



GEORGINA

CONSENT APPLICATION GUIDE

PURPOSE OF THE APPLICATION

A consent to a land severance is an authorization to separate one parcel of land from another adjoining parcel to sell it or mortgage it or to lease it for more than 21 years. As of 1984-04-01, the Committee of Adjustment, appointed by Council, reviews and makes decisions on consent applications.

The purpose of this ***Consent Application Guide*** is to set forth the information required by the Committee to allow it to properly evaluate your application.

The attached application forms are to be used only when applying to the Committee of Adjustment for the Corporation of the Town of Georgina.

APPLICATION FEES

The applicant must submit the appropriate fee for the processing of the application, in accordance with the Town of Georgina Fee By-law No. 2011-0015(PL-7), as amended. A copy of the fee schedule is attached for reference. The basic application fee (payable to the Town of Georgina) is required to cover normal costs incurred in processing a consent application.

In accordance with By-law No, 98-165 (BU-I), applications requiring review by the Town of Georgina On-Site Sewage Inspector must be accompanied with a completed ON-SITE SEWAGE INSPECTION form. The coloured form, attached to this guide, must be completed and submitted to the Secretary-Treasurer at the Town office at the same time the application for consent is submitted. The fee (payable to the Town of Georgina) and application are then forwarded to the On-Site Sewage Inspector. The Inspector must submit comments to the Committee of Adjustment regarding your application, therefore the fee is payable, to help, in part, cover the cost of preparing such a report.

NOTE: You are **exempt** from the \$291.00 fee, if the new lot:

- i. Is serviced by municipal sanitary sewers
- ii. Comprises a public highway
- iii. Is designated for the purpose of an easement
- iv. Is Larger than 4 hectares (10 acres)
- v. Is land on which the owner lives and from which he/she derives their chief source of income by farming, where no person other than the applicant and one or more members of their immediate family* are parties to the transaction for which the application is made.

*Immediate family means child, son-in-law, daughter-in-law, parent, stepchild, grandchild, grandparent or legal guardian.

Please be advised that effective April 1, 2004 the Board of Directors of the Lake Simcoe Region Conservation Authority (LSRCA) adopted Staff Report 13-04-BOD which provided for the collection of fees for the review of planning and engineering submissions to the Conservation Authority. A fee in the amount of \$536.00 is required and will be collected by the Town of Georgina on behalf of the LSRCA for the review of your consent application if the subject property is regulated by LSRCA.

APPLICATION FORM

The application should be completed by the property owner or his solicitor or authorized agent and returned to the Secretary-Treasurer for the Committee of Adjustment at the provided Civic Centre address. Where it is being made by a solicitor or agent, **Section 18** of the application form must be completed by the owner.

It is important to note that your signature on the application forms must be witnessed by a Commissioner (**sections 17 & 19**). Commissioners are available at the Civic Centre.

INFORMATION REQUIRED

Make sure **ALL** the questions on the application form are answered in full or marked "not applicable" as the case may be. The mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the Committee of Adjustment will return the application or refuse to further consider the application until the information and fee have been provided.

SKETCH

A detailed sketch must accompany each application submitted. See **Section 10** of the Application Form for details.

NOTE: While a legal survey of the land is not initially required with the application, it is important to note that a deposited reference plan (a legal survey deposited in the Registry Office) of the land will be required if the application is approved. Such plan should show the property to conform with the application as approved.

APPLICATION PROCESS

Once the **COMPLETED** application has been submitted, a copy of the application and request for written comments thereon is sent to various agencies. A notice of your proposal is also sent to property owners within 60 metres (200 feet) of your property and these owners will have the right to attend the scheduled Hearing and express any concerns or support they may have to the Committee.

If the Committee decides to approve the application, in most cases there will be conditions stipulated and these conditions must be fulfilled prior to granting the consent. The applicant has one year to fulfill conditions, otherwise the application is deemed to be refused.

The applicant, or any person or public body, can appeal the decision and any or all of the conditions to the Local Planning Appeal Tribunal (Tribunal) within 20 days of issuing the notice of decision. If an appeal is lodged with the required Tribunal form and \$300.00 fee, relevant information is forwarded to the Tribunal, who will then hold a public hearing to decide the final disposition of the application.

If the Committee of Adjustment proposes not to approve the application, the Secretary-Treasurer will send a notice, giving the reasons for the proposed refusal. The applicant, or any person or public body has up to 20 days from the notice to appeal the decision to the Tribunal. If at the end of the 20 days there is no appeal, the refusal decision becomes final.

*The applicant can appeal the application to the Tribunal if a decision has not been reached on the consent request within 60 days of the Committee of Adjustment's receipt of a complete application, containing **all of the prescribed or mandatory information**. Before filing a notice of appeal, the applicant should determine the status of the file since it might be possible for the Committee of Adjustment to make a decision on the application within a reasonable time.*

More information can be found on the Tribunal website at www.elto.gov.on.ca

All information must be provided at the submission time.

For appeals submitted by the applicant, an additional separate administrative fee is to be submitted to the Town as prescribed under By-law 2011-015 (PL-7), as amended, by certified cheque and made payable to the "Town of Georgina". Additional fees are required of the applicant where the decision of the Committee of Adjustment is appealed by a 3rd party (refer to By-law 2011-015 (PL-7) as amended).

CONDITIONS OF APPROVAL

The Committee may impose such conditions to the approval of the application for consent as, in its opinion are advisable, and in particular, may impose the following as conditions:

- i. That land in an amount determined by the Town, but not exceeding 5% (residential) or 2% (commercial/industrial) of the subject land, be conveyed to the municipality for park purposes or alternatively require payment of a park levy in lieu of the deeding of the land to the Town, the amount of the levy not to exceed 5% (residential) or 2% (commercial/industrial) of the value of the subject land.
- ii. When the proposal abuts an existing highway, that sufficient land be deeded to the appropriate road authority to provide for the widening of the highway.

- iii. That the owner of the land enter into one or more agreements with the Municipality dealing with such matters as the Committee may consider necessary, including the provision of municipal services.
- iv. That the owner submit six white prints of a deposited reference plan of survey of the property.
- v. That the owner submit two executed deeds conveying the subject land.

FULFILMENT OF CONDITIONS

All conditions imposed by the Committee must be fulfilled within one year of the date of the notice of the Committee's decision. No extensions beyond the one year period are permitted and should all conditions not be met within that time, the application is considered to be refused.

OFFICIAL PLANS/ZONING BY-LAWS

Prior to submitting the application for consent, your proposal should be discussed with Planning staff at the Civic Centre to ascertain whether it will conform with the provisions of the Official Plan and Zoning By-law. **The Planner is required to sign *Section 9* on the application prior to submitting the application.** If the proposal does not conform, it should be altered so that it does conform, or if, following consultation with Planning staff it appears reasonable to do so, consideration should be given to making application to Council for appropriate amendment(s) to the relevant planning document(s) or to the Committee of Adjustment for a minor variance.

Failure to observe the foregoing may result in the consent application being refused. Conformity with the Official Plan and Zoning By-law does not mean the application will automatically be approved; under the *Planning Act.*, the Committee is also required to have regard, among other matters, to the health, safety, convenience and welfare of the future inhabitants of the municipality and to the following:

- a) Whether a Plan of Subdivision under Section 50 of the *Planning Act*, of the land described in the application is necessary for the proper and orderly development of the Municipality;
- b) Whether the proposal conforms to adjacent lots;
- c) Whether the proposal is premature or necessary in the public interest;
- d) The suitability of the land for the purpose for which consent is required;
- e) The dimensions and shape of any proposed lot;
- f) The restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- g) Conservation of natural resources and flood control;
- h) The adequacy of utilities and Municipal services;
- i) Adequacy of school sites;
- j) The area of land, if any, within the proposal that, exclusive of highways, is to be conveyed for public purposes;
- k) The location and adequacy of roadways serving the lands to be severed;

- l) The physical layout of the lots having regard to energy conservation; and
- m) The effect of the development on matters of Provincial interest referred to in Section 2 of the Act.

TIPS THAT CAN HELP

A) IS CONSENT THE WAY TO GO?

Generally, the creation of new lots by consent may be considered where:

- Only one or two are proposed;
- No more than two lots have been severed from the parcel since 1970, when approval of lot creations became mandatory;
- The new and remaining lots will have direct access to an existing publicly-owned and maintained road;
- Extensions of municipal or communal sewer or water services are minor and can be done at no cost to the municipality.

B) WHERE CAN NEW LOTS BE CREATED?

Generally, only limited development is permitted in rural areas. This helps protect the natural environment, the natural resources, the character of rural areas and also discourages the inefficient provision of services.

New lots created for permanent, year-round use should be located in existing, built-up areas.

All new lots must be suitable for their intended use. For example, new lots must be large enough to accommodate the proposed building and all servicing requirements.

C) WHERE CAN'T NEW LOTS BE CREATED?

Generally, lots cannot be created on provincially significant wetlands, prime agricultural lands, lands containing mineral aggregate resources, hazardous lands such as steep slopes and areas susceptible to flooding, or where fish or wildlife habitats will be disturbed.

New lots cannot be created where they are not compatible with the surrounding land uses. For example, a new lot for a house probably would not be permitted next door to a factory or a waste disposal site.

D) WHAT KIND OF ACCESS DO NEW LOTS NEED?

Any new lot must provide safe, long-term access for all vehicles, including service and emergency vehicles.

Generally this means:

- Lots should be located on publicly-owned roads which are maintained year round;
- A limited number of seasonal residential lots on private roads may be considered, on an infill basis, provided they won't be converted to permanent residential use and they have registered rights-of-way with direct access to a public road;
- Water access may be acceptable for cottage lots if the lots are in a remote location, where future demand for road access is not anticipated; lots should be located within a reasonable distance to publicly-owned and maintained parking, docking and boat launching facilities.

E) WHAT KIND OF SERVICES DO NEW LOTS NEED?

- Where municipal sewer and water services exist, lots should hook into that service;
- Where municipal services cannot be provided, municipally-owned communal services are preferred;
- In other areas, a new lot must be acceptable for the installation of a septic tank and tile bed system and wells;
- Lake water for cottage lots may be permitted, subject to the approval of the Ministry of the Environment and Energy.

COMPREHENSIVE SET OF POLICY STATEMENTS

In keeping with its role as policy maker, the Province has established a Comprehensive Set of Policy Statements (CSPS) on a variety of provincial interests. These policy statements summarize existing policies and positions that affect land use planning. Decisions on planning applications must be consistent with all applicable policies.

METRIC CONVERSION

To convert:

- a) **Feet to metres** → Multiply the number of feet by 0.3048
- b) **Square feet to square metres** → Multiply the number of square feet by 0.092903 c)

Square metres to hectares → Move the decimal point four places to the left

E.g. 7985 square metres = 0.7895 hectares

- d) **Acres to hectares** → Multiply the number of acres by 0.4046856