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**BY EMAIL**

December 22, 2021

<p><b>The Honourable Steve Clark</b> Minister of Municipal Affairs and Housing</p> <p><b>Ministry of Municipal Affairs and Housing</b> 777 Bay Street Toronto, ON M7A 2J3</p> <p>Attn: <a href="mailto:kirstin.jensen@ontario.ca">kirstin.jensen@ontario.ca</a></p>	<p><b>MMAH File #: 06-OP-205766</b></p> <p><b>Ministry of Municipal Affairs and Housing</b> Eastern Municipal Services Office Rockwood House 8 Estate Lane Kingston, ON K7M 9A8</p> <p>Attn: Dan Ethier <a href="mailto:Dan.Ethier@ontario.ca">Dan.Ethier@ontario.ca</a></p>
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**Re: City of Ottawa New Official Plan  
Cavanagh Comments**

We are the solicitors for Cavanagh Developments, representing 1332741 Ontario Inc., 1384341 Ontario Ltd., Jeffrey Cavanagh in Trust and Thomas Cavanagh Construction Limited (hereinafter “Cavanagh”).

**Official Plan Policy Changes** –“Cavanagh Ottawa OP policy submission chart December 2021” attached

Please refer to the attached table; it details Cavanagh’s requested revisions to the to the council approved version of the Ottawa’s official plan. Cavanagh submits the policies identified require revision in order to help Ottawa, and the Province, achieve matters of provincial interest. Cavanagh also submits the submissions of the Greater Ottawa Home Builders Association.

**Rural Lands, Development Applications, Minutes of Settlement Lands & Volume 2C – Site Specific policies**

Cavanagh repeatedly asked the City to reinsert a policy in the official plan that recognized lands subject to Minutes of Settlement, executed by the City of Ottawa and Cavanagh in 2014, for lands permitted to proceed forward with a country lot subdivision application. The MOS were the result of an appeal Cavanagh submitted to Ottawa OPA 76 which sought to prohibit new country lot subdivisions. The MOS permit an application to be submitted for the specifically identified parcels. The lands subject to the MOS have now been included in the official plan, as indicated below.

There are, however, other parcels that the city has not yet included but should be included. Cavanagh is possibly the largest rural residential land developer in the City of Ottawa and even beyond. It owns several parcels of land that are currently subject to active country lot subdivision applications that should be recognized for their existing status, and therefore be able to proceed through the county lot subdivision approval process, hence 'grand-fathered'.

Accordingly, Cavanagh is seeking site specific exceptions to draft official plan policy 9.2.3(4), listed below, for its specific projects.

		<b>Requested Revision to Draft official plan</b>
1 – 6700 Hazeldean Rd 04446-0636 <b>MOS</b> 2 - 04446-1670 <b>MOS</b>	These parcels are the subject of Minutes of Settlement entered into with the City whereby Cavanagh is permitted to submit a country lot subdivision application for the lands. There have been active discussions with various City staff, regarding these lands, over the past several years.	
3 – 6631 Fernbank Road 04446-0504 (Macey Farm)	6631 Fernbank was not listed in the MOS because an active application exists with the City.  A Site-Specific exception should be stated so their connection to the MOS lands is recognized, and they may then continue through the development process.	<b>Ad PIN 04446-0504 to Site Specific exception 30 in Volume 2C.</b>
4 – 329 Jinkinson Rd 04446-1995 <b>MOS</b> (Ottawa Pool & Patio)	These parcels are the subject of Minutes of Settlement and have been included in Site Specific policy 30.	

5 – 251 Jinkinson Rd 04446-1669	We note that 251 Jinkinson is located between 329 Jinkinson and 6700 Hazeldean (both of which are included in Site Specific exception 30), it is also owned by 1384341 Ontario, so it must be included.	<b>Ad PIN 04446-1669 To Site Specific exception 30.</b>
6- 2727 Carp Rd 04538-0181	These lands are subject to active country lot subdivision applications (two separate properties).  A Site-Specific exception should be stated so section 9.2.3 (4) does not apply so they may continue through the development process.	<b>These lands are subject to active country lot estate subdivision applications so a site-specific exemption to draft OP policy 9.2.3(4) should be added.</b>
7 –255 Spruce Ridge Rd 04539-0499 (Pinery subdivision)		
8 – 1001 Spruce Ridge Rd 04539-0499	<i>These lands are subject to an active application.</i>	
9 – 7510 Flewellyn Rd 04438-0313 <b>MOS</b>	These parcels are the subject of Minutes of Settlement and have been included in Site Specific policy 30.	
10- 7559 Fallowfield Rd 04438-0314 <b>MOS</b> (Goulbourn Quarry)	These parcels are the subject of Minutes of Settlement and have been included in Site Specific policy 30.	

## Volume 2C

		height.
<b>30</b>	PINs 04446-1995, 04446-0636, 04446-1670, 04438-0313, 04438-0314 and 04327-0391	
<b>30.1</b>	The lands with the PINs 04446-1995, 04446-0636, 04446-1670, 04438-0313, 04438-0314 and 04327-0391 are permitted to develop as rural residential subdivisions. Any proposed plan of subdivision is subject to the policies of this plan which include but not limited to private servicing requirements and minimum lot sizes of 0.8 hectares.	

In addition to the above, Cavanagh reiterates it request that the above stated lands should be excluded from the Schedule C11 Natural Heritage Overlay since these parcels are the subject of active applications and hence a site-specific environmental assessment will be done.

**Policy 3.4(8) Revision – Relocating Rural Subdivisions**

Cavanagh seeks an additional revision to policy 3.4(8). It is our understanding that the intention of policy 3.4(8) is to reduce the number of rural residential subdivision development pockets by moving rural development projects adjacent to villages or to other areas where rural subdivisions already exist (this was proposed in a Motion by Councillor Moffatt and it is to be studied by 2023).

The policy and conditions as drafted, however, are essentially impossible to satisfy which thereby renders the policy meaningless. Specifically, 3.4.8 sub policy (a) requires that “draft approval, final approval or registration has been received prior to December 31, 2009”. This policy excludes MOS lands for which an application has not been submitted or lands that are currently in the draft approval process (whether included in the MOS or otherwise). If the intention of the city is to reduce and eliminate remote rural residential development pockets then policy 3.4.8 should also apply to lands that are subject to the MOS and active applications.

More appropriate wording would be (revision *indicated*):

- (a) ***An application for subdivision approval was submitted, or the lands had received*** draft approval, final approval or registration prior to December 31, 2009 in the former location...”

This change would permit more lands to possibly use section 3.8 which is in accordance with the PPS.

Moreover, Volume 2C site-specific policy 30 should also be revised to state:

***These lands are not subject to policy 3.4(8)(a) but rather the lands will be considered for transfer and the remainder of 3.4(8) applies.***

This change was not presented to the City of Ottawa but it is apparent that this is required to implement the MOS.

We respectfully request confirmation that these changes will be made.

We also request to be notified of the proposed decision.

Do not hesitate to contact us if you have any questions or would like to discuss.

Yours very truly,



Ursula K. Melinz  
Ursula K. Melinz Professional Corporation

Cc: Matt Nesrallah, Cavanagh

Attachment: Cavanagh Ottawa OP policy submission chart December 2021