

**RIDEAU VALLEY CONSERVATION AUTHORITY**  
**Box 599, 3889 Rideau Valley Drive**  
**Manotick, Ontario, K4M 1A5**  
**(613) 692-3571, 1-800-267-3504**

**APPROVED MINUTES**

**Executive Committee Meeting      November 10, 2022,    7:00 pm    #5/22**

<b>Present:</b>	Brian Dowdall Pieter Leenhouts	Victor Heese
<b>Staff:</b>	Sommer Casgrain-Robertson Marissa Grondin	Terry Davidson Eric Lalande
<b>Guests:</b>	Robert Hynes	Andrew Hynes
<b>Regrets:</b>	Judy Brown	Anne Robinson

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**Hearing of Applicant:**

File Number:        RV5-32/22  
Date Received:     June 11, 2022

Name:                Andrew Haynes and Jennifer Bellamy  
Address:             104 Fortune Street, Richmond, ON K0A 2Z0

**Purpose of Development Application:**

1. The application is requesting permission for the construction of an addition to the existing dwelling, construction of a new attached garage and relocation of an existing auxiliary building into the floodplain associated with the Jock River.

**Legal Description of Property:**

1. Lot 23, Concession 3, geographic township of Goulbourn, now the City of Ottawa. Known municipally as 104 Fortune Street.  
Roll#: 06142718250940000000

**1.0 Roll Call and Introductions**

The Chair, Pieter Leenhouts, called the meeting to order at 7:00 p.m. The General Manager conducted a roll call and asked for a round of introductions from the applicants and agents.

## **2.0 Executive Committee to sit as Hearing Board**

**Motion 1A-221110**

**Moved by:**

Victor Heese

**Seconded by:**

Brian Dowdall

That the Rideau Valley Conservation Authority's Executive Committee sit as a Hearing Board for the purpose of holding a Hearing under Section 28 of the *Conservation Authorities Act*.

**Motion Carried**

## **3.0 Declarations of Interest**

There were no declarations of interest.

## **4.0 Chair's Opening Remarks**

Chair Leenhouts, outlined the purpose of a hearing under Section 28 (12) of the *Conservation Authorities Act*, R.S.O. 1990 as amended to the applicant and their agent.

## **5.0 Administration of Oaths or Affirmations**

Andrew Hynes, the applicant was affirmed. Robert Hynes, representative for the applicant, was sworn in. Eric Lalande representing the Rideau Valley Conservation Authority was affirmed. Terry Davidson representing the Rideau Valley Conservation Authority was sworn in.

## **6.0 Presentation by RVCA Staff**

The following exhibits, slides and information were presented by Eric Lalande.

Exhibit #1 – Application

- Mr. Lalande presented the application for “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Ont. Reg. 174/06 from the applicant, received June 11, 2022.

Exhibit #2 – Location Plan

- Site description: Lot currently developed with single detached dwelling, detached garage and shed.
- Frontage on Fortune Street.
- Surrounding land use: Residential.
- Jock River located to the east of subject lands.

Exhibit #3 – Regulation Map.

- Regulatory Context. Floodplain located along rear half of the subject lands.
- Regulation limit along the rear of the dwelling.
- Current structures are located outside of the floodplain (within the adjacent regulated area). Regulated flood level elevation is 94.14 metres above sea level (geodetic)

#### Site Description:

- The lot slopes west to east, towards the Jock River with a frontage of approximately 25 metres, an approximate depth of 64 metres and a total lot area of 0.15 ha.
- The regulated flood level across the subject lands is 94.14 meters above sea level.
- The grades based on available topographical information show the area proposed for the relocated garage as being below the 1:25 year flood elevation (of ~93.83 masl). The subject lands have ample area to accommodate relocating the attached garage outside the floodplain, as well as locations above the 1:25 year floodplain.

#### Exhibit #4(a) – Site Photos

- Taken on June 20, 2022, depict 104 Fortune Street, facing West with an existing dwelling and detached garage. Also depicts a shed, large tree and the neighbouring property to the left of the shed. The photograph was taken by Eric Lalande, RVCA.

#### Exhibit #4(b) – Site Photos

- Depict 104 Fortune Street, facing West from rear yard, facing the Jock River.
- Photograph was taken by Eric Lalande, RVCA.

#### Exhibit #4(c) – Site Photos

- Depict 104 Fortune Street, facing East from rear yard
- Photograph was taken by Eric Lalande, RVCA.

#### Application Summary

- The application is requesting permission for:
  1. The construction of an addition to the existing dwelling, construction of a new attached garage; and
  2. Relocation of an existing auxiliary building (detached garage) (422 sq.ft.) into the floodplain associated with the Jock River.

#### Exhibit #5(a) Proposed Site Plan

- Design plan for 104 Fortune Street. Depicts existing house with the new addition, a new garage to the bottom of the plan. The existing garage is to be moved to the rear of the property.

#### Exhibit #5(b) Proposed Site Plan Overlay

- Map of 104 Fortune Street depicting where the garage would be moved to.

#### RVCA Policy Considerations

- The RVCA Policies Regarding the Construction of Buildings and Structures, Placing of Fill and Alterations to Waterways outline specific policies that apply to the proposed development:
  - Section 1.3.1) ... “For the **reconstruction or relocation** of a building within the 1:100 regulatory floodplain the submitted plans shall clearly demonstrate that the building:
    - (a) can not be relocated to an area outside the flood hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk; and

#### Other Policy Considerations

- Provincial Policy Statement, 2020
  - 3.1.2 Development and site alteration shall not be permitted within:
    - **d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding**

#### Proposal Summary – Staff Review

- The construction of an addition to the existing dwelling, construction of a new attached garage; and
  - Development is consistent with Development Policies – no concerns with proposed additions within the adjacent lands.
- Relocation of an existing auxiliary building (detached garage) into the floodplain associated with the Jock River.
  - Does not meet policy. Purpose of this hearing.
  - Project is submitted all as one project.

#### Exhibit #6 – Letter of Notification

- Staff provided a letter to the applicant notifying them that this application does not meet RVCA policy and outlined the reasons why. The applicant was notified that the application could not be approved at a staff level and that the Executive Committee may grant an exception to the development policies as adopted by the RVCA.

#### Conservation Authorities Act

- Right to hearing
  - (12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority’s executive committee. 1998, c. 18, Sched. I, s. 12.

#### Ontario Regulation 173/06

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, **the control of flooding, erosion, dynamic beaches, pollution or the conservation of land** will not be affected by the development. O. Reg. 174/06, s. 3 (1).

#### Summary

- Approval at a staff level cannot be made for the following reason:

1. Section 1.3.1 (a) of RVCA Policies Regarding the Construction of Buildings and Structures, Placing of Fill and Alterations to Waterways directs relocation of buildings to an area outside the flood hazard and it has not been demonstrated that no feasible alternative exists to relocate the detached garage in an area of least risk.

Next Steps:

- Approve the application
- Approve the application with conditions
- Deny the application

Conditions:

- Any decision to approve the proposal should consider the following conditions as part of their direction to staff for administration of permission issuance:
  1. That standard permit conditions related to access, inspection and fill placement be implemented for the dwelling and accessory structure.
  2. That the detached garage may not be used for human habitation.
  3. That a permit be approved for up to 2 years from the date of permit issuance.

Chair Leenhouts thanked Mr. Lalande for his presentation. He stated that questions regarding the presentation will be held until after the applicant has had the opportunity to present.

## **7.0 Presentation by Applicant / Agent**

Robert Hynes, the applicant's representative thanked staff for recognizing their attempt to proceed according to policy. Mr. Hynes gave a verbal statement.

Mr. Hynes indicated that he would be referring to the detached garage as the 'shed' and explained the use of the shed is to store belongings.

Mr. Hynes explained the future renovation plans for the existing dwelling. The dwelling is to be lifted off the existing foundation, and temporarily moved while a new foundation is installed. The dwelling will be elevated and turned slightly to align with the street on the new foundation. A new garage is to be built to replace the current detached shed.

Mr. Hynes explained the intent of the shed is to be moved to the rear of the property and placed on a concrete pad. The new garage will be replacing the shed and used to store vehicles. The reason for moving the shed back is to not overcrowd the dwelling and new garage, so that the residents may have full use of the backyard and a scenic view of their property without structures crowding the dwelling. Mr. Hynes acknowledged that if the river were to flood, only the shed, which will be used to store belongings, would be flooded, and not the home or new garage.

## 8.0 Discussion

Chair Leenhouts thanked the applicants for their presentation and opened the floor to questions.

In response to a question from Brian Dowdall, Eric Lalande confirmed that the neighbouring properties have sheds located in the floodplain and that those were in place before there were RVCA policies.

In response to a question from Brian Dowdall, Robert Hynes explained that although there is adequate space for the shed outside of the floodplain, the applicants' desire to move the shed away from the dwelling is to leave room for a growing family to enjoy the property and rear yard.

In response to a question from Victor Heese, Eric Lalande explained that the policy requirement for the size of accessory structures is different but because it would be located within the floodplain it and therefore does not meet RVCA policy.

Eric Lalande confirmed to Mr. Heese that staff only have the ability to grant permission if the applicant meets policy and that staff cannot sign off on a permit if it does not meet policy. An exception can be granted through the Executive Committee. If the Executive Committee cannot grant an exception the applicant could then appeal the decision to the Province.

Mr. Lalande clarified a member's inquiry about enforcing the future use of the condition, "attached garage cannot be used for human habitation" by explaining structures for human habitation have certain conditions that must abide by the provincial building code.

Mr. Lalande also clarified in response to a question from Victor Heese, that the conditions outlined for consideration in the staff report are incorrect and that the conditions in the slide deck are the correct ones.

Chair Leenhouts asked if the applicants and/or agents have questions for staff. No questions were asked by the applicants or agents.

## 9.0 Hearing Board to move In Camera

<b>Motion 2A-221110</b>	<b>Moved by:</b>	Victor Heese
	<b>Seconded by:</b>	Brian Dowdall

That the Rideau Valley Conservation Authority's Executive Committee move in camera.

**Motion Carried**

## 10.0 Hearing Board to move out of Camera

<b>Motion 3A-221110</b>	<b>Moved by:</b>	Victory Heese
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**Seconded by:** Brian Dowdall

THAT the Rideau Valley Conservation Authority's Executive Committee members move out of camera.

**Motion Carried**

### **11.0 Chair to advise of Hearing Board decision**

**Motion 4A-221110**

**Moved by:**

Victor Heese

**Seconded by:**

Brian Dowdall

THAT the Rideau Valley Conservation Authority Hearing Board Approve the application as submitted to the conservation authority but with the following conditions:

1. That standard permit conditions related to access, inspection and fill placement be implemented for the dwelling and accessory structure.
2. That the detached garage may not be used for human habitation.
3. That a permit be approved for up to 2 years from the date of permit issuance.

**Motion Carried**

Chair Leenhouts advised the applicants that their application, as submitted to the Conservation Authority, has been approved but with conditions. He informed them that they will receive a formal written notification of the decision in accordance with Section 4.2 of our Hearing Procedures (meaning registered mail or other means where proof of receipt is provided) once the hearing minutes have been prepared (usually within a week). He informed them that if they object to the conditions, they can appeal to the Ontario Land Tribunal within 30 days of their receipt of the written reasons.

The Chair concluded the hearing and thanked the applicants for their time.

The applicants and representative thanked the Chair, Executive Committee, and staff.

### **12.0 Adjournment**

The meeting adjourned at 7:51 p.m. on a motion by Victor Heese that was seconded by Brian Dowdall.

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**Pieter Leenhouts**  
**Chair**

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**Marissa Grondin**  
**Recording Secretary**