

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 [here](#).

A “Consent” application is commonly referred to as a “severance”. Examples of Consent applications include creation of one (or more) new lots, lot additions and boundary adjustments, right-of-way and easements, and correction of title. 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 two years, otherwise the approval will lapse and the consent cannot be completed. A new application and fee would be required to sever the property.

The Application Process

1. Pre-Consultation Meeting

A pre-consultation is a meeting between the applicant and/or their agent (such as a consulting planner, solicitor, surveyor, etc.), and usually involves County Staff, and any local Municipal or Agency staff that have an interest in the application. The purpose of the meeting is to assess the merits of the proposal, and 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. Staff will help you understand the process and assist in finding solutions to any issues that arise.

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

Website: <https://www.perthcounty.ca>

To prepare for the pre-consultation meeting, the planning department will need the address and/or legal description of the property and an explanation of the purpose of the OPA. It is also highly recommended that any conceptual sketches, drawings, or background material be submitted prior to the pre-consultation meeting for review by County staff. More information at this early stage will help staff provide a thorough response on the merits of the application. Completing the **Pre-Consultation Submission Requirements and Request Form** is required.

The Planner will review the purpose of the amendment and the conceptual sketches against provincial, county, and local policies, and conduct a site visit if necessary as part of the pre-consultation process and prior to the formal pre-consultation meeting.

At pre-consultation it will be determined if the subject property is located within an area regulated by the local Conservation Authority. 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). This fee is in addition to the County OPA application fee.

2. Complete an Application

After the pre-consultation meeting, 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.

One application is required for each land conveyance, including creation of new lots(s), boundary adjustment(s), easements or right-of-way(s). If an easement or right-of-way is related to creation of a new lot or boundary adjustment, it may be considered as part of that application and does not require an additional form or fee.

A complete 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 payable to the County of Perth. A full listing of planning application fees is available [here](#);
- One copy of the Parcel Registry (PIN Printout) for all properties involved in the application proposal. A PIN printout lists the full legal description of the property, along with the legal ownership. A PIN may be obtained from a lawyer’s office, or by accessing the Ontario Land Property Records Portal [here](#); and
- Any information, reports or studies identified during the pre-consultation meeting.

If your application is to sever a **Surplus Farm Dwelling** there are additional items to include with your application. They are:

- 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**”;
- Farm Business Registration Number representing the farm operation involved with the two properties; and
- If the two properties are held in separate ownership structures, a copy of the Share Register or an undertaking from a solicitor of the farm corporate structure. This is necessary to verify

common ownership between the two properties and a requirement of eligibility to sever the lands in accordance with the Official Plan.

3. Submit the Application

An application can be received by County of Perth in person, at central reception or by regular mail. Applications can also be *e-mailed to planning@perthcounty.ca but will not be processed until payment is received.

*Please note: applications submitted through e-mail must submit payment separately in person, through regular mail, or by credit card by contacting Perth County central reception at 519-271-0531.

All applications submitted must include the signature of the applicant on the Application Form, and must be commissioned by a Commissioner of Oaths. This is a process to ensure that the applicant is the one who has signed the document. There are Commissioners on staff at the County of Perth – it is best to call ahead to ensure a Commissioner will be available when you bring in your application. The application may also be commissioned by a Notary Public or by a Solicitor of your choosing.

Once all of the components listed above have been received then County Planning Staff will review the application package and determine whether or not the materials represent a complete application.

4. Notice of Application

Once an application is deemed to be complete a Notice of Application 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 prepared and posted on the property. 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.

5. Local Municipal Consideration

The Council of the Local Municipality are consulted on every severance application; however, they are not the Planning Authority (decision making body) on Consent Applications in Perth County. To assist the Local Councils understanding of the application, staff will present a planning report at a regular Local Council Meeting. This local Council meeting is not a public meeting, and a decision will not be made at this meeting. Planning Staff will review:

- a. The purpose of the application;
- b. The policies that affect the application;
- c. The conditions for a potential approval; and
- d. Any comments from agencies or the public resulting from the circulation of the Notice of Application.

It is the Planners role to present the application and the policy review fairly. The Planner is also responsible for forming and offering a professional opinion on whether or not they think the application should be approved, denied or deferred for more information.

Council may ask the Planner questions for clarification. Since this is not a public meeting the applicant and/or members of the public are not permitted an opportunity to speak. If you feel that addressing the Local Council is necessary you can make a formal request for delegation with the Clerk of the Local Municipality prior to the Council Meeting.

Local Council will provide a recommendation, by a Resolution of Council to the Planning Authority.

6. Decision by the Planning Authority

Land Division Committee is a Sub Committee of County Council and serves at the Planning Authority for Consent Applications. Land Division Committee meets on a monthly basis. When Land Division Committee is reviewing an Application for Consent, a public meeting is held and a Notice of Public Meeting will be circulated to neighbours and agencies 14 days in advance of the meeting. The Applicant and any other person or public body wishing to speak will be given an opportunity to do so. The applicant or agent is strongly encouraged to attend the Land Division Committee meeting. Whether or not the applicant or agent attends, the Land Division Committee can proceed to consider the application.

At the Public Meeting, the Planner will make a presentation explaining the application and provide a professional recommendation for a decision similar to the Local Council Meeting.

The Land Division Committee will make a decision, or defer the application for more information.

Delegated Approval Authority:

In order to streamline the consent application process, the authority to approve a severance has been delegated to the Manager of Planning in certain circumstances.

Any application that meets the following criteria will not require a public meeting and approval authority is delegated to the Manager of Planning:

- a. The County Planner is recommending that the application be approved as it was applied for (with no recommendations to amend or change the consent);
- b. The Council of the Local Municipality is recommending that the application be approved (through a Resolution of Council); and
- c. There are no unresolved concerns from the applicant and/or their agent, and members of the public or consulting agencies.

Delegated Approval Authority is generally a shorter process since it does not await the next meeting of the Land Division Committee.

The Manager of Planning does not have the Authority to deny or refuse a Consent Application.

7. Notice of Decision

Within 15 days of a decision by the Land Division Committee, 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.

Appeal of an Application

The Applicant, Agencies, 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 required filing fee payable to the Minister of Finance. For more information about the appeals process, please consult the [LPAT Website](#).

8. Decision in Effect & Conditions of Consent Approval

If the application is approved and there are no appeals at the end of the 20-day appeal period, the applicant will receive a “Notice of No Appeals”. The approval is subject to the fulfillment of any conditions set out in the decision.

Conditions must be completed within two years of the Notice of Decision. The Planning Act does not permit extension of the conditions. If one year passes and all of the conditions have not been met the approval will ‘lapse’ and the severance cannot take place.

Clearing conditions, and preparing the deed are the applicant’s responsibility. Some standard conditions of Consent 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. Your local Planner is available if you have any questions about the decision or conditions.

Once the conditions of Consent are fulfilled within the 1-year expiry period, the applicant has two years from the date of notice of decision to have the deed for the new lot or boundary adjustment registered by a lawyer with the Ontario Land Registry.

Other Planning Tools & Resources

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

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

Other Resources and Links can be found at: <https://www.perthcounty.ca/planning>

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