

The Consent and Severance Process

What is a Zoning By-Law?

A Zoning By-Law controls how land is used in the Municipality. It lays out:

- How the land is used
- Where the buildings can be located
- The types and uses of buildings
- The lot sizes, dimensions, building heights and setbacks from roads

The Official Plan sets out policies and goals for future land use. The Zoning By-Law puts the Official Plan into effect. The Zoning By-Law is a legally enforceable document and any buildings or structures that do not comply with the By-Law and Official Plan will be refused a Building Permit.

The Municipality of Oliver Paipoonge had a Comprehensive Zoning By-Law. This means that it divides the Municipality in different zones. These zones are laid out on a map.

A Zoning By-Law is necessary to protect residents for unnecessary and dangerous development that can over stretch municipal resources such as water, snow plowing, depletion of prime agricultural land, etc.

Zoning By-Laws are necessary to provide a legal way of managing the lands, protects conflicting or dangerous uses of the land.

What is a Consent Used for?

A consent is used when the applicant wants to sell, mortgage, charge, lease or enter into an agreement (for 21 years or more) for a portion of land. They are also required for right-of-ways, easements, or any other boundary changes on your land.

Subdividing 2 or more parcels of land from your original parcel will require you to apply for a subdivision application.

Filing Out the Application

- A pre-consultation with the Manager of Planning is encouraged to determine that the application is correct and necessary.
- Ensure that the application is completed in its entirety. An incomplete application will delay processing and your application may be deferred.
- Be sure to have an accurate and complete sketch or drawing of the subject property
- Note that the drawings submitted must provide enough information to verify the Zoning By-Law and Building Code Requirements would be met

The Public Meeting

- The public meeting is set before the Oliver Paipoonge Committee of Adjustment, in the Municipal Council Chambers
- When attending the meetings, be sure to sign in at the door
- At the meeting your application will be introduced and discussed
- There will be an opportunity for you to speak on behalf of the application (if you so desire) and an opportunity for anyone in opposition to speak against the application
- Your application will either be approved, denied or in some cases, it may be deferred to another meeting

If your Application is Approved...

- A list of conditions will be set out
- You will be required to comply with the list of conditions. If they are not completed in 12 months, the consent will lapse and your application will become void
- A notice will be sent to the appropriate agencies and residents explaining that the consent has been approved
- When all conditions are met the consent process is completed
- You are required to complete the conditions of your consent within 12 months after the decision has been completed

If your Application is Denied...

- An appeal can be made to the Ontario Municipal Board. It is important to appeal the decision not more than 20 days after the notice of decision
- The appeal must be sent to the Municipal Office.
- Written reason for the appeal is required
- The OMB can deny you an opportunity to appeal if you have not been active in the approval process. Be sure to be present and voice your position at the public meeting
- The OMB appeal forms are available at the office or on www.mah.gov.on.ca. Please note that you are responsible for filling out the correct forms on time

Conditions Placed on your Approved Consent

If your application is approved, conditions will be set that must be completed 1 year after the date of passing. Failure to complete all conditions will cause your application to lapse and become void.

Some typical conditions are listed below. They include, but are not limited to:

- That a proper legal description or Reference Plan of survey stamped by an Ontario Land Surveyor of the lands to be severed is received by the Secretary-Treasurer of the Committee of Adjustment
- That a written report from a recognized testing laboratory confirming that the water source on the severed lot and the retained lot is potable to be received by the Secretary-Treasurer of the Committee of Adjustment
- That payment of \$1,000.00 in lieu of Park-land be paid
- That the secretary receives a letter for septic field approval form the Thunder Bay District Health Unit
- That unless previously established, a 20-meter allowance measured 10 metres from either side of the centre line of the travelled road be laid out as a part of the Reference Plan of Survey, and that the part be transferred to the Municipality
- That it is demonstrated that the severed and retained lots can be safely and adequately serviced by private potable water supply and private sanitary sewage disposal system in areas that are not serviced by the municipal water supply or sanitary sewage system

The Municipality of Oliver Paipoonge - Planning Department

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Municipality of Oliver Paipoonge
THE COMMITTEE OF ADJUSTMENT

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APPLICATION FOR CONSENT

UNDER SECTION 53 OF THE *PLANNING ACT*
TO CONVEY OR GRANT INTEREST IN LAND

The undersigned hereby applies to the Committee of Adjustment for Consent to convey or grant any interest in land as set out below.

INSTRUCTIONS FOR ALL APPLICANTS **In Completing Application for Consent Forms**

FEE

An application fee of **\$500.00** for each application shall be made payable to the **Municipality of Oliver Paipoonge**. With the exception of the lot to be retained by the Owner, an application shall be filed for each new lot which is to be created.

APPLICATION

All the relevant questions must be answered and the sketch completed correctly before the application will be accepted and processed for a public meeting.

OWNER'S AUTHORIZATION

If an agent or solicitor is acting on behalf of the Owner at the hearing, and is making the declaration mentioned below, written authorization from the Owner should be submitted to the Secretary-Treasurer or the Commissioner of Oaths.

DECLARATION

The declaration section of the Application Form must be completed by a Commissioner of Oaths. Commissioners may be found at all law offices, the City of Thunder Bay, most Provincial Ministry and Township offices, as well as the Committee of Adjustment office (in Murillo).

PUBLIC HEARING

A public hearing will be held approximately one month after the receipt of the completed application and accurate sketch. The applicant will be mailed a Notice of Hearing by the Secretary-Treasurer informing her/him of the Hearing Date. The applicant or an authorized agent or solicitor must attend the hearing to explain the application and to answer questions from the Board. When an agent or solicitor is representing the land Owner at the hearing, written authorization must accompany the application authorizing the agent to appear before the Committee on behalf of his/her client.

DECISION

After the decision is made, the necessary forms will be completed and mailed by the Secretary-Treasurer to the applicant within 15 days of the hearing. Those requesting a copy of the Decision in writing will also receive the Notice of Decision.

APPEALS

For a period of 20 days from the mailing date of a Decision, appeals regarding the Decision of the Board can be appealed to the Ontario Municipal Board. After the 20 day appeal period, the Decision of the Board is final and binding.

DEFERRED APPLICATION

All applications deferred by the Board or by the request of the applicant, may not be deferred for a period longer than one (1) year from the date of the receipt of the original application. Should the period be longer than one year, the applicant will be required to reapply.

TRANSFERS

The applicant has **one year** from the date of the decisions of the Board in which to satisfy all conditions and supply evidence of such to the Secretary-Treasurer of the Committee of Adjustment. At that point the applicant has two options:

- The Transfer/Deed of Land can be stamped and signed by the Committee of Adjustment, or
- A Certificate can be issued to the applicant stating that the conditions have been met. If a Certificate is issued, an applicant has two years (from the date of issuance of the Certificate) in which to transfer the property. If transfer does not then occur, the application becomes null and void.

Application Number:	
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Name of Approval Authority: Committee of adjustment

Owner Information

Full Name: _____

Last First

Address: _____

Street Address Apt/Unit #

City Province Postal Code

Home Phone: () _____ Alternate Phone: () _____

Please specify to whom all communications should be sent:

- Owner
- Solicitor
- Agent

Agent Information (if applicable)

Full Name: _____

Last First

Address: _____

Street Address Apt/Unit #

City Province Postal Code

Home Phone: () _____ Fax: () _____

Purpose of Application

1. Type and purpose of proposed transaction:

- New Lot
- Addition to Lot
- Conveyance (specify):
- Lease
- Correction of Title
- Other (specify):
- Easement Right-of-Way
- Mortgage

2. Name of person(s) to whom land or interest in land is intended to be conveyed, leased or mortgaged:

3. Relationship (if any) of person(s) named in Question 2. to Owner:

4. Describe any existing easements or restrictive covenants affecting the subject land and its effect:

Land Information

5. Location of land:

Lot(s) No: _____ Concession No: _____

Lot(s) No: _____ Registered Plan No: _____

Part(s) No. _____ Municipality/Township/
Unorganized _____

6. Current Official Plan designation:

7. Description of land intended to be severed:

Frontage: _____ metres Depth: _____ metres Area: _____ hectares

Existing Use: _____ Proposed Use: _____

Number and use of buildings and structures (both existing and proposed) on the land to be severed:

8. Description of land intended to be retained:

Frontage: _____ metres Depth: _____ metres Area: _____ hectares

Existing Use: _____ Proposed Use: _____

Number and use of buildings and structures (both existing and proposed) on the land to be retained:

9. Number of new lots (not including retained lots) proposed:

10. Type of road access for proposed lot (*specify*): _____

Type of road access for retained lot (*specify*): _____

Is access by water to proposed lot? _____

Is access by water to retained lot? _____

11. What type of water supply is proposed? *(please check appropriate boxes)*

	<u>Proposed Lot</u>	<u>Retained Lot</u>
Municipally owned and operated sanitary sewers	<input type="checkbox"/>	<input type="checkbox"/>
Lake	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input type="checkbox"/>	<input type="checkbox"/>
Other <i>(specify)</i> :	<input type="checkbox"/>	<input type="checkbox"/>

12. What type of sewage disposal is proposed? *(please check appropriate boxes)*

	<u>Proposed Lot</u>	<u>Retained Lot</u>
Municipally owned and operated sanitary sewers	<input type="checkbox"/>	<input type="checkbox"/>
Septic tank	<input type="checkbox"/>	<input type="checkbox"/>
Pit privy	<input type="checkbox"/>	<input type="checkbox"/>
Other <i>(specify)</i> :	<input type="checkbox"/>	<input type="checkbox"/>

13. When will water supply and sewage disposal services be available?

14. Is any part of the land swampy or subject to flooding, seasonal wetness or erosion?

Yes No

If yes, give details:

15. Type of soil:

Clay Gravel Sand Rock Other: _____

16. Is there a rehabilitated mine site located on the Subject Land or within 500 metres of the Subject land?

Yes No

17. Is there a non-operating mine site located within 1 kilometre of the Subject land?

Yes No

18. Has the Owner previously severed any land from this holding? Yes No
If yes, please indicate previous severances on the required sketch.

19. Is this a resubmission of an earlier proposal? Yes No

20. Has the parcel intended to be severed, ever been, or is it now, the subject of an application for a plan of subdivision, under Section 50 of the *Planning Act*, 1990 as amended, or its predecessors?
 Yes No If yes, provide the File Number: _____

21. Is the subject land currently the subject of a proposed
 Official Plan Amendment Zoning Amendment Minor Variance

If yes, and if known, specify the file number and status of the application:

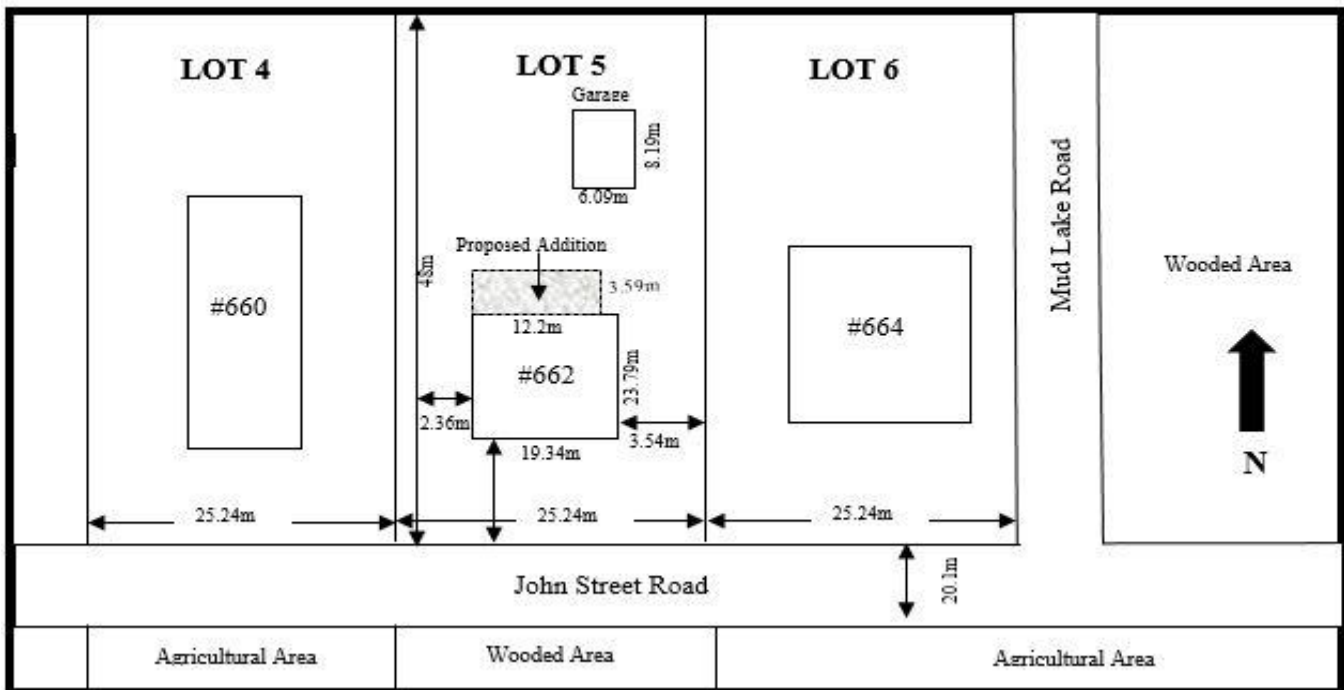
22. Is there any other information you think may be useful to the Municipality or agencies in reviewing this application? If so, explain below or attach on a separate page.

23. A sketch is required at the time of the filing of this application.

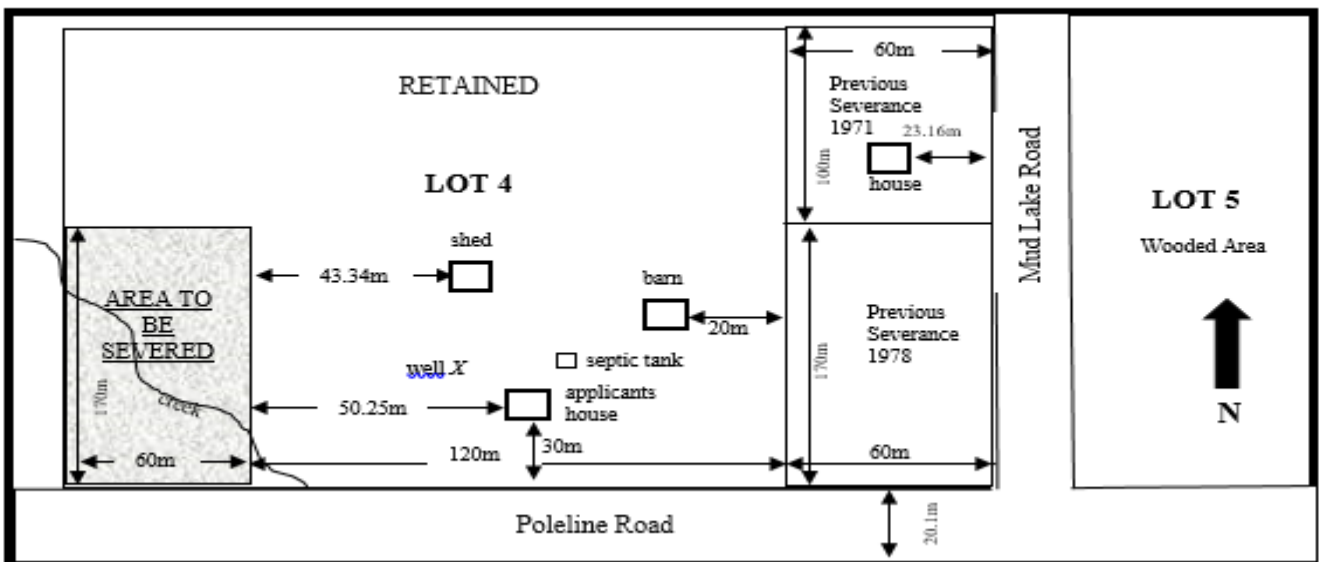
Minimum requirements will be a sketch showing the following (see sample attached):

- The **boundaries and dimensions** of the subject land and any abutting land that is owned by the Owner of the subject land.
- The **North arrow**.
- The location, size and type of all existing and proposed **buildings and structures** on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot line (metric measurements only).
- The approximate location of all **natural and artificial features** on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant may affect the application. Examples include buildings, railways, roads, watercourses, drainage, ditches, rivers or stream banks, wetlands, wooded areas, wells and septic tanks.
- The **current uses** on the land that is adjacent to the subject land.
- The location, width and name of any **roads** within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- If access to the subject land is by water only, the location of the **parking and docking facilities** to be used.
- The location and nature of any **easement** affecting the subject land.
- The location of all **land previously severed** from the parcel originally acquired by the current owner.
- Whether the subject land within an area of land designated under any **Provincial plan**.

Sample Sketch – Lot Addition:



Sample Sketch - Severance:



Sketch

CERTIFICATION by the Applicant

I/We,

_____ of the _____ in the Province of Ontario, solemnly declare that the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Sworn (or declared) before me at the _____ in the Province of Ontario, this _____ day of _____ 20 _____.

Commissioner of Oaths

Applicant/Authorized Agent

AUTHORIZATION OF THE OWNER FOR AN AGENT TO MAKE APPLICATION

I/We authorize

(name of agent)

to act on my/our behalf in submitting this application. This application has been submitted with my/our full knowledge and endorsement.

Owner(s)

Date

For Office Use Only:

Application No:

Date **completed** application received: