

ISSUE DATE:

**Nov. 05, 2009**



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:**

<u>Parties</u>	<u>Counsel*/Agent</u>
City of Ottawa	T. Marc
College Square Properties, Emparrado Corporation, Greater Ottawa Home Builders Association, Urbandale Corporation, KNL Developments Inc., Timothy and Edith Fauquier	D. Kelly
Jim and Pamela Cain and 595799 Ontario Ltd.	P. Vice
2024644 Ontario Inc., Redeemer Alliance Church, David Rosetti, Richcraft Homes Ltd., and Petro Canada	J. Bradley
TDL Group Corp.	M. Polowin
Loblaw Properties Ltd., Otnim Properties Limited, Rockcliffe Park Residents Association, Timberwal Developments Inc.	J. Cohen
Sunset Lakes Development Corp.	P. Webber
Riotrin Group of Companies and Trinity Development Group	K. Ross

**MEMORANDUM OF ORAL DECISION DELIVERED BY N. C. JACKSON  
ON OCTOBER 28, 2009 AND ORDER OF THE BOARD**

This is a continuation in a series of pre-hearings and hearings held into the 76 Appeals to Comprehensive Zoning By-law 2008-250 of the City of Ottawa. The following is the disposition of appeals 27 and 44.

The City through Notice of Motion with planning affidavit and with Planning Committee and City Council's approval has settled the following appeals. The Motion seeking amendments to By-law 2008-250 is granted.

Appeal 27

Urbandale Corporation and KNL Developments.

The City now accepts that bicycle parking may be in an existing garage on site. The generic amendment to By-law 2008-250 is set out in Exhibit 2 at page 31, section 1. The Board finds, based upon the planning evidence and submissions of Mr. Marc and Mr. Kelly, the amendment to be reasonable and good planning. The Board allows this Appeal in part, and amends By-law 2008-250 in the form of Exhibit 2, page 31.

Appeal 44

Redeemer Alliance Church

A portion of the Church lands at 4825 Innes Road are leased from the City. Through a recognition that all lands are one lot for zoning purposes, the City allows Church parking on the leased lands. This is good planning from the city planning evidence and the submissions of Mr. Marc and Ms. Bradley. The form of the by-law amendment is set out on pages 31 and 32 of Exhibit 2. The Board allows the Appeal of the Church and amends By-law 2008-250 in the form of pages 31 and 32 of Exhibit 2. Appeal 44 is now fully disposed of.

Pages 31 and 32 of Exhibit 2 are made Attachment "2" to this Decision.

On Consent, the Board adjourns part of the Timberwal Appeal 70 and TDL Appeal 36 respecting section 58 of By-law 2008-250 dealing with flood plain to the next pre-hearing in February 2010.

Appeal 53 by Claridge is withdrawn. The substance of that has been dealt with by another panel of the Board as a private appeal.

The Board makes a correction as requested by the City on consent to the July 13, 2009 decision of this panel to clarify that the disposition therein for Appeal 58 was partial and that the Appeal 58 remains in part for disposition at the next pre-hearing conference.

The next pre-hearing conference is scheduled for February 25, 2010, at 10:00 a.m. at Ottawa City Hall. Ottawa City is to confirm room reservation. No further notice is required.

This panel of the Board declined to make a procedural ruling respecting the hearing scheduled to commence tomorrow October 29th since that panel is otherwise constituted and should rule on procedure before that panel.

The Board so Orders.

"N. C. Jackson"

N. C. JACKSON  
MEMBER

Attachment "1"

555 March Road Inc. (555 March Road)

595799 Ontario Limited

2024644 Ontario Inc.

Arnold Kimmel Limited & Hartman Management Corporation ("Quickie Convenience Stores")

Arnon Corporation

Bells Corners Properties Limited (c/o Colonnade Development Incorporated)

Bayshore Shopping Centre Ltd.

Campanale Homes

Canadian Tire Real Estate Limited & Canadian Tire Corporation Limited

Capital Parking Inc.

Central Canadian District of the Christian and Missionary Alliance in Canada ("Redeemer Alliance Church")

Claridge Homes (Centretown) Ltd.

College Square Properties Inc.

Colonnade Development Incorporated (15 Colonnade Road)

Colonnade Development Incorporated (various properties)

David Gladstone

David Rossetti

Denis Labelle

DIR Investments Inc. (591 March Road)

Emparrado Corporation

Gary Underwood & Stephen Shingler

Greater Ottawa Home Builders Association

HG & GB Investments Ltd. (915 Klondike Road)

James & Pamela Cain

Kanata Research Park Corporation (940 and 945 Klondike Road)

Kanata Research Park Corporation (various properties)

Loblaws Properties Ltd.

Mildred Marshall

Minto Commercial Properties Inc. (775 - 795 March Road)

Minto Commercial Properties Inc. (907 Eagleson Road)

Minto Commercial Properties Inc. (1926 St. Joseph Boulevard)

Ottawa Macdonald-Cartier International Airport Authority

PCM Kanata South Inc.

Pierre Grandmaitre

Raymond Perrin

Richcraft Homes Ltd.

Riotrin Properties (Hazeldean) Inc; Riotrin Properties (Belcourt) Inc.; Woodway Developments Limited; Riotrin Properties (Merivale) Inc.; Riotrin Properties (Orleans) Inc.; Riotrin Properties (Barrhaven) Inc. & 2024201 Ontario Ltd.

RJ Motors (168672 Ontario Inc.)

Rockcliffe Park Residents Association

Saint Mary's Land Corporation (c/o Taggart Realty Management)

Signature Centre Ltd. (c/o Taggart Realty Management)

Strandherd Meadows Inc. & Petro Canada

Sunset Lakes Developments (1374421 Ontario Inc) & Sunset Lakes Owners Association Inc.

The TDL Group Corp.

Thomas Cavanagh Construction Ltd. (Almonte Quarry and Kinburn Quarry)

Thomas Cavanagh Construction Ltd. et al

Timburwal Developments Inc.

Timothy & Edith Fauquier

Trim Road Land Holdings Ltd. & Canada Mortgage and Housing Corporation (c/o Taggart Realty Management)

Trinity Property Holdings Inc.

Urbandale Corporation

Urbandale Corporation & KNL Developments Inc.

Woodpark Community Association

Zena Kinder Holdings Limited

# ATTACHMENT "2"

## BY-LAW FOR CONSIDERATION BY THE ONTARIO MUNICIPAL BOARD

A by-law of the City of Ottawa to amend By-law No. 2008-250 to partially resolve Appeal Number 27 and to resolve Appeal Number 44 to the Ontario Municipal Board regarding Section 111 and property known municipally as 4825 and 4831 Innes Road and part of 1880 Portobello Boulevard.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. Section 111 of By-law No. 2008-250 entitled "City of Ottawa Zoning By-law" is amended as follows:

- (a) Column I, Row (b) of Table 111A is amended by inserting roman numeral "(i)" immediately before the word "apartment";
- (b) Column I, Row (b) of Table 111A is amended by inserting the words "without a garage or carport for each dwelling unit" immediately following the words "stacked dwelling";
- (c) Row (b) of Table 111A is amended by inserting the following immediately after the words "for each dwelling unit" in Column I:  
  
 "(ii) stacked dwellings with a garage or carport for each dwelling unit"  
  
 and by inserting the words "no bicycle parking required" in Column II adjacent to (b)(ii); and
- (d) Delete subsection (5) of Section 111.

2. Section 239 – Urban Exceptions of the said By-law No. 2008-250 is amended as it relates to 4825 and 4831 Innes Road and part of 1880 Portobello Boulevard by adding the following exceptions to Section 239 – Urban Exceptions:

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
1712	I1B[1712]			- the church lands in the I1B[1712] zone and the land leased by the church for a parking lot in the O1[1715] zone are considered one lot for zoning purposes

1715	O1[1715]	- parking lot		- the church lands in the I1B[1712] zone and the land leased by the church for a parking lot in the O1[1715] zone are considered one lot for zoning purposes
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3. The Zoning Map of the said By-law No. 2008-250 is amended by rezoning lands as follows:

- (a) Areas A and C on Attachment 1 to this by-law are rezoned from O1 and O1[3] to O1[1715] respectively;
- (b) Area B on Attachment 1 to this by-law is rezoned from I1B to I1B[1712].

APPROVED by the Ontario Municipal Board on the \_\_\_\_\_ of \_\_\_\_\_, 2009