DECISION

Date of the Decision:	August 28, 2026
Heard:	August 18, 2026, in person and by videoconference
Panel:	2 - Suburban
Files:	D08-01-26/B-00127 to D08-01-26/B-00129 D08-02-26/A-00095
Applications:	Consent under section 53 of the *Planning Act* Minor Variance under subsection 45(1) of the *Planning Act*
Applicant:	The First Unitarian Congregation of Ottawa
Property Address:	30 Cleary Avenue
Ward:	7 - Bay
Legal Description:	Lots 8 to 10 and Part of Lots 6 and 7, Registered Plan 236; Part of Lots 26 and 27, Concession 1 (Ottawa Front)
Zoning (By-law 2008-250):	I1A [2976] S499-h
Zoning (By-law 2026-50):	INZ [2976] S499-h

PURPOSE OF THE APPLICATIONS

[1] The Applicant wants to sever the property into three separate lots and build on two of them in the future, as shown on plans submitted to the Committee.

[2] At the scheduled hearing on August 4, 2026, the Committee adjourned the applications to recirculate the notice of public hearing.

REQUESTED CONSENT

[3] The Applicant is requesting the Committee's consent to sever land and to grant easements. The property is shown on a strata plan of survey submitted with the applications, and the resulting separate lots would be as follows:

Table 1 Proposed Parcels

File No.	Frontage (m)	Depth (m)	Area (m ^{2})	Part	Building
B-00127	0	Irregular	1,260.8	1	Proposed 6-storey residential building
B-00128	0	Irregular	7,215.9	2 to 4, 23 and 24	Proposed 16-storey residential building
B-00129	13.72	Irregular	17,549.5	5 to 22 and 25	Existing institutional and residential buildings (20, 30 Cleary Avenue)

[4] It is proposed to establish easements as follows:

- Over Parts 3 and 4 in favour of Part 1 for access and servicing (B-00128).
- Over Parts 5, 7, 9, 11, 13, 16, 19 and 22 in favour of Part 1 and Parts 2 to 4, 23, and 24 for access and servicing (B-00129).

[5] The proposal also requires one or more minor variances to the zoning requirements.

REQUESTED VARIANCES

[6] The Applicant is requesting that the Committee authorize minor variances from the zoning requirements, as follows:

A-00095, Parts 2 to 4, 23 and 24 proposed 16-storey residential building

Under Zoning By-Law 2008-250

a) To permit the portion of a high-rise building, above four-storeys, to have an increased total floor area per storey of 787 square metres, whereas the By-law permits a maximum total floor area per storey of 750 square metres.

b) To permit a portion of a 49.8-metre high-rise building, as shown on the site plan submitted, to project outside Area C on Schedule 499 of the Zoning By-law, in which a maximum building height of 50 metres is permitted, into Area B, which permits a maximum building height of 14 metres.

Under Zoning By-law 2026-50

c) To permit the portion of a high-rise building, above four-storeys, to have an increased total floor area per storey of 787 square metres, whereas the By-law permits a maximum total floor area per storey of 750 square metres.

d) To permit a portion of a 49.8 metre high-rise building, as shown on the site plan submitted, to project outside Area C on Schedule 499 of the Zoning

By-law, in which a maximum building height of 50 metres is permitted, into Area B, which permits a maximum building height of 14 metres.

[7] The applications indicate that the lands will be considered one lot for zoning purposes.

PUBLIC HEARING

Oral Submissions Summary

[8] Tyler Yakichuk, one of the Applicant's agents, gave a presentation outlining the application and answered questions from the Panel. Brian Casagrande, also acting as an agent for the Applicant, and Justin Robitaille, representing Theia Partners, were present and responded to questions from the Panel.

[9] In response to questions from the Panel regarding ownership of the subject property, Mr. Robitaille confirmed that the subject property is owned by The First Unitarian Congregation of Ottawa, who have authorized Theia Partners to act on its behalf in connection with this application. Mr. Yakichuk further confirmed that legal documentation evidencing this authorization was submitted to the Committee as part of the application.

[10] Mr. Yakichuk identified the severed lands for the Committee and confirmed that the subject property is considered one lot for zoning by-law purposes. He further confirmed that the stratified elements of the severed lands relate to the proposed underground parking structure.

[11] Mr. Yakichuk further confirmed for the Panel that the proposal has been designed to maximize dwelling space and to maximize tree retention on the site.

[12] Nick Burnie, City Planner, responded to questions from the Panel**.** He confirmed that the application is subject to site plan control and additional easements may be required if servicing has to be changed through the site plan control process.

[13] Mr. Casagrande confirmed for the Panel that the building is set back from adjacent properties located on Aylen Avenue to help minimize impacts on neighbouring residents. He further advised that the proposed projecting portion of the building and the increase in total floor area is not expected to result in any significant or perceptible impacts on properties along Aylen Avenue.

[14] The Committee also heard oral submissions from the following individuals:

- M. Turnbull, resident, highlighted concerns about community consultation, loss of sunlight, and impacts to privacy. She further identified potential impacts to property values and an increased risk of flooding.

- C. Komm, resident, highlighted concerns about loss of sunlight, the potential for flooding, the towering effect of the building and the resulting impacts to her privacy.

- C. Soble, resident, highlighted concerns about the safety and privacy of the adjacent daycare centre. She noted concerns related to dust and noise as a result of the construction process and requested a mitigation plan be shared with the daycare centre.

[15] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE

- Consent Applications: **GRANTED**
- Minor Variance Application: **GRANTED**

Consent Application Must Satisfy Statutory Tests

[16] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the *Provincial Planning Statement, 2024*, and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

b) whether the proposed subdivision is premature or in the public interest;

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

d) the suitability of the land for the purposes for which it is to be subdivided;

d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

f) the dimensions and shapes of the proposed lots;

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

h) conservation of natural resources and flood control;

i) the adequacy of utilities and municipal services;

j) the adequacy of school sites;

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance Application Must Satisfy Statutory Four-Part Test

[17] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Evidence

[18] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Applications and supporting documents, including a cover letter, plans, tree conservation report, parcel abstract, shadow analysis, photos of the posted sign, a sign posting declaration, and a slide presentation.

- City planning report received July 29, 2026, with no concerns; received August 13, 2026, with no concerns.

- Rideau Valley Conservation Authority email received July 29, 2026, with no comments; received August 12, 2026, with no comments.

- Hydro Ottawa email received July 29, 2026, with comments; received August 13, 2026, with comments.
- E. Bain, email received July 28, 2026, in opposition; received August 10, 2026, in opposition.
- S. Glass, representing the Woodroffe North Community Association, email received July 29, 2026, with concerns.
- J. White, email received July 29, 2026, in opposition.
- M. Turnbull, email received August 6, 2026 with comments; received August 17, 2026, in opposition.
- C. Hancock, email received August 13, 2026, in opposition.
- B. Ford, email received August 14, 2026, with concerns.
- C. Komm, email received August 17, 2026, in opposition.
- I. M. F. Arnold, Unitarian House of Ottawa, email received August 17, 2026, with comments.

Effect of Submissions on Decision

[19] In reaching its decision, the Committee of Adjustment reviewed all written and oral submissions and granted the applications.

[20] The Committee notes that the municipal planning report raises "no concerns" regarding the applications, provided that the required conditions—which have been accepted by the Applicant’s agent—are met.

[21] Based on the evidence, the majority of the Committee [Member H. MacLean dissenting], is satisfied that the proposal is consistent with the *Provincial Planning Statement, 2024*, which aims to promote housing development and the maintenance of vibrant communities; to provide infrastructure and public services efficiently while meeting projected needs; to ensure the rational use and management of resources; and to protect public health and safety.

[22] The majority of the Committee is also satisfied that the proposal adequately addresses matters of provincial interest, including the orderly development of safe and healthy communities, the appropriate location of growth and development, and the protection of public health and safety.

[23] Additionally, the majority of the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

[24] Moreover, the majority of the Committee is satisfied that the proposal gives due consideration to the criteria set out in subsection 51(24) of the *Planning Act* and that it is in the public interest.

[25] Based on the evidence, the majority of the Committee [Member H. MacLean dissenting], is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[26] The majority of the Committee notes that no compelling evidence was presented to show that the requested variances would have unacceptable negative impacts on neighbouring properties.

[27] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.

[28] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood and contributes new housing development in the urban area, close to a range of community services and amenities.

[29] In addition, the majority of the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.

[30] Moreover, the majority of the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[31] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent applications are granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.

[32] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is granted and the variances to the zoning bylaws are authorized, subject to the location and size of the proposed construction complying with the plans filed with the Committee of Adjustment on June 15, 2026, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
(With noted dissent)
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the decision of the Ottawa Committee of Adjustment, dated **August 28, 2026**

"Michel Bellemare"
MICHEL BELLEMARE
SECRETARY-TREASURER

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on September 17, 2026.**

- **OLT E-FILE SERVICE** – An appeal can be filed online through the E-File Portal. First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.

- **BY EMAIL -** Appeal packages can be submitted by email to cofa@ottawa.ca. The appeal form is available on the OLT website at Forms | Ontario Land Tribunal. Please indicate on the appeal form that payment will be made by credit card.

- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 Centrepointe Drive, 4th floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at Forms | Ontario Land Tribunal. In person payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the appeal form if you wish to pay by credit card.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

The Ontario Land Tribunal has established a filing fee of $400.00 per type of application with an additional filing fee of $25.00 for each secondary application.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

If you have any questions about the appeal process, please visit File an Appeal.

NOTICE TO APPLICANT

If a development agreement is required, you must submit a request for it 40 business days before the provisional consent lapses and must include all required documents, including those related to transfers, easements, and postponements, as well as all approved technical studies.

If you do not fulfill the conditions of provisional consent within the two-year period, the *Planning Act* provides that your application "shall be deemed to be refused".

Ce document est également offert en français.

Committee of Adjustment
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APPENDIX "A"

1. That the Owner(s) provide a servicing plan or other proof, to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department**, or their designate, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

   If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) may be required to obtain all necessary approvals from the **Ontario Ministry of Environment, Conservation and Parks**, the approval of the Committee to grant easement(s) for access and maintenance of the services, and/or to register on title, a Joint Use and Maintenance Agreement, between the Owners of the services, which shall be at their own costs.

   The Owner(s) may be required to enter into a Development Agreement with the City, at the expense of the Owner(s), to cover these required items as well as all engineering, administrative and financial matters. The Committee shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

2. If required, that the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to 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 unit owners and successors in title and shall be to the satisfaction of **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department**, or their designate, or **City Legal Services**. The Committee shall be provided written confirmation that the Agreement is satisfactory to the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department**, or their designate, or is satisfactory to **City Legal Services**, as well as a copy of the Agreement and confirmation that it has been registered on title.

3. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department**, or their designate.

4. That the Owner(s) submit a request for municipal addresses for each parcel, including a copy of the deposited reference plan and any relevant development information, as required, to be assigned by the City, to the satisfaction of the **Chief**

Building Official, or their designate. Confirmation of the assigned municipal addresses shall be provided in writing from **Municipal Addressing, Building Code Services**, to the Committee.

5. That the Owner(s) submit to the Committee a copy of a deposited reference plan that conforms substantially to the draft reference plan or sketch submitted with the application(s), to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate**. The frontage and area of the severed land must be indicated on the plan or in the surveyor's certificate.

6. Once all the above conditions have been fulfilled, that the Owner(s) have an Ontario lawyer in good standing, submit to the Committee to the satisfaction of the **Secretary-Treasurer of the Committee of Adjustment or their designate**:

    a) A draft Certificate of Official indicating the type of transaction(s) for which provisional consent is given and including a full description of the land that is the subject of the consent.

    b) A copy of the "electronic registration in preparation documents" for the transactions(s) for which provisional consent is given.