



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION CONSENT

(Section 53 of the *Planning Act*)

File No.: D08-01-22/B-00032 to D08-01-22/B-00035
Owner(s): P. and R. Builders Limited
Location: 820-826 Grenon Avenue
Ward: 7 – Bay
Legal Description: Lots 5 & 6, Reg. Plan 457
Zoning: R1O
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **March 2 and April 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its hearing on March 2, 2022, the Committee of Adjustment adjourned these applications to give the Owner time to file revised applications and plans.

The Owner wants to subdivide its property into four separate parcels of land to establish separate ownerships for the four existing townhouse dwellings.

The applications indicate that the existing townhouse dwellings are legal non-conforming uses in the R1O subzone.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances, Grants of Easements/Rights-of -Ways and a Joint-Use and Maintenance Agreement. The subject property is shown as Parts 1 to 12 on the Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00032	9.37 m	30.50 m	290.2 sq. m	1 to 3	820 Grenon Ave.

B-00033	5.71 m	30.50 m	176.6 sq. m	4 to 6	822 Grenon Ave.
B-00034	5.71 m	30.50 m	176.6 sq. m	7 to 9	824 Grenon Ave.
B-00035	9.62 m	30.50 m	287.7 sq. m	10 to 12	826 Grenon Ave.

It is proposed to create easements over Part 2 in favour of Parts 4 to 12, over Part 5 in favour of Parts 1 to 3 and 7 to 12, over Part 8 in favour of Parts 1 to 6 and 10 to 12, and over Part 11 in favour of Parts 1 to 9 for pedestrian and vehicular access.

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

PUBLIC HEARING:

Prior to the hearing on March 2, 2022, the Committee received an adjournment request from James Ireland, Agent for the Applicant, requesting that the applications be adjourned *sine die* to allow time for revisions. At the Hearing, the Committee heard from Mr. Ireland, who reiterated his request for an adjournment. With the concurrence of all parties, the application was adjourned *sine die*.

At the renewed hearing on April 6, 2022, the Chair administered an oath to Mr. Ireland, who confirmed that the statutory notice posting requirements were satisfied.

The Committee confirmed with Mr. Ireland that the Property Owner as set out on the original public notice was to be amended to P. and R. Builders Limited.

The Committee then sought confirmation that the Zoning By-law in 1966, when the building permit for the existing structure was issued, permitted multiple attached dwellings on the property. Lucy Ramirez, from the City's Planning, Real Estate and Economic Development Department, confirmed that the Zoning By-law at the time (AZ-64) did permit row housing and the Owner submitted an affidavit that the use has been continuous on the property.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

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

The Committee notes that the City's planning report raises "no concerns" regarding the applications.

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 to the satisfaction of the **Chief Building Official, or designate**, 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. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
2. 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 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.
3. That the Owner 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 (Carling Avenue). The Agreement shall be to the satisfaction of the **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.
4. 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 the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Department, or his/her designate**, and **City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **Development Review Manager of the West Branch within Planning, Real Estate and Economic 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.

5. The Owner(s) shall submit Trees in Trust application(s) for one new 50mm tree to be planted in the right-of-way in front of 820 and 826 Grenon, to enhance the urban tree canopy and streetscape. <https://ottawa.ca/en/living-ottawa/environment-conservation-and-climate/trees-and-urban-forests/tree-planting#trees-trust>
6. That the Owner(s) satisfy the requirements of Hydro Ottawa with respect to the provision of a Common Elements Agreement to provide each property owner with mutual access, maintenance and cost sharing responsibilities for the electrical supplies.
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 Application for Consent.
8. 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 a Conveyance 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 **May 5, 2022**, 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 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.

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°: D08-01-22/B-00032 to D08-01-22/B-00035

Owner(s) / Propriétaire(s): P. and R. Builders Limited

Location / Emplacement: 820 – 826 Grenon 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


Absent / Absente

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
April 14, 2022/ 14 avril 2022


Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier