



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

**COMITÉ DE DÉROGATION
POUR LA VILLE D'OTTAWA**

**DECISION/DÉCISION
CONSENT/AUTORISATION**
(Section 53 of the *Planning Act*)
(Article 53 de la *Loi sur l'aménagement du territoire*)

File No./Dossier n°: D08-01-19/B-00014 & D08-01-19/B-00015
Owner(s)/Propriétaire(s): LF6JF8PA2DL7 Ltd.
Location/Emplacement: 2216 Deschenes Street and (71) Pooler Street
Ward/Quartier: 7 - Bay
**Legal Description/
Description officielle:** Lot 41, Reg. Plan 278
Zoning/Zonage: R2F
Zoning By-law/Règlement: 2008-250

Notice was given and a Public Hearing was held on May 15, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

At its Hearing on April 17, 2019, the Committee adjourned Consent Applications (D08-01-19/B-00014 and D08-01-19/B-00015) and Minor Variance Applications (D08-02-19/A-00009 and D08-02-19/A-00010) pertaining to the development of this property in order to allow the Owner time to file additional Minor Variances.

The Owner now wants to proceed with the applications to demolish the existing detached dwelling and to subdivide the property into two separate parcels of land. It is proposed to construct a two-storey semi-detached dwelling with roof top terraces, with one dwelling unit on each newly created parcel.

CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUISE:

In order to do this, the Owner requires the Consent of the Committee for Conveyances. The property is shown as Parts 1 and 2 on a 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-00014	10.3 m	30.52 m	309.1 sq. m	1	2216 Deschenes St.
B-00015	8.65 m	30.52 m	264 sq. m	2	71 Pooler Ave.

The proposed dwellings will not be in conformity with the requirements of the Zoning By-law, and therefore Minor Variance Applications D08-02-19/A-00009 & D08-02-19/A-00010 have been filed and will be heard concurrently with these applications.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. J-F. Jacques, Agent for the Owner. Also in attendance was Ms. M. Atfield from the City's Planning Infrastructure and Economic Development Department (PIEDD).

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED DÉCISION ET MOTIFS DU COMITÉ: DEMANDE ACCORDÉE

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file, and having had regard to the matters set out in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended, is satisfied that, in this instance, a plan of subdivision is not necessary or desirable for the proper and orderly development of the Municipality. 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) provide evidence that the accompanying Minor Variance Applications (D08-02-19/A-00009 to D08-02-19/A-00010) have been approved, with all levels of appeal exhausted.
2. 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.
3. 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 can 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.

4. 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**.
5. That the Owner convey a 3 m x 3 m corner sight triangle located at the intersection of Pooler and Deschenes to the City, with all costs to be borne by the Owner(s), to the satisfaction of the **Surveys and Mapping Branch of the City**. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
6. 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 City Planner.
7. 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 Applications for Consent.
8. 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, including reports to demonstrate the adequacy of an aquifer, 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/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Local Planning Appeal Tribunal, 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 the **13th day of June, 2019**, 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 Tribunal's website at www.elto.gov.on.ca. The Tribunal has established a filing fee of \$300.00 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 Local Planning Appeal Tribunal. 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/AVIS AU RÉQUÉRANT:

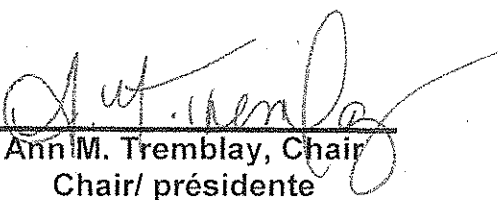
Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION

File No./Dossier n°: D08-01-19/B-00014 & D08-01-19/B-00015
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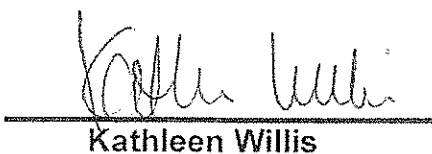
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

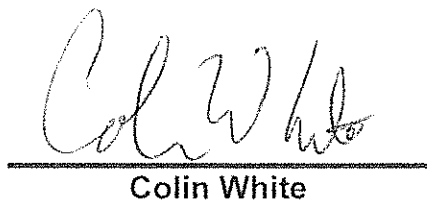
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.


Ann M. Tremblay, Chair
Chair/ présidente


Nadine Tischhauser


Scott Hindle


Kathleen Willis

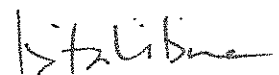

Colin White

I, Krista Libman, 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, soussignée, Krista Libman, secrétaire-trésorière 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.

May 24, 2019

Date of Decision
Date de la décision


Krista Libman
Secretary-Treasurer/Secrétaire-trésorière