

5. Motion - Appeal of consent to sever decision for 1962 Brophy Drive.

Motion – Appel de la décision d'autoriser le lotissement du bien-fonds situé au 1962, promenade Brophy

COMMITTEE RECOMMENDATION

That Council approve that Legal Services staff be directed to withdraw the City's appeal of the Committee of Adjustment decision of the consent to sever application at 1962 Brophy Drive.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve la décision de demander au personnel des Services juridiques de retirer l'appel qu'a interjeté la Ville concernant la décision du Comité de dérogation d'autoriser la demande de lotissement du bien-fonds situé au 1962, promenade Brophy.

DOCUMENTATION / DOCUMENTATION

Committee Coordinator's report, dated April 7, 2022 (ACS2022-OCC-ARA-0005)

Rapport de la coordonnatrice, daté le 7 avril 2022 (ACS2022-OCC-ARA-0005)

Subject: Motion - Appeal of consent to sever decision for 1962 Brophy Drive.

File Number: ACS2022-OCC-ARA-0005

Council 13 April 2022

Submitted on April 7, 2022 by Kelly Crozier, Committee Coordinator

Contact Person: Kelly Crozier, Committee Coordinator

(613) 580-2424 ext. 16875, Kelly.Crozier@ottawa.ca

Ward: Rideau-Goulbourn (21)

Objet : Motion – Appel de la décision d'autoriser le lotissement du bien-fonds situé au 1962, promenade Brophy

Dossier : ACS2022-OCC-ARA-0005

au Conseil le 13 avril 2022

Soumis le 7 avril 2022 par Kelly Crozier, Coordonnatrice du comité

Personne ressource : Kelly Crozier, Coordonnatrice du comité

(613) 580-2424 ext. 16875, Kelly.Crozier@ottawa.ca

Quartier : Rideau-Goulbourn (21)

REPORT RECOMMENDATION(S)

That Council approve that Legal Services staff be directed to withdraw the City's appeal of the Committee of Adjustment decision of the consent to sever application at 1962 Brophy Drive.

RECOMMANDATION(S) DU RAPPORT

Que le Conseil approuve la décision de demander au personnel des Services juridiques de retirer l'appel qu'a interjeté la Ville concernant la décision du Comité de dérogation d'autoriser la demande de lotissement du bien-fonds situé au 1962, promenade Brophy.

BACKGROUND

The Agriculture and Rural Affairs Committee at its meeting of April 7, 2022, approved the following motion, which was added to the agenda pursuant to subsection 89(3) of the Procedure By-law:

WHEREAS the Committee of Adjustment hearing of December 8, 2021 reviewed a consent to sever application for 1962 Brophy Drive to modify the property lines of an existing historic residential lot in the Agriculture Resource Area; and

WHEREAS there is no net new lot creation and if two homes were built today in the current lot configuration, the same impacts occur if two homes were built under the proposed configuration; and

WHEREAS despite the Planning staff report indicating an objection, Panel 3 of the Committee of Adjustment unanimously approved the consent application in a decision dated December 17, 2021; and

WHEREAS City staff have initiated an appeal of the Committee of Adjustment's decision in this matter to the Ontario Land Tribunal; and

WHEREAS the negative impacts of this application are not sufficient to warrant an appeal;

THEREFORE BE IT RESOLVED that Agricultural and Rural Affairs Committee recommend to Council that Legal Services staff be directed to withdraw the City's appeal of the Committee of Adjustment decision of the consent to sever application at 1962 Brophy Drive.

DISCUSSION

The Committee unanimously supported the aforementioned motion and agreed that it would be presented to Council on April 13, 2022.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

LEGAL IMPLICATIONS

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of April 13, 2022. Legal staff will be present at the Council meeting and can provide comment if required.

COMMENTS BY THE WARD COUNCILLOR(S)

Not applicable. This is a City-wide issue.

ADVISORY COMMITTEE(S) COMMENTS

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of April 13, 2022, 2021. This report was not circulated for comment as it was added at the meeting.

CONSULTATION

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of April 13, 2022. No consultation was undertaken as this item was added at the meeting.

ACCESSIBILITY IMPACTS

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of April 13, 2022. No specific accessibility impacts have been identified.

RISK MANAGEMENT IMPLICATIONS

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of April 13, 2022. No risk management implications have been identified.

RURAL IMPLICATIONS

There are no rural implications associated with the recommendations in this report.

TERM OF COUNCIL PRIORITIES

This report was drafted to transmit the above Motion, approved at Committee, to Council for consideration its meeting of April 13, 2022. No direct impacts on the City's strategic priorities or directions identified for the current Term of Council have been identified.

DISPOSITION

Following Council approval, Planning, Real Estate and Economic Development staff will undertake action to respond to the recommendations in the report.