

ISSUE DATE:

March 19, 2010



PL080959

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

| | |
|---------------|---------------------|
| Appellants: | See Attachment "1" |
| Subject: | By-law No. 2008-250 |
| Municipality: | City of Ottawa |
| OMB Case No.: | PL080959 |
| OMB File No.: | PL080959 |

APPEARANCES:

Parties

Counsel*/Agent

City of Ottawa

T. Marc* and C. Enta*

The TDL Group Corporation

M. Polowin*

Richcraft Homes Limited, Petro Canada Inc.,
2024644 Ontario Inc., David Rosetti

J. Bradley* and E. Blanchard*

Loblaws Properties Limited, Rockcliffe Park
Residents Association, Timberwal
Developments Inc.

A. Cohen* and J. Cohen*

The Riotrin Group of Companies

K. Ross*

Campanale Homes

D. Paquette

College Square Properties, Emparrado
Corporation, Greater Ottawa Home Builders
Association, Urbandale Corporation, KNL
Developments Inc., Zena Kinder Holdings
Limited, Arnold Kimmel Timothy and Edith
Fauquier

D. Kelly*
U. Melinz*

James and Pamela Cain, 585977 Ontario
Ltd.

P. Vice*

Sunset Lakes Development Corporation

P. Webber*

AMENDING DECISION DELIVERED BY N. C. JACKSON

The Decision issued on March 18, 2010 is hereby amended as follows:

Attachment No. 4 as previously stated was incorrect and is to be replaced with the correct one now attached to this Decision.

“N. C. Jackson”

N. C. JACKSON
MEMBER

ATTACHMENT 1

Kanata Research Park Corporation (various properties)
Kanata Research Park Corporation (940 and 945 Klondike Road)
HG & GB Investments - 915 Klondike Road
Thomas Cavanagh Construction Ltd. (Almonte Quarry & Kinburn Quarry)
Urbandale Corporation
Urbandale Corporation & KNL Developments Inc.
Signature Centre Ltd. (c/o Taggart Realty Management)
The TDL Group Corp.
College Square Properties Inc.
Campanale Homes
595799 Ontario Limited
Rockcliffe Park Residents Association
555 March Road Inc. and DIR Investments Inc. (555 and 591 March Road)
Emparrado Corporation
Loblaws Properties Ltd.
Timburwal Developments Inc.
Greater Ottawa Home Builders Association
Sunset Lakes Developments (1374421 Ontario Inc) and Sunset Lakes Owners Association Inc.
David Rossetti
Denis Labelle
Canadian Tire Real Estate Limited & Canadian Tire Corporation Limited
Trinity Property Holdings Inc.
Richcraft Homes Ltd.
Central Canadian District of the Christian and Missionary Alliance in Canada ("Redeemer Alliance Church")
Strandherd Meadows Inc. & Petro Canada Inc.
Capital Parking Inc.
2024644 Ont. Inc.
Claridge Homes (Centretown) Ltd.
Minto Commercial Properties Inc. (1926 St. Joseph Boulevard)
Mildred Marshall

James & Pamela Cain
RJ Motors (168672 Ontario Inc.)

Timothy & Edith Fauquier
Zena Kinder Holdings Limited

Riotrin properties (Hazeldean)

Riotrin properties (Belcourt)

Woodway Developments Limited

Riotrin properties (Merivale)

Riotrin properties (Orleans)

Riotrin properties (Barrhaven) and 2024201 Onatrio Ltd.

Gary Underwood & Stephen Shingler

DIR Investments Inc.

ATTACHMENT "4"

OMB ORDERED BY-LAW

A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to introduce provisions for non-complying buildings and lots.

The Ontario Municipal Board, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. By-law No. 2008-250, entitled the "City of Ottawa Zoning By-law" is amended by adding the following as Section 3:
3. The following applies to land or buildings that are legally non-complying with this by-law:
 - (1) A person may build an addition to an existing principal building, a new accessory building, or an addition to an accessory building on land that is legally non-complying with respect to lot width or lot area if:
 - (a) the addition or new accessory building conforms to all other provisions of this by-law, and
 - (b) no additional dwelling units, rooming units or secondary dwelling units are created.
 - (2) A permitted use, in a building or on a lot that does not comply with the regulatory provisions of this by-law, may change to another permitted use without the need for a minor variance from the Committee of Adjustment provided that the regulatory provisions are no more restrictive for the new use.
 - (3) The construction of an addition to a building or a permitted projection into a yard of a building that does not comply with the provisions of this by-law is permitted without the need for a minor variance from the Committee of Adjustment provided that:
 - (a) where compliance of certain provisions has been met with the existing building, compliance must be maintained,
 - (b) any addition or a permitted projection into a yard to a non-complying building that proposes to expand the existing non-complying footprint must move towards compliance with the zoning regulations such that the extent of the proposed addition falls at least halfway between the required provision and existing non-complying situation, and
 - (c) despite 3.(3)(b), any non-compliance with building height and required parking is not increased.

- (4) Development is permitted on any vacant lot existing as of the date of the passing of this by-law and which lot is legally non-complying with respect to lot width or lot area provided:
- (a) the proposed use is a use permitted in the zone in which the lot is located,
 - (b) the proposed use does not contravene any other zone provisions, and
 - (c) the lot is zoned RU, V1, V2, V3 or VM.

ORDERED BY THE BOARD this 25th day of February, 2010.