



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

### DECISION CONSENT

(Section 53 of the *Planning Act*)

**File No.:** D08-01-21/B-00456 & D08-01-21/B-00457  
**Owner(s):** Landric Homes Inc.  
**Location:** 220 Woodroffe Avenue  
**Ward:** 7-Bay  
**Legal Description:** Lot 544, Registered Plan 352  
**Zoning:** R4D  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **January 12** and **March 16, 2022**, as required by the *Planning Act*.

#### PURPOSE OF THE APPLICATION:

At its Hearing on January 12, 2022, the Committee adjourned these applications to allow the Owner time to revise its related Minor Variance Applications and plans.

The Owners want to demolish the existing dwelling located on the property and to subdivide its property into two separate parcels of land to create separate ownerships for a proposed semi-detached dwelling, with one dwelling unit on each of the newly created parcels.

#### CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances. The property is shown as Parts 1 and 2 on 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-00456	7.635 m	30.49 m	232.1 sq. m	2	222 Woodroffe Ave. (one half of the proposed semi- detached dwelling)

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00457	7.635 m	30.49 m	232.1 sq. m	1	220 Woodroffe Ave. (the other half of the proposed semi- detached dwelling)

Approval of these applications will have the effect of creating two separate parcels of land and the proposed dwelling will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-21/A-00383 & D08-02-21/A-00384) have been filed and will be heard concurrently with these applications.

### **PUBLIC HEARING:**

The Chair administered an oath to Paul Robinson, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Mr. Robinson provided the Committee with a full presentation, with reference to a location map, streetscape photographs, the site plan and the Draft 4R-Plan.

The Committee also heard from Christina Culley of the City's Real Estate and Economic Development Department, who reiterated the objections outlined in her written report on file, particularly as they related to the associated Minor Variance Applications.

Regarding the conditions requested in the City's Planning Report, Mr. Robinson requested that the Committee not impose a requirement for a noise study, and instead require the registration of a noise warning clause on title. He indicated that the proposed semi-detached dwelling would provide standard features for mitigating noise, and that a noise warning on title would be sufficient under the circumstances. With the Committee in agreement, the condition was modified accordingly.

Mr. Robinson also requested, with respect to the requirement for new tree planting, that the City permit those trees to be planted elsewhere in the community if they could not be accommodated on site. It was confirmed that this was something the City would consider.

### **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

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

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 two-year period from the date of this Decision:**

1. That the Owner(s) provide evidence that the accompanying Minor Variance Applications (D08-02-21/A-00383 & D08-02-21/A-00384) 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 **Development Review Manager of the West Branch within Planning, Real Estate 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 **Development Review Manager of the West Branch within Planning, Real Estate 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) provide evidence to the satisfaction of the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
6. The Owner(s) design the dwelling units with the provision for adding 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 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. The following two conditions will be included in the above-noted Agreement:

- i. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee 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;" and
  - ii. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to 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."
7. 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 **Development Review Manager of the West Branch within Planning, Real Estate 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 **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
8. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Woodroffe Avenue, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of **Development Review Manager of the West Branch within Planning, Real**

**Estate 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.

If the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate** determines that a Development Agreement requiring an asphalt

9. 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 13 meters from the centreline of Woodroffe Avenue. 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.

10. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements Agreement, 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 **Development Review Manager of the West Branch within Planning, Real Estate 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, Real Estate 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.

11. The Owner shall enter into an Agreement with the City, through a Letter of Undertaking, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, agreeing to provide and implement the tree planting plan and to provide securities in the amount of \$400 per tree for a period of one year from the issuance of the final occupancy permit.

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 two-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 two years from the date of this Decision.**

All technical studies must be submitted to Planning, Real Estate 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 **April 14, 2022**, 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-00456, D08-01-21/B-00457

**Owner(s) / Propriétaire(s):** Landric Homes Inc.

**Location / Emplacement:** 220 Woodroffe Avenue

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**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

***Date of Decision / Date de la décision***  
**March 25, 2022/ 25 mars 2022**



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