

## Guide to Consent Applications

### Introduction

This guide is intended to assist land owners in Perth County in completing an application for consent to sever their land into separate parcels. It accompanies the “Citizens’ Guide, Land Severances” produced by the Ontario Ministry of Municipal Affairs and Housing found at <http://www.mah.gov.on.ca/AssetFactory.aspx?did=11166>

Consent is commonly referred to as a “severance”. The Land Division Committee of the County of Perth is the approval authority for consent applications.

An application for consent is a process that results in a decision to either approve or deny the request to sever the land. The consent application process generally takes about three months. An approval will have conditions and the applicant will then have to fulfill the conditions in order to finalize the severance. Conditions have to be fulfilled within one year.

### The Application Process

#### 1. Pre-Consultation Meeting

A pre-consultation is a meeting between the applicant and/or their agent and the County Planning Staff. The purpose of the meeting is to identify information specific to your property that you will need to prepare and include with your application. Pre-consultation meetings are required by the Planning Act. The Planner will help you understand the process and assist in finding solutions to problems.

A pre-consultation meeting may be set up by contacting the County Planning and Development Department by phone or email:

Phone: (519) 271-0531 Ext. 449

Email: [planning@perthcounty.ca](mailto:planning@perthcounty.ca)

To prepare for the pre-consultation the planning department will need the address and/or of the property and an explanation of the purpose of the Consent.

## **2. Complete an Application**

You may complete an application on your own or you may wish to hire someone to apply on your behalf, which is referred to as an “Agent”. The owner of the land must sign the application form and give permission to the Agent to conduct the application.

Every Application must include:

- One copy of the completed Application Form
- A Severance Sketch prepared by a Land Surveyor that is consistent with the requirements of Section 11 in the Application Form.
- The Application Fee of \$1,500 payable to the County of Perth
- One copy of the Parcel Registry (PIN Printout) of the subject property
- Any information, reports or studies requested by the Planner at the Pre-consultation.

If your application is for a lot addition, enlargement or lot line revision:

- One copy of the Parcel Registry (PIN Printout) for the land which the parcel will be added to, or

If your application is for a surplus farm dwelling:

- One copy of the Parcel Registry (PIN Printout) for the land to which the farm dwelling is deemed surplus to.
- One copy of the completed “Surplus Farm Dwelling Severance Farm Owner Form”

One application is required for each new parcel created. The severance of the middle portion of land with retained parcels on either side is not allowed.

The Planning Act provides for the County to request additional information or studies that may be required to fully evaluate the proposed consent. The Perth County Official Plan includes a list of various types of information and studies in Section 18.19.3. The intention is that any requirements specific to your application will be identified at the pre-consultation however sometimes further review of the completed application results in additional necessary information being identified.

## **3. Submit the Application**

An application can be received at the County of Perth in person or by mail. In either case the signature of the applicant on the Application form must be commissioned by a Commissioner of Oaths. There are Commissioners on staff at the County of Perth – it is best to call ahead to ensure a Commission will be available when you bring in your application.

A County Planner will review the submission and determine whether or not it is complete.

#### **4. Notice of Application**

If the information in the application form is complete, a notification of the public hearing will be sent by mail to neighbouring property owners within 60 metres of the subject property. A sign displaying details of the application will be posted on the subject site. Copies of the application may be circulated to the local Council, municipal staff, and external agencies such as Bell Canada, Hydro One or any other applicable agencies to obtain comments. The Planner will review the application against provincial, county, and local policies, consider all comments received, and conduct a site visit prior to preparing a planning report.

At pre-consultation it will be determined if the subject property is located within a conservation authority area of concern. If so, the consent application will be circulated to the appropriate conservation authority for review and a fee will be invoiced directly by the applicable conservation authority (UTRCA, ABCA, MVCA, or GRCA).

#### **5. Local Municipal Consideration**

The Planner will present a planning report to the local municipal Council to solicit their recommendation on the application. A recommendation on the application will be made by the local council at this meeting or at a later date and will then be forwarded to the Land Division Committee to consider when they are making a decision to approve or deny the application. This meeting is not considered a public meeting and a final decision will not be made at this meeting, as applicants will not be able to speak to their application without making a formal request for a delegation with the local Council.

#### **6. Decision – Land Division Committee and Public Meeting**

The Planner will present a planning report to the Land Division Committee at the public meeting. The Applicant will be given an opportunity to comment and then members of the public will be given an opportunity to speak either for or against the application. The Land Division Committee will make a decision or defer the application for more information.

The applicant or agent is strongly encouraged to attend the Land Division Committee meeting. If the applicant or agent does not attend, the Land Division Committee may proceed to consider the application. However, the application may be deferred if the committee is unable to make an informed decision because the applicant or agent is absent and therefore unable to provide necessary information on their application.

#### **7. Notice of Decision**

Within 15 days of a decision, a notice which identifies appeal rights is mailed to the applicant, applicable agencies and to any members of the public who provided written comments or attended a public hearing and who requested to be notified of the decision. Listed on this notice is the last day

for appeals, which is 20 days from the day after the notice is mailed. If the consent is approved, the notice of decision will include the list of conditions imposed on the consent.

## **8. Decision in Effect**

If there are no appeals, the applicant will receive a “Notice of No Appeals” in the mail. If the application has been approved, subject to the fulfillment of any conditions set out in the final decision, applicants have up to one year from the date of notice of decision to fulfill conditions or the severance approval will lapse.

The applicant has two years from the date of notice of decision to have the deed prepared by a lawyer and submitted to the County to finalize. Please note that the Planning Act does not permit extensions.

Clearing conditions, and preparing the deed are the applicant’s responsibility; some standard conditions include paying a cash-in-lieu of parkland fee, submitting a survey and reference plan to the municipality, obtaining a rezoning or minor variance for the retained or severed lands, a storm water management plan, or other site specific considerations. Ask your local Planner if you have any questions about the decision or conditions.

## **Appeals**

Any person who spoke at a public hearing or sent a written submission to the County Clerk can appeal the decision of the County within the 20 day appeal period. Appeals are decided by the Local Planning Appeal Tribunal (LPAT). Those wishing to appeal must submit a completed Appellant Form to the Municipal Clerk along with the \$300 filing fee payable to the Minister of Finance. Website: <http://elto.gov.on.ca/tribunals/lpat/about-lpat/>

## **Tools**

Mapping and aerial photography of your property is available at the County of Perth’s online GIS at the following link: <https://www.perthcounty.ca/en/living-here/maps.aspx>

The Application Form for consent can be found online at:

[https://www.perthcounty.ca/en/county-government/resources/files/COP-FORM-PL-Consent\\_Form.pdf](https://www.perthcounty.ca/en/county-government/resources/files/COP-FORM-PL-Consent_Form.pdf)

The County Official Plan, with the consent policies for each type of land use designation can be found at: [www.perthcounty.ca/en/county-of-perth-official-plan.aspx](http://www.perthcounty.ca/en/county-of-perth-official-plan.aspx)

Other Resources and Links can be found at: <https://www.perthcounty.ca/en/doing-business/planning-and-development.aspx>

Local Official Plans (Listowel, Milverton, Mitchell) are posted on local municipal websites.