GUIDE TO APPLYING FOR CONSENT TO SEVER

Township of Alberton
Committee of Adjustment

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GUIDE TO APPLYING FOR CONSENT

NOTE:

The following frequently asked questions are intended to assist you in deciding if your proposed lot might qualify for a severance through the consent application process. There are other factors which may be considered in assessing your application for consent.

What do I do?

After you review this guideline, complete the working copy of the application with as much information as you can. A map from the Official Plan and Zoning By-Law is attached to help you determine what your property is designated and zoned as. Review the Zoning By-Law here. Review the Official Plan here.

Once the working copy of the application and the sketch is completed, drop them off at the municipal office for the Committee's secretary to review. Expect to allow a minimum of three days for review of the application. If there are no amendments, you will be notified by telephone. If amendments are required, a deficiency notification will be sent to you by mail. When the application is submitted in final form, it must be accompanied by the application fee.

How much does it cost to create a new lot?

The application fee is $750.00 for *each* new lot or part lot created. We strongly recommend that you "pre-consult" with the municipal office before submitting the application so you don't find yourself in the unfortunate position of paying the fee only to discover the severance could not have been permitted in the first place. Staff will review your draft application to ensure it is properly completed and will advise you of any deficiencies.

Who makes the decision for approval?

The Alberton Committee of Adjustments makes the decision as to whether consent approval is granted or refused. Meetings of the Committee are held only on an "as required" basis when applications are received.

Which formats of the application are accepted?

You have the option of providing either the complete, originally signed paper application **OR** the complete, and digitally signed pdf copy of the application.

The Secretary of the Committee must consult with provincial government agencies and other public bodies who have responsibility for matters that may be affected by approval of the consent (severance). A copy of your application will be sent to each of these agencies and bodies for their comments. In addition, each member of the Committee of Adjustment will receive a copy with the full-colour sketch.

It is important to note that provincial government agencies, in putting forward their comments on an application, may refer to the *Provincial Policy Statement, 2014*. In considering an application, the decision of the Committee must comply with the *Provincial Policy Statement*.

How many copies of the application are required to have an original signature?

One originally signed copy is required.

How does the Committee determine whether an approval should be granted?

In considering each application for land severance, the Committee evaluates the merits of each proposal against criteria such as:

- Conformity with the Official Plan and compatibility with adjacent uses of land
- Compliance with the Zoning By-Law and Official Plan
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- Adequacy of vehicular access, water supply and sewage disposal, et cetera

To help you determine whether your application would meet these criteria, you must review the criteria for the Zone in which your property lies. Review the Zoning By-Law here and review the Official Plan here. Please be aware that there may be other aspects of the Official Plan or Zoning By-Law that should be considered in submitting your application in addition to the specific Zone criteria (i.e. accessory buildings, etc.). Alternatively, you can stop into the municipal office to view a paper copy.

How long does it take to have a lot severed?

Prior to holding a meeting there is a requirement for at least 14 days to be allowed between the date that notice is published in a newspaper and the date of the hearing/meeting. After a decision is made by the Committee, a 20 day appeal period must elapse before the decision is final. These time requirements are prescribed by the Planning Act and cannot be changed. In order to expedite the approval process, we strongly recommend that you submit your application to the Clerk in draft so any deficiencies can be identified and remedied before the application is formally submitted.

When are Committee meetings held?

Committee meetings are held only when required. You will be notified of the date of any meeting which is held with regard to your application.

Do I have to attend the meeting?

Applicants or their authorized agents will be notified of the meeting date and are encouraged to attend as it is possible that an application could be denied or deferred if the Applicant or agent is not available to answer questions of Committee members. Other interested persons may also attend the public meetings or hearings. The Planning Act requires that the public be given notice of any application for consent so notice of the meeting is given in a local newspaper and/or may be given by direct mail to abutting landowners as well.

What if there are other issues such as zoning or official plan concerns?

The Secretary of the Committee may elect to hold an application in abeyance to allow for certain matters to be resolved or sufficiently addressed. These matters may include, but are not limited to, policies relating to the Official Plan or Zoning By-Law, outstanding agency comments, insufficient information, legal interpretation and agency concerns. It is the responsibility of the applicant to make sure these matters are addressed.

Applications that are held in abeyance receive further attention from the Committee. A file is brought forward once the outstanding matter has been addressed, resolved and/or concluded.

Once a severance is granted, how long do I have to fulfill the conditions of approval?

A severance approval may be granted subject to certain conditions which could include requirements for road widening, parkland dedication, rezoning or minor variance, or other conditions imposed. All conditions must be satisfied within two (2) years from the date of the decision. When all the conditions are

met, a Certificate is endorsed on the transfer documentation and the severance is in effect. If the conditions are not satisfied by the two-year deadline, the consent will be deemed to be refused and no certificate will be issued. The same conveyance would then require a new application and the consent process would start again.

If the transaction originally applied for is not completed within two (2) years of the date of the Certificate, the severance is considered lapsed. An earlier lapsing date can be specified by the Committee at the time of the severance decision.

A decision or any condition(s) can be appealed within twenty (20) days of the giving of notice of the decision.

What about a survey? How do I know if I need one?

A reference plan (survey) is usually required to be supplied by the applicant before a Certificate will be issued. In some cases, the Land Registrar may agree to accept a registrable description instead of a survey. In this instance a letter of exemption signed by the Land Registrar on Registry Office letterhead is required before the Certificate will be issued.

The Decision signed by the Committee will confirm if a reference plan is required. Usually this is a condition of consent but, in some cases, the plan may be requested prior to the making of a decision. The reference plan must closely match the sketch and the information on the application from which the applicant submitted. An unacceptable variance may necessitate resubmission of the application.

If your application is approved, it is strongly suggested that you simply give a copy of your application and sketch, as well as a copy of the Decision, to your surveyor. It is important that the surveyor not be given instructions that differ from the application. If the survey does not match, this requirement will not be considered met and the transfer documentation will not be endorsed with consent approval.

After approval is given by the Committee how long do I have to transfer the property?

If a Certificate finalizing the consent is issued, you have two (2) years from the date of the Certificate to carry out the transfer of title. If this deadline is not met, the consent lapses and the severed lot(s) can no longer be conveyed without reapplying for and obtaining consent.

Once you receive the Certificate of Consent, there is no follow-up reminder from the Secretary of the Committee about the lapsing date.