Severance Application Guidelines

P re-Consultation Criteria

For Consent Applications

The municipality is required to circulate severance applications to the following agencies for approval:

Ministry of Transportation
When the property is located on a Provincial Highway and an entrance permit is required.

Kingston, Frontenac, Lennox & Addington Health Unit

The Health Inspector has requested that all severance and minor variance applications be circulated to that office. Severance applications for the creation of new lots as well as Minor Variance Applications require Health Unit approval. Other applications, such as lot additions, rights-of-way etc. are circulated to that agency for their information and in some cases their approval. The Health Unit will bill the applicant separately and must be paid prior to them making any comments to the Committee of Adjustment.

Conservation Authorities

Severance applications as well as minor variance applications are required to be circulated to the appropriate conservation authority. The prescribed fee is payable to the respective authority and must accompany the application.

Further instructions are provided in the guidelines.

DIVIDING LAND THROUGH THE CONSENT OR SEVERANCE PROCESS

A GUIDELINE FOR APPLICANTS

Prepared by

The Township of Central Frontenac Committee of Adjustment

1. COMPLETING REQUIRED APPLICATION FORM AND SKETCH

- All questions on the application form must be answered accurately and completely.

- The sketch is the most important part of the application so ensure that it is accurate, to scale and that all the required information is included in the sketch.

- The declaration at the bottom of the application form must be signed in the presence of a person who has been legally appointed as a commissioner to take an oath.

- If the application is signed by an agent or solicitor acting on behalf of an applicant, the owner's written authorization must accompany the application; and

- If the applicant is a corporation, a representative of the corporation must sign the application and the corporation's seal must be included.

2. PRE-CONSULTATION

Is recommended prior to submission of the application. Please contact the Secretary Treasurer to set a date and time.

3. APPLICATION SUBMISSION

- Two copies of the application and required sketch must be submitted to the Secretary Treasurer of the Committee of Adjustment for each proposed lot. Any application form or sketch, which

is found to be inaccurate or incomplete, will be returned to the applicant.

- A consent notification list, completed by the applicant, must be submitted with the consent application. This list must contain the name and address of the owner of every property within 60 metres of both the severed and retained parcels of land.

- The prescribed fee must accompany the application (fee schedule is attached).

- Any additional costs will be borne by the applicant.

4. PROCESSING AND CIRCULATING THE APPLICATION

- A file is opened and a reference "B" number is given for each submitted application.

- Applications are circulated to those agencies and public bodies who may have an interest in the subject lands.

- These agencies will be required to review the application and provide written comments to the Committee of Adjustment.

- Applications are also circulated to every property owner and/or tenant who owns or resides on property within 60 metres of the subject land.

- Applicants will be provided with the following material and information after the application has been officially received by the Secretary Treasuer.

- A receipt for the application fee.

- A notice of time and location of the Committee of Adjustment hearing.

- Land marking card which will be required to be placed half way along the frontage and indicate the corner posts. Please Note: If the property fronts on water and is accessed by road, the Committee requests that the marking card be posted along the rear lot line where it can be clearly seen by anyone required to inspect the proposed severance. It is important that the location of the land-marking card is also shown on the "Required Sketch" of the application.

4. PROCESSING AND CIRCULATING THE APPLICATION CONTINUED

- Flagging tape to be used to mark each of the four corners of the severed lot.

- The Health Unit will require the applicant to dig test holes in the proposed tile bed area. The applicant should contact the Health Inspector as soon as possible for instructions.

5. COMMITTEE OF ADJUSTMENT HEARINGS

- Committee of Adjustment will be comprised of Council as a whole; therefore, hearings will be conducted twice a month at the regularly scheduled council meetings. Contact the Secretary Treasurer as to the date and time of meetings. **Please note: It is the policy of the Committee of Adjustment that Severance and Minor Variance Applications will not be processed between December 1st and April 15th.**

- All hearings are open to the public. Meetings are held on the second Monday and the fourth Tuesday of the month for exact times please contact the Secretary Treasurer.

- A hearing provides an opportunity for applicants, agents or solicitors to answer and pose questions, provide and request additional information and to respond to reports from agencies to whom the application was circulated.

- If an applicant does not attend or is not represented at the hearing, the Committee of Adjustment may proceed with the application in his/her absence.

- After the hearing is held and all replies from circulation are received and reviewed, the Committee of Adjustment will make a decision.

- Conditions, which must be satisfied prior to the final Certificate of Consent being issued, may be imposed upon the decision.

- The decision will be mailed to the applicant, agent or solicitor no longer that fifteen (15) days from the date the giving of notice of the decision was completed.

- The decision of the Committee is final and binding once twenty (20) days have passed since the date the giving of notice of the decision was completed, providing that no notice of appeal against the decision and/or any condition of severance is filed within this period.

6. APPEALING A DECISION OR CONDITION OF SEVERANCE

- **If a decision to an application is not made within sixty (60) days from the date the completed application was submitted, the applicant may appeal the matter to the Ontario Municipal Board (O.M.B.) for deliberation;**

- Anyone wishing to appeal a decision to an application or a condition of severance must do so in writing to the Committee of Adjustment within the designated appeal period;

- Written notice of the appeal must also accompany specific reasons in support of the appeal.

- An O.M.B. fee payable to the **Treasurer of Ontario** must also be included with the notice of appeal and reasons for the appeal. The fee would include: $125.00 for a primary consent appeal and, if applicable, an additional $25.00 for any related consent appeal, and;

- If no appeal is filed within the appeal period, the decision of the Committee becomes final and binding.

7. CHANGING CONDITIONS OF CONSENT

- The Committee of Adjustment may change any condition of *provisional consent* at any time before consent is granted.

- If deemed necessary, the Committee will provide notice of any changes to a condition of provisional consent within fifteen (15) days of the decision to change the condition, to all persons who received notification of the original decision; and

- Any person, who received notification of the original decision, may appeal the change in a condition of provisional consent within twenty (20) days of the day that the giving of notice of the change in condition was completed.

7. PREPARING SURVEY AND LEGAL DOCUMENTS

- A reference plan (i.e. survey) describing the lot to be severed and any private rights-of way providing access to the lot must be completed by an Ontario Land Surveyor and deposited in the Land Registry Office.

- A legal document (i.e. deed) for the purposes of finalizing the land conveyance transaction must be completed (usually by a Solicitor).

- **All conditions** to a decision must be satisfied within **one (1) year** of the date in which the giving of notice of the decision was completed.

7. RECEIVING FINAL CERTIFICATE OF CONSENT (i.e STAMPING OF THE DEED)

The Secretary Treasurer should consider the following checklist prior to arranging for the stamping of the deed. Applicant should make an appointment with the Secretary Treasurer and/or be prepared to leave the documents with her usually for a period of 24 business hours. However, the Secretary Treasurer can only stamp the deed and therefore if she is unavailable for a prolonged period time for reasons such as vacation or sick leave, the applicant must be prepared to wait until her return.

- Proof (e.g. tax payment receipt, park levy receipt etc) that all conditions have been satisfied within the one (1) year time frame.

- A copy of the deposited reference plan describing the lot being severed (please note that a pieced-together reference plan is not acceptable).

- Triplicate legal documents (i.e. deed) for the purpose of finalizing the land conveyance transaction to include original signatures and, if applicable, the corporation seal, and;

- Please note that if all conditions to a decision have not been met within the allocated one (1) year time frame, consent to the application would be deemed to have lapsed and refused – **no extensions will be permitted!**

7. REGISTERING THE DEED

- Once the legal document (i.e. deed) has been endorsed with the Certificate of Official, the applicant must register this document within **two (2) years** of the date in which the Certificate of Official was issued; and

- After the endorsed legal document (i.e. deed) has been registered with the Land Registry Office, the newly created lot would be available for development.