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**The City of Temiskaming Shores**  
P.O. Box 2050, 325 Farr Drive, Haileybury, Ontario P0J 1K0

**HELPFUL HINTS TO COMPLETING AN APPLICATION FOR CONSENT  
Under Section 53 of the Planning Act**

**Pre-consult with City planning staff before submitting an application.**

**The Basic Criteria**

To apply for a severance, the attached application forms and associated drawings should be completed and returned to the staff of the Committee of Adjustment. Committee staff is available to assist applicants throughout the process. They will not, however, complete application forms or maps for you.

Official plans are land use planning documents adopted by Municipal Councils and approved by the Province (or other related authorities). They reflect provincial and local planning issues and among other things, establish policies for lot creation. The Planning Act requires that any proposed severance must conform to the requirements of the Official Plan and be consistent with the Provincial Policy Statement.

All lands are also subject to a Comprehensive Zoning By-Law, which sets out specific requirements for new development (e.g. minimum lot size, frontage, setbacks, etc.). All proposed lots must conform to the relevant Zoning By-Law, or else the By-Law must be amended to bring the lands into conformity. The Planning staff at the City of Temiskaming Shores office can assist you in determining the rules and specific lot size requirements, which are applicable to your property. Information regarding the Official Plan can also be obtained from the City Planning staff.

**Some Typical Questions**

QUESTION: When do I need a severance to convey land?

If you own, or have an interest in any land abutting the lot you wish to convey, Section 50(3) and (5) of the Planning Act requires that a “consent” or land severance be obtained before you can convey that lot. Similar circumstances apply to grants of right-of-way.

QUESTION: Do separate deeds or separate tax assessments divide land?

NO! If the lands are abutting and in the same name, consent is required under the Planning Act, unless those lots were previously created by an approval authority under a Consent application or a Plan of Subdivision.

QUESTION: How do I decide which will be the severed lot in the application?

Generally, the severed lot is the one that you want to convey and the retained lot is the one you will keep.

QUESTION: What is the procedure if a zoning exemption/amendment is required?

In some cases, the proposed lots do not meet the requirements of the Zoning By-law. Generally a condition of consent approval will require the owner to apply for and receive a minor variance or a zoning by-law amendment. These are separate applications that can be applied for once the Consent application is approved.

### **Section 1: Applicant Information**

**Name of Owner** – Each owner, whose name is on the deed for the property, must be listed.

### **Section 2: Applicant Information**

**Owner's solicitor or authorized agent** – Although it is not necessary, some owners choose to appoint a lawyer, surveyor, contractor, or family member to act on their behalf with respect to the application.

### **Section 4: Purpose of this Application**

- Specify if this is a creation of a new lot; addition to a lot; easement, right-of-way, etc.
- If you know the name of the person to whom the land or interest in the land will be transferred to, put the name here. If you have not decided at this time, state: "unknown".

### **Section 5: Location of Land**

- This information can be found on your deed, survey or tax bill. The City Planning Department can also supply this information to you.
- Municipal Address is the 911 Address.
- Easements or restrictive covenants – could be a water or sewer easement in favour of the City, Hydro easement, Right of Way in favor of a neighbour for their driveway, etc.

### **Section 6: Description of Subject Land and Servicing Information**

- **Description:** Frontage is usually the width of your property at the lot line along the road.
- **Use of Property:** Existing **use** refers to the actual use you would see if a site visit were made, **not** the zoning or use permitted in the Zoning By-Law. Proposed Use refers to the future use of the property.
- **Buildings or Structures:** You may need to attach a separate page to list all of the buildings or structures existing on the severed and retained properties and the date of construction (i.e. house 1972; garage 1974; barn 1980 wood shed 1985). Also, if you are proposing to build new structures on the severed or retained properties, please state type of structure and proposed date of construction.
- **Access:** If access is by **private road** over someone else's property, a copy of your Deed showing that you have a registered right-of-way over that property should accompany the application. If a driveway is to be shared, this should be indicated, since a right-of-way will have to be established for that purpose.
- **Water supply:** If you are proposing a private individual well, a condition of consent will likely be that you provide well-water records for 3 adjacent properties to prove adequate water quality and quantity.
- **Sewage Disposal:** If you are proposing a private septic system, a condition of consent will likely be that you provide a letter from the Timiskaming Health Unit stating that each of the severed and retained lots is suitable for an on-site septic system; and a letter from a sewage disposal provider stating that they have the capacity to take the sewage from the proposed systems.

### **Section 7: Land Use**

- Official Plan Designation and Zoning By-law Designation – available from City Planning Department Staff.
- Use or Feature Section – to be completed to the best of your knowledge.

### **Section 8: Previous Severances**

- If you know that the property has been severed in the past, please indicate.
- City Planning Staff may be able to assist with this information.

### **Section 9: Current Applications**

- If this property is subject to an Official Plan Amendment, Zoning By-law Amendment or Minor Variance at this time, please indicate.
- City Planning Staff may be able to assist with this information.

### **Section 11: Sketch**

All of the information outlined on the application that pertains to your property must be shown on the sketch in accordance with the *Planning Act*.

**Note:** If you do not have an existing survey plan, a hand drawn sketch to scale is usually sufficient. However, once consent is granted, a survey will be required in order for your solicitor to describe the severed lot in the deed. It is however, very important that dimensions shown on the sketch and on the application be accurate, since if the final survey differs from the sketch, you may be required to submit a new application showing the correct dimensions. If you are unable to obtain accurate measurements, you should consider engaging a surveyor to either prepare the sketch, or to make some preliminary calculations for you.

### **Section 15: Affidavit or Sworn Declaration**

- This is to swear that the information contained in the application for is true to the best of your knowledge.
- **Each owner** must swear a declaration.
- City Staff have been appointed Commissioners and will Commission your Affidavit for free. Other Commissioners are generally lawyers, law clerks, municipal clerks and treasurers, etc.
- **The Affidavit must be signed in front of the Commissioner.**

### **Section 16: Consent of the Owner to the Use and Disclosure of Personal Information**

Personal information collected is the information you provided on the Consent Application Form. This information will be shared with agencies, City staff, neighbours, and the public, as required to process the application for consent.

### **Section 17: Authorization for the Agent to Make the Application**

- If you've named an agent in Section 2 of the Application, to represent you with respect to your application, this section gives the agent permission to speak on your behalf, and gives the City permission to discuss the application with your agent.
- This section also gives permission for your agent to disclose personal information that is collected in order to process the application for consent.

### **Section 18: Checklist**

Have you enclosed the following?

- 1 copy of the sketch if the sketch is in black and white. 10 copies if it is in colour.
- The filing fee of \$450+5% GST per consent application made payable to the City of Temiskaming Shores.
- 1 copy of the application form completed. **Please print clearly with dark ink to facilitate photocopying.**
- 1 copy of the signature page signed and the affidavit sworn before a Commissioner of Oaths (Commissioners are available at City Hall, any Solicitor's Office or City / Municipal Office)
- Written authorization from the owner(s), if the application is submitted by anyone other than the registered owner(s).
- A copy of your Deed showing you have a registered right-of-way, if access to your property is over a private road crossing neighbouring lands owned by someone else.
- Please remember to mark the lot lines on site.

### **Section 19: Site Visit**

City staff and members of the Committee of Adjustment may make a site visit to help them better understand the application for consent. You are therefore required to clearly mark the lot corners and lot lines, as well as the dividing line between the severed and retained parcels. Also, indicate the proposed driveway location for the severed parcels. This can be done by using coloured flagging tape tied to stakes or tied to trees, painted stakes on the ground, coloured paint on the ground, etc. This will ensure the right area is being inspected.

**If lot lines are not appropriately identified, it may result in a delay for approvals as the proposal must be clear.**

### **What happens next?**

Once your application is submitted, staff is required by the Planning Act to circulate notice of your application to persons and agencies prescribed by Regulation who may have an interest in the proposed consent. These agencies include the City departments, Provincial Ministries if applicable, and if applicable agencies such as TransCanada Pipelines, Ontario Northland Railway, the Chief of every First Nation Council, etc. These agencies are asked to comment on the application. Their comments are considered by the Committee of Adjustment at the public hearing.

An official “Notice of Complete Application” and “Notice of Public Hearing” will be mailed to the owner, solicitor and or agent, reporting agencies and to all neighbours within 60 metres (200 feet) at least 14 days prior to the Hearing. A notice will also be published in the Temiskaming Speaker.

At the Hearing, the Committee will ask the City Planner to present the application and give planning evidence in support of the application. The Planner will discuss the application in terms of: description of the property, the purpose of the application, uses on adjacent lands, written comments from agencies and neighbours that were circulated, consistency with the Provincial Policy Statement, Official Plan and Zoning By-law. The Planner will give a recommendation for approval, refusal, or deferral of the application and the reasons behind the recommendation. The landowner will be asked to speak to the application and any members of the public present who wish to speak to the application can do so. The Committee will consider all of the available information and make a decision on the application.

Generally, the Hearing will be held and a decision given within 60 days of receipt of a completed application. If a decision has not been reached within 60 days, the applicant has the right to appeal to the Ontario Municipal Board. Before filing such an appeal, however, the applicant should determine the status of the file to see if a decision will be reached within a reasonable time. If all needed information is provided at the time the application is submitted, delays in processing can be avoided.

Once a decision is given, there is a 20-day appeal period, from the date the Notice of Decision is sent out, when the decision of the Committee may be appealed to the Ontario Municipal Board. After the appeal period has expired, the decision is final and binding and the applicant may proceed to finalize the application by meeting all conditions of severance, having a survey plan prepared showing the severed lands and having a Deed drawn up by his or her Solicitor. The Deed for the severed lot should then be submitted to the Secretary-Treasurer of the Committee who endorses it with a Certificate of Consent. It is necessary that the lands described in the Deed be identical to the severed lot described in the application. The Planning Act requires that all conditions imposed must be fulfilled within **one year** from the date of the sending out of the decision. **If conditions are not met within that time limit, the conditional consent expires and a new application must be submitted.**

### **The Various Steps in the Process**

- Applicant submits application to the Committee of Adjustment office, including forms, sketches and the appropriate fees (listed below).
- Committee of Adjustment Staff process application and provide notice to persons and agencies prescribed by Planning Act regulations at least 14 days prior to Hearing. This includes neighbours within 60 m (200 feet). Applicant marks lot boundaries to assist those conducting site inspections and as prescribed by the Planning Act.
- Planning Report is prepared by the City Planning Staff.
- Committee of Adjustment Hearing - proposal and all reports are reviewed by Committee. Applicant and any other interested parties make presentation, if they desire. Decision is made.
- 20 day appeal period.
- If not appealed and if approval was given, applicant has one year to meet conditions. If appealed - sent to Ontario Municipal Board who will hold a new Hearing.
- Applicant has survey plan prepared by a surveyor and meets all conditions, which were imposed

- Applicant goes to his Solicitor to have a Deed prepared for the severed lot and/or right-of-way.
- The Solicitor forwards the Deed to the Secretary-Treasurer of the Committee who issues a Certificate of Consent.
- The Solicitor registers the Deed in the Registry Office and your severance is now complete.

**Costs Involved**

- **Application Fee(s)**: \$450.00 plus 5% GST = \$472.50 per Consent Application made payable to the City of Temiskaming Shores.
- **Septic Approval Authority Fee**: The Timiskaming Health Unit will charge a fee for each septic inspection for new lots
- **Parkland Dedication Fee**: The City requires a cash payment in lieu of a parkland dedication when new lots are created. The Planning Act permits a charge of up to 5% of the value of the land and this will become a condition of consent approval. Payment must be made prior to finalization of the consent.
- **Survey Plans**: In order to prepare a Deed for the severed lot, your Solicitor will require a registerable description. This usually involves a new survey plan.
- **Legal Fees**: For the preparation of the legal documents by your Solicitor and subsequent registration of those documents, etc.

**Note:** These guidelines are intended to provide general information on land severance procedures and the costs involved in dividing or severing your land.

**For additional information, contact the City of Temiskaming Shores:**

P.O. Box 2050, 325 Farr Drive, Haileybury, Ontario, P0J 1K0, or telephone (705) 672-3363 or fax (705) 672-2911

**Mail or deliver the application to:**

Secretary-Treasurer of the Committee of Adjustment  
 City of Temiskaming Shores  
 325 Farr Drive, P.O. Box 2050  
 Haileybury, ON P0J 1K0

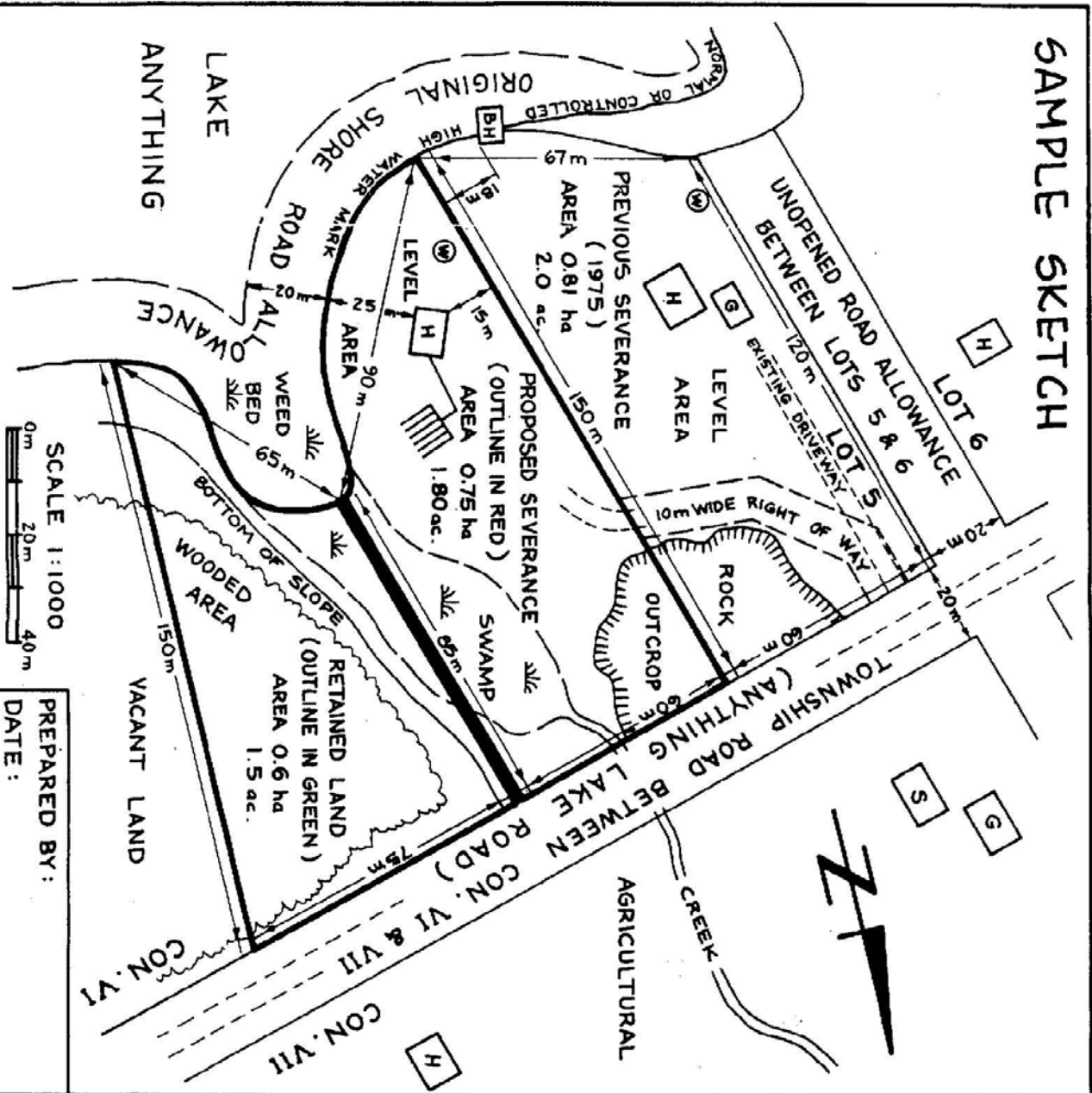
Any further questions may be directed to the Committee of Adjustment Staff at the City of Temiskaming Shores, City Hall at (705) 672-3363. A copy of the notice of hearing will be forwarded to you once your application is processed.

**Metric Conversion**

TO CONVERT	MULTIPLY BY	TO FIND
Feet	0.3048	metres (m)
Acres	0.404	hectares (ha)
Square feet	0.0929	square metres (m)

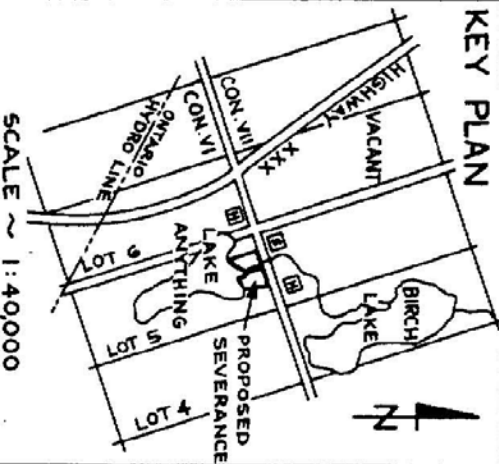
Applications may be submitted in either linear or metric measurement, however if you need to make any conversions this table may assist you.

# SAMPLE SKETCH



PROPOSED SEVERANCE Lot 5, Con. VI,  
 911# \_\_\_\_\_ Town (ship) xxxx  
 Parcel # \_\_\_\_\_ Owner \_\_\_\_\_

## KEY PLAN



## LEGEND:

- [H] HOUSE
- [G] GARAGE
- [BH] BOAT HOUSE
- [S] STORE
- [W] WELL
- [TILE FIELD]

## SITE DESCRIPTION:

The lot is located on Anything Lake Road, 0.5 km from its intersection with Hwy. XX. The house is the third one on the right and is red brick. There is a yellow mail box at the end of the driveway.