of mature trees.

The Committee noted that the legal description set out in the Public Notice should be amended to read: Part of Lot 7, Concession 4, **Part 1 on** Reg. Plan 5R1069.

In response to questions from the Committee, Christina Culley of PIEDD noted that the original Public Notice for these applications did not identify the lot depth for the severed parcels. Ms. McCuaig referred to the Draft 4R-Plan and confirmed that the lot depths would 54 metres for each parcel. With the concurrence of all parties, the applications were amended accordingly.

The Committee also heard from Richard Mungall of 2766 Wyldewood Street in opposition to the applications. Mr. Mungall submitted that the proposal represents overdevelopment and would adversely impact traffic and pedestrian safety in the area, as well as the character of the streetscape, with particular reference to the number of proposed new driveways.

**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.

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-00256 to D08-02-21/A-00261) have been approved, with all levels of appeal exhausted.

2. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of 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.
3. That the Owner(s) provide proof 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 the existing dwelling has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.
4. 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.
5. That the Owner(s) enter into 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 **City's 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 **City's 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.

6. 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 **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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**.
7. 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 **General Manager, Planning, Infrastructure 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.
8. 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 (arterial, highway, airport, etc.). The Agreement shall be to the satisfaction of the **General Manager, 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.
9. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **General Manager of the Planning Infrastructure and Economic Development Department, or to his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Albion Road S, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, as shown on the approved Site Grading and Servicing Plan. The overlay must be carried out to the satisfaction of the **General Manager of the Planning and Growth Management Department, or to 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.
10. 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 12 metres from the centreline of Albion Road S. 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.

11. Prior to the stamping of the deed(s), the Owner/Applicant(s) shall enter into a Development Agreement with the City of Ottawa, at the expense of the Owner/Applicant(s), to be registered on the Title of the property, which will include the mitigation measures outlined in the approved Tree Information Report, prepared by IFS Associates, dated October 13, 2021, and associated security for tree protection.

The Owner(s) agree to provide securities for a period of 3 years following the completion of construction, which is equivalent to the value of the trees to be protected (Tree #1 and #5). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming for both Tree #1 and #5, that they are in good health and condition, and remain structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the **City Forester and/or the General Manager, Planning, Infrastructure, and Economic Development, or his/her designate**, the report indicates that Tree #1 or #5 are declining and must be removed, the security, in its entirety, will be forfeited.

12. 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.
13. 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 a Conveyance for which the Consent is required.

The Consent lapses one year from the date of this Decision.

All technical studies shall 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-00269 to D08-01-21/B-00274
Owner(s) / Propriétaire(s): Concorde Properties
Location / Emplacement: 3663 (3661, 3663, 3669, 3673, 3677, 3681) Albion Road South

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**