

**Ontario Land Tribunal**  
**Tribunal Ontarien De L'Aménagement du Territoire**  
**AFFIDAVIT**

**OLT Case No. PL200195**

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant(s)/Appellant(s):	ClubLink Corporation ULC
Subject:	Application to amend Zoning By-law No. 2008- 250 - Refusal or neglect of the City of Ottawa to make a decision
Existing Zoning:	O1A (Open space, subzone A)
Proposed Zoning:	R1T (Residential First Density Zone), R3V (Residential Third Density Zone), and R5A (Residential Fifth Density Zone) as well as O1 (Parks and open spaces)
Purpose:	To permit the redevelopment of the lands for residential and open space uses, including 1502 residential units which will be mixed between detached, townhouse and mid-rise apartments
Property Address/Description	7000 Campeau Drive
Municipality:	City of Ottawa
Municipal File/Reference No:	D02-02-19-0123
LPAT Case No.:	PL200195
LPAT File No.:	PL200195
LPAT Case Name:	ClubLink Corporation ULC v. Ottawa (City)

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**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant(s)/Appellant(s):	ClubLink Corporation ULC
Subject:	Proposed Plan of Subdivision - Failure of the City of Ottawa to make a decision
Purpose:	To permit the redevelopment of the lands for residential and open space uses, including 1502 residential units which will be mixed between detached, townhouse and mid-rise apartments
Property Address/Description	7000 Campeau Drive
Municipality:	City of Ottawa
Municipal File/Reference No:	D07-16-19-0026
LPAT Case No.:	PL200195
LPAT File No.:	PL200196

## AFFIDAVIT OF DOUGLAS NUTTALL, P.ENG

I, Douglas Nuttall, of the Township of Lanark Highlands, in the County of Lanark, in the Province of Ontario, **AFFIRM:**

1. I am a Professional Engineer, registered as a practising member of the Association of Professional Engineers of Ontario. I have been a practicing Professional Engineer in Ontario since 2001, and am a Senior Water Resources Engineer with HDR since 2021. Before working for HDR, I worked as a Senior Civil Engineer for JP2G for 4 years, as Senior Water Resources Engineer Parish Geomorphic for 2 years, as Water Resources Engineer for the Mississippi Valley Conservation Authority for 9 years, and as Project Engineer for Robinson Consultants for 6 years. Attached is my CV as Exhibit 1, and my Acknowledgement of Expert's Duty is attached as Exhibit 2.
2. I have reviewed the Affidavit of Gabrielle Schaeffer dated December 24, 2021 (the "**Schaeffer Affidavit**"), I agree with what Ms. Schaeffer has set out.
3. As noted in paragraph 9 of the Schaeffer Affidavit, the Applicant made a third submission in June 2021. This submission included a stormwater management (SWM) design.
4. On or about October 18, 2021, the City provided comments on the proposed SWM design, as provided at paragraph 10 of the Schaeffer Affidavit.
5. On November 12, 2021, the parties' experts submitted their witness statements, which were based on a review of the SWM design included in the third submission. In his Witness Statement, ClubLink's engineer, Mr. Pichette indicated that this design provided in the third submission was no longer being proposed and that the Applicant would be proceeding with a new design based in some way on the second submission, which would be supplemented with a number of other measures. ClubLinks did not indicate that the experts should be reviewing the SWM design included in the second submission, or some variation of this design, to base their expert witness statements on.
6. This new SWM proposal has been referred to by the Applicant's witnesses in their Witness Statements and Reply Witness Statements, however, as noted at paragraph 15 of the Schaeffer Affidavit, this new submission has not been provided to the City or any other party to this proceeding for review.
7. While I cannot review the new SWM proposal without being provided with the revised submission package, as stated at paragraph 16 of the Schaeffer Affidavit, what can be seen from the limited information that can be found in the applicant's expert's witness statements and reply witness

statements is the changes that are being proposed will require revisions to a number the systems used.

8. Of note, the Reply Witness Statement by J.F. Sabourin provided information concerning the operation of the Beaver Pond. In Table 4a, ClubLink's consultant demonstrates that for the more frequent events, there is an expected increase in water level in the pond. The pond is surrounded on 2 sides by a Provincially Significant Wetland, that gets inundated during extreme runoff events. By increasing the elevation that the pond reaches after storm events, the proponent is changing the hydroperiod of the wetland, and this will de facto change the vegetation communities within the wetland. The associated change to the vegetative communities cannot be demonstrated with the information provided, and the full submission would need to be reviewed to establish this.

9. Discharge from the Beaver Pond is governed by water level in the pond. There cannot be an increase in the water level of the water stored in the Beaver Pond at any time due to development, as this will increase the flow rate out of the pond and the risk of flooding and erosion downstream [identified in the Watts Creek/Kizell Drain Flood Plain Mapping Study MVCA 2017, and Kizell Drain Downstream of 7000 Campeau Drive Geomorphological and Erosion Threshold Assessment, Geomorphix 2020]. The impact on flooding and erosion risks cannot be demonstrated with the information provided, and the full submission would need to be reviewed to establish this.

10. A complete review of the whole submission, rather than only the summary attachments provided in the Reply Witness Statements, is required to determine if and how the whole system will be able to perform within the existing constraints. Only then can the underlying issues of consistency with the Official Plan and the Provincial Policy Statement be addressed.

**AFFIRMED** by Douglas Nuttall of the Township of Lanark Highland, in the County of Lanark, before me at the City of Toronto, on January 4, 2022, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Commissioner for Taking Affidavits

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**DOUGLAS NUTTALL, P. Eng**