

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

AND IN THE MATTER OF an Appeal by the **National Capital Commission** to the Decision of the City of Ottawa to pass Comprehensive Zoning By-law 2026-50 on the 11th day of March 2026.

NOTICE OF APPEAL

1. The Appellant, the National Capital Commission (hereinafter the “**NCC**”), hereby appeals sections of the City of Ottawa’s new Comprehensive Zoning By-law 2026-50 (the “**Zoning By-law**”), pursuant to subsection 34(19) of the *Planning Act*, with respect to several of its properties located across the City of Ottawa.
2. The NCC participated in the process leading up to City Council’s approval of the Zoning By-law by providing written submissions to City staff and prior to the Joint Planning Committee and City Council.
3. On January 28, 2026, amendments to the final draft of the Zoning By-law were approved by Council and the Zoning By-law was subsequently enacted on March 11, 2026.

THE APPELLANT

4. The NCC is a federal Crown corporation created by Parliament in 1959 under the *National Capital Act*, R.S.C. 1985, c. N-4. As a federal entity, the NCC is not required to conform to municipal zoning by-laws. However, the NCC endeavors to do so in order to provide predictability to the public and the City’s long-term planning for land uses and infrastructure. Correspondingly, the NCC submits the City has an obligation to reflect what the NCC has planned for its lands.
5. The NCC has the unique mandate under the *National Capital Act* to prepare plans for and assist in the development, conservation and improvement of the National Capital Region. This encompasses the City of Ottawa, among other municipalities on both sides of the Ottawa River. Planning Canada’s Capital has been a primary responsibility of the National Capital Commission and its predecessor organizations for more than a century.

6. In implementing its statutory mandate, the NCC is guided by a number of federal planning documents. These “Plans” include, in particular: the *Plan for Canada’s Capital* (the “PFCC”) which has a current planning horizon of 2017-2067; the *Capital Urban Lands Plan*; and the *National Capital Core Area Plan*. These Plans were completed following extensive public consultation, including with Indigenous communities and key stakeholders such as the City of Ottawa.
7. The NCC is responsible for the long-term planning and management of federal land holdings in the National Capital Region. Building on more than a century of experience, the NCC is directed to envision development and conservation according to its federal mandate for the benefit of all Canadians. Lands owned by the NCC are held for all Canadians.
8. The government of Canada, the NCC's shareholder, has made clear its expectations that the NCC contribute to addressing Canada's housing crisis by making underutilized land available to build housing, including affordable housing.
9. City Council for the City of Ottawa has adopted a goal of becoming the most housing-development friendly City in Canada. The NCC’s efforts to rezone the lands subject to this appeal directly contribute to the City’s objectives of increasing housing supply.
10. The NCC is the Capital’s largest property owner. It owns and manages more than 11 per cent of all lands in the National Capital Region.

PROPERTIES UNDER APPEAL

11. The NCC hereby appeals the Zoning By-law with respect to the following properties:
 - a. Rivergate/McCarthy lands;
 - b. Southern Corridor lands between Woodroffe and Merivale;
 - c. 820 Melfa Crescent;
 - d. Part of 230 Davidson’s Side Road;
 - e. 1100-1120 Canal Woods;
 - f. 572 River Road;
 - g. VIA Rail/Tremblay parcels; and
 - h. Sussex and Stanley.

12. The NCC further appeals the following exceptions as they relate to the NCC's lands:

- a. Exception 64 – Maplelawn;
- b. Exception 95 – Sussex Blocks;
- c. Exception 245 – LeBreton outdoor patio exception;
- d. Exception 1341 – Billings Bridge height and FSI;
- e. Exception 2092 – 60 Mann; and
- f. Exception 2197 – Island Park Drive and Carling.

REASONS FOR APPEAL

Rivergate/McCarthy

13. The NCC is the owner of lands within a corridor between the Rideau River, and Airport Parkway (the “**McCarthy Lands**”) as indicated on Document 1 in Motion PHC-ARAC 2025-07-20 (the “**Brockington NCC Motion**”) at the Joint Committee of December 17, 2025.

14. The McCarthy Lands were designated General Urban and Major Open Space in Ottawa's previous 2003 Official Plan.

15. The McCarthy Lands are designated Neighborhood and Minor Corridor in Ottawa's current, in force, 2022 Official Plan (or “**OP**”) on Schedule B3 – Outer Urban Transect.

16. In Zoning By-law 2008-250, the McCarthy Lands are zoned IL, L1[310]-h, O1L[310]-h.

17. As part of this Zoning By-law process, City staff recommended zoning the McCarthy Lands as Development Reserve (DR) to reflect the future development potential of the lands. A DR zone indicates the future development potential of the lands, but a zoning amendment process will have to be undertaken to determine the precise zoning that will apply. The NCC agreed with this designation since these lands are planned to be developed according to the NCC's federal land use plans which potentially includes residential uses.

18. The wooded area of McCarthy Woods itself is designated as an Urban Natural Feature in the OP and zoned Environmental Protection – EP in the Zoning By-law. For clarity, the lands so designated and zoned are not part of this appeal and they remain intended for natural heritage protection.
19. The Brockington NCC Motion, brought by Councillor Brockington, changed the zoning of the McCarthy Lands from DR to Greenspace Zone (GRN), Neighbourhood Mixed-use Zone (NMU4), Recreation Zone (REC1), and Open Space Facility Zone (FAC4). The Brockington NCC Motion seeks to prevent the McCarthy Lands from being developed according to the NCC's plans but rather zones the lands for public open space and recreation uses. The Brockington NCC Motion was approved at Council on January 28, 2026.
20. The NCC hereby appeals the zoning designations imposed by the Brockington NCC Motion since the zoning does not conform to the designation and intended lands uses of the NCC and as indicated in Ottawa's OP. The McCarthy Lands are intended for residential and mixed-use development. It is not appropriate for the zoning to restrict the lands for public open space and recreational uses.
21. Moreover, the zoning imposed by the Brockington NCC Motion is not consistent with the 2024 Provincial Planning Statements (the "PPS") which directs an efficient use of land, mixed-use development, within settlement areas (PPS 2.1, 2.2, 2.3, and 4.1).
22. It is not appropriate for a motion to change the zoning of lands contrary to Staff's recommendation, not in conformity with the OP, and not according to the NCC's land use planning documents. The McCarthy Lands are to be developed and hence should be zoned DR.

Southern Corridor lands between Woodroffe and Merivale

23. The "**Southern Corridor**" lands are located between Woodroffe and Merivale, immediately north of the Beachburg rail corridor, as indicated on Document 2 in Motion PHC-ARAC 2025-07-20 (the same Brockington NCC Motion as above) at the Joint Committee of December 17, 2025.
24. The Southern Corridor is designated Neighborhood and Mainstreet Corridor in Ottawa's current, in force, 2022 OP on Schedule B3 – Outer Urban Transect.

25. In Zoning By-law 2008-250, the Southern Corridor is zoned I1B[416]-h -a Minor Institutional zone.
26. As stated above, as part of this Zoning By-law process, City staff recommended zoning the Southern Corridor to Development Reserve (DR) to reflect the future development potential of the lands. A DR zone requires a zoning amendment process to determine the precise zoning that will apply. The NCC agreed with this designation since these lands are planned to be developed according to the NCC's federal land use plans which potentially includes residential uses.
27. The Brockington NCC Motion changed the zoning from DR to revert back to INZ[416]-h, an Institutional zone as shown in the first draft of the zoning by-law.
28. The NCC hereby appeals the zoning designations imposed by the Brockington NCC Motion since the zoning does not conform to the intended lands uses of the NCC, and the OP Neighbourhood designation and corresponding policies. The Southern Corridor lands are intended for residential and mixed-use development, not exclusively institutional uses.
29. It is not appropriate for a city motion to change the zoning of lands contrary to Staff's recommendation, not in conformity with the OP, and not according to the NCC's land use planning documents. The Southern Corridor lands are to be developed and hence should be zoned DR.

820 Melfa Crescent

30. 820 Melfa Crescent ("**820 Melfa**") is legally described as Part 7 on Plan 4R-19537 and is a small, forested lot located in a residential neighbourhood near the Rideau River.
31. 820 Melfa is designated 'Greenspace' on Schedule B3-Outer Urban Transect and 'Urban Natural Feature' on Schedule C11-A – Natural Heritage System (West) of the City's OP, whereas in the former OP, the site was designated 'General Urban'. Policy 7.3(1) of the OP notes that Urban Natural Features are primarily publicly-owned urban natural areas that are managed for conservation or passive leisure uses.

32. Under the City's former Zoning By-law 2008-250, 820 Melfa was zoned R1GG – Residential First Density, Subzone GG but was rezoned EP3[362] – Environmental Protection Zone, Subzone 3, Exception 362 in the new Zoning By-law. Exception 362 permits a single detached dwelling.
33. In the NCC's view, the change in OP designation, and subsequent zoning, is a technical error on the City's part. The boundaries of the Urban Natural Feature were determined by the City's 2005 *Urban Natural Area Environmental Evaluation Study* and remain consistent at the time the City approved its new OP in 2022 and now.
34. The NCC submits there is no study justifying a change to the boundaries to redesignate 820 Melfa from General Urban to Urban Natural Feature and now corresponding to rezone it to EP3[362].
35. It is not correct for the City to impose a public land use, a park, on NCC lands. The size of the 820 Melfa parcel is too large to only permit one single detached dwelling.
36. The NCC is a federal entity, but its lands are not automatically available for a park use or environmental protection. The 820 Melfa lands have a history of being designated and zoned for residential uses.
37. The NCC submits that the EP3 zoning is inconsistent with the PPS policies 2.1, 2.2, 2.3, 4.1, 5.1, and 5.2.
38. Accordingly, the NCC requests that the zoning of 820 Melfa should be Neighbourhood 2E (N2E), the successor to the previous R1GG zone.

Hasting Property - Part of 230 Davidson's Side Road

39. The "**Hastings Property**", Part of 230 Davidson's Side Road, is located on the east side of Hastings Street, south of Grandview Road. The Hastings Property is a small, undeveloped, forested parcel abutting a residential neighbourhood to the north.
40. The Hastings Property is designated as 'Neighbourhood' on Schedule B3 -Outer Urban Transect of the City's OP.

National Capital Commission (NCC)

41. Under the former Zoning By-law 2008-250, the Hastings Property was zoned EP3 – Environmental Protection Zone, Subzone 3. It was subsequently rezoned GRN – Greenspace Zone in the new Zoning By-law.
42. The NCC appeals the zoning of the Hastings Property on the basis that the zoning is inconsistent with the PPS and does not conform to the OP.
43. The NCC submits that the GRN Zone is inconsistent with the PPS, in particular policies 2.1, 2.2 and 2.3, which call the efficient use of lands for residential purposes where services exist within established settlement areas.
44. The OP designation of Neighbourhood clearly permits residential uses whereas a Greenspace zone does not, hence the zoning does not conform to the OP.
45. The NCC submits that the Hastings Property should be zoned NU – Neighbourhood Unserved Zone in conformity with the OP Neighbourhood designation.

1100-1120 Canal Woods Terrace

46. The 1120 Canal Woods property (the “1120 Property”) is a vacant parcel of land that is located east of Bronson Avenue, north of Sunnyside Ave and west of Canal Woods Terrace. The 1120 Property is in proximity to Carleton University.
47. The 1120 Property is designated Mainstreet Corridor or Neighbourhood in the OP, on Schedule B2-Inner Urban Transect, and it is subject to the Evolving Neighbourhood Overlay.
48. The 1120 Property was zoned Development Reserve 2 (DR2) in both the previous and new Zoning By-law.
49. The NCC advised the City that these lands are scheduled to be released in partnership with CMHC and the Federal Lands Initiative to a Canada Public Land Bank with the aim of creating affordable housing quickly.

50. The NCC provided a submission to the City during the zoning process requesting that these lands be zoned to N4A, which is the same as the lands to the east, so the lands could proceed to be residentially developed immediately. In the alternative, a MS1 zoning would also be acceptable.
51. The current zoning of DR2 is inconsistent with the PPS 2.1, 2.2 and 2.3, and OP policies, that direct supporting residential development within an existing urban area, in proximity to transit, where services exist.
52. It is the NCC's submission that the 1120 Property should be zoned Mainstreet 1 (MS1), or Neighbourhood 4 (N4A), either zone conform to the OP designation and would permit the rapid development of residential and/or mixed-uses at a desirable location.

572 River Road

53. 572 River Road ("572") is a 3.91 ha parcel of land that abuts the east side of the Rideau River, located to the west of the Riverside South community.
54. 572 is designated as 'Neighbourhood' on the Schedule B6 – Suburban (Southwest) transect of the City's OP.
55. It is zoned DR – Development Reserve Zone both in the previous and new Zoning By-law.
56. This is another parcel that the NCC advised the City, during the zoning process, that these lands are scheduled to be released to a Canada Public Land Bank with the aim of creating housing quickly.
57. The NCC submits that the Zoning By-law should implement a Neighborhood 4 (N4A) zone, which complements the surrounding zoning, rather than leave the site as DR.
58. It is the direction of the Federal and Provincial governments to facilitate residential development. This includes ensuring lands are development ready by appropriately designating and zoning land. There is no planning reason to not permit residential development through a N or NU zone.

59. Accordingly, it is the NCC's submission that a DR zoning is inconsistent with the PPS and does not conform to the OP hence, the lands should be zoned Neighborhood (N) or Neighbourhood Unserved (NU).

Tremblay/VIA Rail Train Station Parcels

60. The NCC owns the vacant lands that are located to the south of Tremblay Road and to the immediate north of the VIA Rail train station and a transit station (the "**Tremblay Lands**"). These lands have significant development potential that is not provided with the proposed Transportation (T2) zoning.
61. The Tremblay Lands are with the Hub designation on Schedule B2 -Inner Urban transect, in Ottawa's OP, and it is within a Protected Major Transit Area ("PMTSA") on Schedule C1. The Tremblay Lands are also subject to an Evolving Neighbourhood Overlay on Schedule B2.
62. The combination of the OP policies applicable to Hubs (OP 6.1) and PMTSAs (OP 6.1.2) is that lands within these areas are intended to accommodate the most intensive mixed-land uses. The OP policies are consistent with the direction of corresponding PPS policies (2.1, 2.2, 2.3, 2.4, 3.3, and 3.4).
63. The OP policy 6.1 states:
- The planned function of Hubs is to concentrate a diversity of functions, a higher density of development, a greater degree of mixed uses and a higher level of public transit connectivity... Hubs are also intended as major employment centres.
64. The Tremblay Lands were zoned Transportation 2B in the previous zoning by-law and are now zoned Transportation (T2) in the new Zoning By-law. The T2 zoning only permits a very limited range of uses including bus depot, emergency service, government service centre, parking garage, parking lot and railway station. Additional conditional uses include automobile rental establishment, hotel, micro-distribution facility, personal service business, restaurant, and retail. Residential uses are not currently permitted.

65. It is the NCC's submission that the T2 zone is inconsistent with the PPS, and does not conform with the OP, because the T2 zone does not permit a variety of uses, including residential or employment, at a location where intensification and mixed-use development in proximity to transit stations should be supported. The Tremblay Lands have the benefit of VIA Rail and local public transit, which is precisely where the most intensive mixed-use development should be permitted.
66. Accordingly, the NCC hereby appeals the T2 zoning and requests a Hub zoning for the Tremblay Lands.

Sussex Dr and Stanley Ave

67. The "**Sussex Lands**" are three blocks of land located east of Sussex Drive, north of Stanley Avenue, west of Thomas Ave, and south of MacKay Street, with municipal addresses of 26 Stanley Street, 47 Sussex Drive, 24 and 26 Alexander Street, and 31 MacKay Street.
68. The Sussex Lands are designated 'Parliament & Confederation Boulevard Special District' on Schedule B2 -Inner Urban Transect in the City's OP. The OP policies applicable to this designation recognize the international and national significance of these lands, and the OP policies recognize the role of the NCC in promoting development that is of national and international significance.
69. The new Zoning By-law zones the Sussex Lands as Special District -SDP1[95] F(1.0) H(10). They were previously zoned General Mixed Use Zone - GM1[95]F(1.0) H(10) in Zoning By-law 2008-250.
70. The Special District designation and zone is intended to create an environment that reflects the Canadian identity at all levels – internationally, nationally and locally. The restrictions imposed regarding permitted uses, density, FSI, and heights, are not justified by any planning policies at the Federal, Provincial or Municipal level.
71. The NCC appeals the Sussex Lands' zoning, specifically Exception 95 and the FSI, that significantly restrict the permitted uses on the lands to diplomatic mission and office, the floor space index ("FSI"), the prohibition on apartments, and the height restriction of 10 metres, as there is no basis

for these restrictions. Moreover, the City's imposed restrictions do not implement the land uses that the NCC has planned for the Sussex Lands.

ADDITIONAL LANDS

72. The NCC also appeals the zoning for the following parcels of land since the zoning in the new Zoning By-law is not consistent with the NCC's intended use of the land and for the reasons stated.

Maplelawn Garden - 529 Richmond Road – Exception 64

73. This parcel is zoned MS1[64] S127 H(30) – Mainstreet Corridor subject to Exception 64.
74. The NCC appeals Exception 64 since it inappropriately restricts what uses are permitted on this site, which is not consistent with the Mainstreet Corridor zone and the uses identified in the OP. A broader range of uses should be permitted since this parcel is on a Mainstreet Corridor and it is within 600 metres of a future transit station.

LeBreton outdoor patio – Exception 245

75. The NCC appeals Exception 245 that has been applied to lands in the LeBreton flats area. Lands are zoned Hub (H1) but subject to Exception 245. This exception arbitrarily limits where outdoor commercial patios may be located. There is no planning justification for this restriction and it unnecessarily restricts the commercial viability of uses in proximity to transit, in what is to be developed as a dense mixed-use area.
76. Additionally, the exception directs the location of parking whereas parking is not required in this area.
77. It is the NCC's submission that Exception 245 should be deleted from its lands in the LeBreton flats area.

Billings Bridge – Exception 1341

78. The NCC has extensive land holdings in the Billings Bridge area along Riverside Drive and Bank Street. The lands are zoned Hub (H2[1341]F(1.0)H(25)) within the Inner Urban Transect, and are in proximity to transit, but are subject to Exception 1341 and other FSI and height restrictions.

79. Exception 1341 and the FSI limit, inappropriately restrict the permitted height and density on these lands. This limit has been applied to lands both within and outside of the Bank Street South Secondary Plan area. It is the NCC's submission that this restriction has been inappropriately to lands owned by the NCC that are outside of the Secondary Plan area.
80. The NCC appeals the application of Exception 1341 and the FSI of 1.0 to its lands and requests that these be deleted from the lands.

60 Mann – Exception 2092

81. These lands are now zoned Hub - H2[2092] H(60) and REC1. This zoning does not align with the policies and designations of the Secondary Plan and the proximity to transit. These lands are located in an area that is planned to be developed with a variety of uses and a high density.
82. The NCC appeals the 2092 Exception because it is extremely, and inappropriately, prescriptive as to where and what uses may be located within a building. The Exception was imposed in 2014, a time when the planning environment and transit system was very different. Exception 2092 purports to direct where, on what floor, and within what depth from a street, the specified uses are to be located. The restrictions stated in Exception 2092 are more restrictive than what is otherwise permitted in the Hub zone, and hence the exception does not conform with the Hub zoning.
83. The restrictions also do not conform with the stated direction as indicated in the OP Hub designation and Secondary Plan.
84. Accordingly, the NCC submits that the REC1 portion of the site should be zoned to H1H(13.5) and the other portion should be zoned H1 H(61.5), Exception 2092 should be removed.

784 and 789 Island Park Drive – Exception 2197

85. These lands are now zoned Mainstreet Corridor - MS2[2197] H(11). The properties are designated as a Mainstreet Corridor in the OP. The Corridor designation applies to bands of land whose planned function combines a higher density of development, a greater degree of mixed uses and

a higher level of street transit service than abutting Neighbourhoods. While the MS2 zone generally allows high-rise development, subject to transition requirements, the height suffix applied to these properties limits them to a maximum building height of eleven metres, despite there being no policy rationale for the limitation.

86. Exception 2197 adds permissions for residential use dwelling types that no longer exist in the new ZBL and prohibits other commercial uses that are otherwise typically permitted in a MS2 zone.

87. Accordingly, the NCC appeals the MS2 [2917] H(11) zoning that has been applied to these parcels and it hereby requests that the zoning be revised, corrected, to permit an appropriate range of uses that conforms to the Mainstreet Corridor policies of the OP and other MS zoning policies.

PMTSA APPEALS

88. Further to the reasons stated above, the NCC appeals the zoning applicable to its lands that are in proximity to transit, and are located in Protected Major Transit Areas (PMTSA), because the Zoning By-law fails to properly implement greater heights and density as directed by the PPS, OP policies and Ottawa Official Plan Amendment 46.

89. In early 2025, the City of Ottawa initiated Official Plan Amendment No. 46 ("**OPA 46**") for the purpose of updating its 2022 OP policies and mapping for consistency with the new 2024 Provincial Planning Statement. The 2024 PPS introduced new policies requiring municipalities to delineate the boundaries of Major Transit Station Areas ("**MTSA**"), which are described as the area within a 500 to 800 metre radius surrounding a current or planned higher order transit station. The purpose of the MTSA policies is to facilitate development by permitting a range of land uses and to maximize density and the number of transit users within walking distance of the station.

90. The City submitted OPA 46 to the Ministry Municipal Affairs and Housing on July 23, 2025, for approval pursuant to section 26 of the *Planning Act*. An Environmental Registry of Ontario notice was published on September 8, 2025, and remained open for public comment until October 8, 2025. As of the date of this appeal, a response from the Ministry has not been received.

91. Notwithstanding its outstanding pending approval, OPA 46 clearly indicates the City's intention to permit higher density in MTSA's which is consistent with the PPS.
92. The zoning proposed for the NCC's lands, as identified, is inconsistent with the PPS directions regarding more density and height in proximity to transit and the zoning does not conform to the existing OP policies or OPA 46. The NCC lands identified immediately abut, or are in proximity to, an LRT station which is specifically where additional density and height should be permitted.
93. It is submitted that it is not appropriate for the City to carry forward zoning that restricts uses, or limits heights or densities, that do not permit appropriate density and height within an MTSA/PMTSA, as directed by the PPS, OP and OPA 46.
94. In accordance with subsection 34(19.5)(b) of the *Planning Act*, no appeal lies to the parts of a by-law that establish minimum or maximum heights with respect to buildings and structures on lands in a PMTSA except if the maximum building height that is permitted would result in the building or structure not satisfying the minimum density that is required (*Planning Act* section 34(19.7)).
95. The NCC submits that the restriction on uses, height and density limitations, will operate so that it will not be possible to achieve the minimum density, as per OP Policies 3.2 and Table 3a.
96. These restrictions are contrary to the following policies of the PPS:
 - a. Section 2.3.1(1) directs that within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
 - b. Section 2.3.1(2)(c) directs that land use patterns within settlement areas should be based on densities and a mix of land uses which support active transportation.
 - c. Section 2.4.2(1)(b) directs that within major transit station areas on higher order transit corridors, planning authorities shall plan for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit.
 - d. Section 2.4.2(3)(a) further directs that planning authorities are encouraged to promote development and intensification within major transit station areas, where appropriate, by planning for land uses and built form that supports the achievement of minimum density targets.

97. In conclusion, the NCC appeals the zoning policies applied to its lands as stated herein. The NCC submits that the revisions requested should be made because the requests implement the NCC's land use planning, the requests are consistent with the PPS, and conform to the relevant OP policies and other zoning policies.

All of which is respectfully submitted this 14th day of April 2026.



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