

**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^o: D08-01-13/B-00299

Owner/ Propriétaire: Domicile Urban Developments Inc. (Under Agreement of Purchase and Sale)

Agent/ Représentant: Katherine Grechuta

Legal Description//Description officielle: Block "A", Lots 1 to 6 (inclusive) Lots 20, 21 & 22, Reg. Plan 243 & Lot 91 and the rear passage and Lots 165 to 168 (inclusive) Reg. Plan 110574 and Part of Lot "H" Concession "D" (Rideau Front)

Property Address/Adresse de la propriété: 15 Oblate Avenue & 133 to 141 Main Street

Zoning/Zonage: TM7[1841]-h, R4M[1848]-h, R5B[1846]-h

By-Law/Règlement: 2008-250

Ward/ Quartier: 17 - Capital

Former Municipality/Ancienne municipalité: Ottawa

Notice was given and a Public Hearing was held on September 4, 2013, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE :

The Owners want to subdivide its property into two separate parcels of land. One parcel will contain the existing 4-storey institutional building, detached garage and shed and the other parcel will contain the existing 2-storey, 4 door multiple attached dwelling.

CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUISE:

In order to do this, the Owner requires the Consent of the Committee for a Conveyance and a Maintenance and Joint-Use Agreement. The severed land, shown as Part 1 on a Draft 4R Plan filed with the application, will have a frontage of 57.0 metres on Main Street, to an irregular depth of 85.34 metres and will contain a lot area of 5474.1 square metres. This parcel contains the existing 2-storey, 4-door, multiple attached dwelling known municipally as 133, 137, 139 and 141 Main Street.

The retained land, shown as Part 2 on said plan, will have frontages of 63.4 metres on Springhurst Avenue and 99.96 metres on Oblate Avenue, and will contain a lot area of 6774.4 square metres. This parcel contains the existing 4-storey insitutional building, detached garage and shed known municipally as 15 Oblate Avenue.

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

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Ms. K. Grechuta, Agent for the Owner.

In response to a question from the Committee, Ms. Grechuta explained that a portion of Oblate Avenue is a public right-of-way while a portion at the rear, shown as Part 3 on the Draft R-Plan, is a private street. She advised that the Sisters of the Sacred Heart of Jesus have had a long-standing easement over that portion of the land for access purposes which would continue.

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

The Committee, having considered the evidence presented and having 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 provide proof, to the satisfaction of the Development Review – Urban Services Branch that each parcel has its own independent storm (if applicable), sanitary and water services connected directly to City infrastructure. These services should not cross the proposed severed property. If they do cross or are not independent then the Owner will be required to relocate or construct new services from the City sewers/watermain, at his/her cost.

- 2) That the Owner 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 Reference Plan must conform substantially to the sketch filed with the Application for Consent.
- 3) That upon completion of the above conditions, **and within the one-year period outlined above,** the Owner file with the Committee, the “electronic registration in preparation documents” for the Conveyance and the Maintenance and Joint-Use Agreement for which the Consent is required.

The Consent lapses one year from the date of this Decision.

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 Ontario Municipal Board, a letter outlining the reasons for appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment by the **3rd day of October, 2013**. The OMB has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. A cheque payable to the Ontario Minister of Finance must accompany the Notice of Appeal. If you have any questions about the appeal process, please contact the Committee of Adjustment office.

Any person or public body may appeal this Decision to the Ontario Municipal Board. 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.

**DECISION SIGNATURE PAGE :
PAGE DE SIGNATURE DE LA DÉCISION :**

File No./Dossier n° : D08-01-13/B-00299

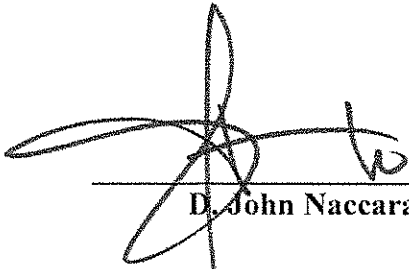
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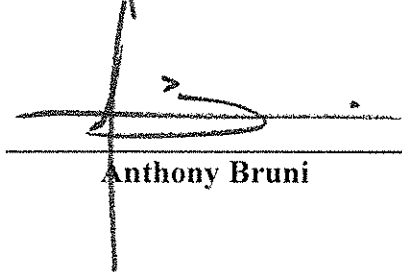
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment./
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le
Comité de dérogation :



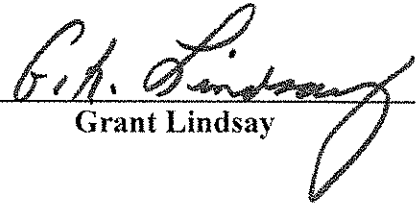
John Blatherwick
Vice-Chair/Vice-Président



D. John Naccarato



Anthony Bruni



Grant Lindsay



Ann M. Tremblay

I, Heather Maclean, 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, Heather MacLean, 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.

Sept 13/13

Date of Decision:

Date de la décision :



Heather MacLean
Secretary-Treasurer/Secrétaire-trésorière