



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

**DECISION  
CONSENT**

(Section 53 of the *Planning Act*)

**File No.:** D08-01-21/B-00323  
**Owner(s):** L.M.K. Investment Partnership  
**Location:** 374 Poulin Avenue, 2675 Marie Street  
**Ward:** 7-Bay  
**Legal Description:** Lot 12, Registered Plan ~~277~~ 227  
**Zoning:** R2F  
**Zoning By-law:** 2008-250

---

Notice was given and a Public Hearing was held on **November 17, 2021**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

The Owner wants to subdivide its property into two separate parcels of land to create separate ownerships for each half of the existing semi-detached dwelling.

**CONSENT IS REQUIRED FOR THE FOLLOWING:**

The Owner requires the Consent of the Committee for a Conveyance.

The land to be severed, shown as Part 1 on a Draft 4R-Plan filed with the application, will have a frontage of 15.19 metres on Poulin Avenue, to a depth of 15.23 metres and will contain a lot area of 231.34 square metres. This lot will contain one existing semi-detached dwelling unit, known municipally as 374 Poulin Avenue.

The land to be retained, shown as Part 2 on said plan, will have a frontage of 15.24 metres on Marie Street, to a depth of 15.25 metres and will contain a lot area of 232.41 square metres. This parcel will contain the other existing semi-detached dwelling unit, known municipally as 2675 Marie Street.

The Application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING:**

The Chair administered an oath to Kevin Tang of L.M.K. Investment Partnership, the Owner of the property, who confirmed that the statutory notice posting requirements were satisfied.

The Committee also heard from Mitchell Leitman, Agent for the Owner. Mr. Leitman confirmed that the legal description set out in the Public Notice should be amended to read as follows: Lot 12, Registered Plan ~~277~~ **227**.

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

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

The Committee considered any written and oral submissions relating to the applications in making its Decision.

The Committee notes that the report filed by PIEDD raises "no concerns" regarding the application, and that its purpose is to subdivide the property for conveyancing purposes only, with no change or new construction proposed for the site.

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 Owner(s) provide proof to the satisfaction of **the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
2. 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 Development Review Manager of the West Branch within 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 Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, and 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.

3. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Poulin Avenue and Marie Street 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.
4. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or his/her designate**, to be confirmed in writing from the Department to the Committee, 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.
5. That the Owner(s) grant to Hydro Ottawa, without cost, such easements as may be required, the consent to the registration of which is hereby granted.
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 a Conveyance 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 16, 2021**, delivered to the following address:

---

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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-00323  
**Owner(s) / Propriétaire(s):** L.M.K. Investment Partnership  
**Location / Emplacement:** 374 Poulin Avenue, 2675 Marie Street

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**

***Absent / Absente***

**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 26, 2021 / 26 novembre 2021**



**Michel Bellemare  
Secretary-Treasurer / Secrétaire-trésorier**