



**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-00098 to D08-01-19/B-00100
Owner(s)/Propriétaire(s): Shek Financial Inc.
Location/Emplacement: 2187 (2189) (2185)
(2183) Deschenes Street
Ward/Quartier: Ward 7 - Bay
**Legal Description/
Description officielle:** Lot 4 and Part of Lots 3 and 5, Registered Plan 380
Zoning/Zonage: R2F
Zoning By-law/Règlement: 2008-250

Notice was given and a Public Hearing was held on April 17, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owner wants to subdivide its property into four separate parcels to facilitate the development two semi-detached dwellings. One semi-detached dwelling is under construction. It is proposed to establish separate ownerships for each of the four proposed semi-detached units.

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 to 6 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-00098	9.0 m	30.48 m 30.46 m	274.2 m ²	2	2187 Deschenes St., one unit, proposed

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00099	9.0 m	30.48 m 30.46 m	274.2 m ²	3 & 6	2185 Deschenes St., one unit, under construction
B-00100	12.54 m	30.48 m 30.25 m	352.6 m ²	4 & 5	2183 Deschenes St., one unit, under construction
Retained	9.0 m	30.48 m 30.47 m	274.3 m ²	1	2189 Deschenes St., one unit, proposed

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

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. E. Kirsipuu, the Agent for the Owner, who provided the Committee with a brief presentation, with reference to a revised Draft 4R-Plan filed prior to the Hearing. Mr. Kirsipuu noted revisions to the applications, which included amending the proposed lot depths as follows:

B-00098:	30.48 m	30.46 m
B-00099:	30.48 m	30.46 m
B-00100:	30.48 m	30.25 m
Retained:	30.48 m	30.47 m

The applications were amended accordingly.

The Committee also heard from Mr. M. Walker of the City's Planning, Infrastructure and Economic Development Department (PIEDD), who indicated that he had no concerns with the applications as amended.

DECISION AND REASONS OF THE COMMITTEE:	APPLICATIONS GRANTED AS AMENDED
DÉCISION ET MOTIFS DU COMITÉ:	DEMANDES ACCORDÉES TELLES QUE MODIFIÉE

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) satisfy the City's **Building Services Branch** with respect to the fire separation (demising wall) between the units, pursuant to the Ontario Building Code.
2. 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.
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 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.
5. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Pooler Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the **City's Planning, Infrastructure and Economic Development Department's Infrastructural Approvals Branch** and to the satisfaction of **City Legal Services**. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment and Energy for the extension of the municipal services. The Committee requires 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:

- a. Prepare a noise attenuation study 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 also enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Agreement will also deal with any covenants/notices recommended in the approved study, that shall be registered on the title and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. 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.

OR

- b. Design the dwelling units with central air conditioning and 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 will bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The following two conditions will be included in the above-noted Agreement.

Notices-on-Title respecting noise:

- i. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."
- ii. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being

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advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

8. 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.
9. 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 **16th day of May, 2019**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 Centrepointhe 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

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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

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Owner(s)/Propriétaire(s): Shek Financial Inc.
Location/Emplacement: 2187 (2189) (2185)
(2183) Deschenes Street

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.

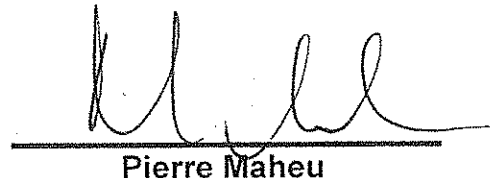

Ann M. Tremblay
Vice-Chair/ vice-présidente


Nadine Tischhauser

ABSENT


Gino Nicolini


Guillaume Vincent

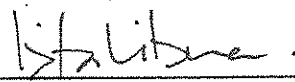

Pierre Maheu

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.

April 26, 2019

Date of Decision
Date de la décision


Krista Libman
Secretary-Treasurer/Secrétaire-trésorière