

**PLEASE READ ALL INSTRUCTIONS****COMPLETENESS OF THE APPLICATION:**

The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

All submission materials on file, including cover letters, application forms and plans, will be made available to the public for viewing at the Committee office, as required under Section 1.0.1 of the Planning Act, R.S.O 1990 C.P.13. Personal information on file with the Committee of Adjustment office is collected under the authority of the Planning Act and will be used to process the application.

This Is Your Application! Make sure you know the details of exactly why you are applying to the Committee of Adjustment and what you are applying for.

**Discuss the application with a City of St. Catharines Planner prior to submission:**

Name Planner: \_\_\_\_\_ Date: \_\_\_\_\_

- Fill out all sections of the application according to the attached instructions.
- Provide original signatures of all owners and/or authorized agent, if applicable.
- Provide 8 hard copies of the sketch with all the requirements, as outlined in the application package in **metric units**, with a digital copy of the sketch to be forwarded within two (2) days after submission.
- Include Pre-Consultation letter, elevations, interiors, and drainage plans and any relevant reports and/or studies.
- Payment of all applicable fees – Cash, Debit, Credit or Cheques made payable to the “City of St. Catharines”. Other fees - i.e. Region of Niagara and/or NPCA, if applicable, are to be paid with a separate cheque for each fee payment.

**Complete applications are due by 2:00 p.m. on the submission cut-off date.**  
**If you submit an incomplete application, your application may be returned to you or may result in processing delays**

# **CONSENT Application Instructions**

**Committee of Adjustment** Planning & Building Services

## **PLEASE PRINT CONSENT APPLICATION ON ONE SIDE ONLY!**

A Pre-Application Consultation application is required prior to submitting an application for consent. Pre-Consultation will provide you with feedback from various City departments and external agencies to guide your proposal to a successful conclusion. These agencies may include and are not limited to:

- Niagara Region - if the site is within the Region's regulated area.
- Conservation Authority - if the site is within the Niagara Peninsula Conservation Authority.
- Heritage Planning Staff - if the subject lands are considered to have archaeological potential, are within a Heritage Conservation District or feature a listed or designated property.
- Ontario Ministry of Transportation - if the application involves construction on or adjacent to a provincial highway. Visit the MTO's "Highway Corridor Management" webpage.

A Pre-Application Consultation application has a separate fee, which will be applied to the Consent application should the applicant continue with the proposal. Once a consent application is accepted, the file is opened and timelines for processing are established.

Staff processing the application cannot look beyond the information provided and must process your application on the basis of the information supplied. Any omissions or errors could result in discovery at the Hearing that there is need for additional variances/permissions and/or a change requiring recirculation of your application, resulting in further delay, collection of a recirculation fee and in some cases the need for submission of an additional application with applicable fees.

### **A Consent is Required for the Following:**

- to divide land (or sever it) for the purpose of sale (note: no more than five abutting parcels can be created if no public road is being created. Any application creating more than 5 parcels or requires a public road to be created or extended requires approval as a "plan of subdivision");
- to register a mortgage or discharge a mortgage over part of a parcel of land;
- to register a lease over part of a parcel of land when the term of the lease is 21 years or more (inclusive of renewal options);
- to register easements for rights-of-way; and,
- to adjust boundaries of existing land parcels to enlarge or decrease the size of a property.

# CONSENT Application Instructions

## Committee of Adjustment Planning & Building Services

All applications need to be reviewed by a Planner prior to submission. Failing to do so may result in delays. Please state who the City Planner is you spoke to regarding your application.

### SECTION A

- The names of **all** registered owners of the property need to be included along with the mailing address.
- Include an alternative address (if applicable) to which correspondence is sent
- Provide the name of your mortgage company, person or organization that has a financial interest in the property.
- Contact information of your lawyer, if available.
- Contact information of your agent, if applicable. The agent will become the point of contact and is able to make decisions on your behalf.

### SECTION B

- Indicate the purpose of the severance by checking off all applicable boxes. If you have a mortgage, "Partial Discharge of Mortgage" will need to be checked.
- For a lot addition, indicate which land parcel it will be added to.
- List the person or organization, who has an interest in the land (potential buyer), who is leasing land, or who the mortgage is with.

### SECTION C

- Municipal address of the land is required, along with its legal description.
- Are there any easements or restrictions affecting the land? If so, what kind.
- Existing zone, the City's and Region's Official Plan information can be obtained from the City's and Region website.
- When did you take ownership of the land?

### SECTION D

- Indicate which part on the sketch is to be severed (Subject lands).
- Indicate how the land is currently used and its future use, ie. Residential – single detached, Residential – townhouse.
- Provide the dimensions, in **metric**, of the property as indicated on the preliminary drawing by the Land Surveyor.
- Outline if municipal water and sewers are available at the lot line of the new lot.
- If no municipal services are available, please indicate the type of system used (i.e. septic system, cistern, etc. A Private Sewage System form with associated fee will need to be completed).
- Indicate the type of road that allows access onto the proposed new lot.
- Describe any existing and proposed buildings on the proposed new lot.
- Are there any other applications submitted at the same time for this property? Indicate the type and file number (if available).
- Has there ever been a plan of subdivision or consent application for this property? Provide the file number and decision if known.

- Has this particular property ever been severed by the current owner? If so, who has purchased the severed portion, when and file number (if known). Also describe what is currently on the property.

## SECTION E

- Indicate which part on the sketch is being retained.
- Indicate how the land is currently used and its future use, ie. Residential – single detached, Residential – townhouse.
- Provide the dimensions, **in metric**, of the property as indicated on the preliminary drawing by the Land Surveyor.
- Outline if municipal water and sewers are available at the lot line of the new lot.
- If no municipal services are available, please indicate the type of system used (i.e. septic system, cistern, etc.). A Private Sewage System form with associated fee will need to be completed.
- Indicate the type of road that allows access onto the proposed new lot.
- Describe any existing and proposed buildings on the retained lot, ie. Townhouse (With Interior Accessory Dwelling Unit), duplex, etc.

## SECTION F

- To be signed as an agreement to pick up and post a sign for the Public Hearing. You will be notified when to pick up the sign and where to post the sign. The sign needs to be posted on the property until the day after the Hearing.
- To allow staff and the Committee to go on the property if needed.
- To be signed as a confirmation that you have read all the requirements for the sketch and that they are included on the sketch that you are submitting as part of the application. Any missing information may delay your application. Please use the checkboxes in the Consent Sketch Instructions to ensure all information is on the sketch.

## SECTION G

- All** Owner(s) must complete the authorization form if someone else is to act on their behalf. Please note that if one owner is acting on behalf of the other(s), then that person is considered the agent.

## SECTION H

- To be signed by the owner(s), or the person who has been authorized as the agent to act on their behalf, when submitting the application to the Secretary-Treasurer. Do **not** sign this section prior to submission unless signed in the presence of a Commissioner

## CONSENT Sketch Instructions

1. This application **must** be accompanied by a fully dimensioned preliminary sketch in **metric units**, on an 11" x 17" paper size. signed and dated by an Ontario Land Surveyor showing the following information set out below.
2. The plans must be drawn to scale and must show the following applicable information. If the plans are larger than 11" x 17", 8 copies must accompany the application.
3. An elevation sketch with dimensions in metric units is also required.

4. Forward a digital copy of the sketch and/or pictures to the Secretary-Treasurer within two (2) days of submitting a complete application.

### **CHECK LIST**

- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the approximate distance between the subject land and the nearest city lot line or landmark, such as a bridge or railway crossing;
- the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained, in **metric** units;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells, pools, fences, driveways, porches/decks, sheds, hydro poles and septic tanks) that:
  - (i) are located on the subject land and on the land that is adjacent to it, and
  - (ii) in the applicant's opinion, may affect the application;
- Lot frontage is measured 6 metres from the front lot line, or 6 metres from the chord and parallel to the chord of the front lot line is a curve.
- the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*)
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, public travelled road, a private road or a right of way;
- if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- the location and nature of any easement affecting the subject land.
- a building envelope together with the location, width and length of existing and proposed driveways or parking areas and the height of all decks or porches from grade, proposed and existing;
- key map indicating the location of the property.
- Height for the elevation sketch is measured to the mid-point of the roof.

**Please refer to the attached example sketch.**

**SKETCH TO SHOW  
LOT**

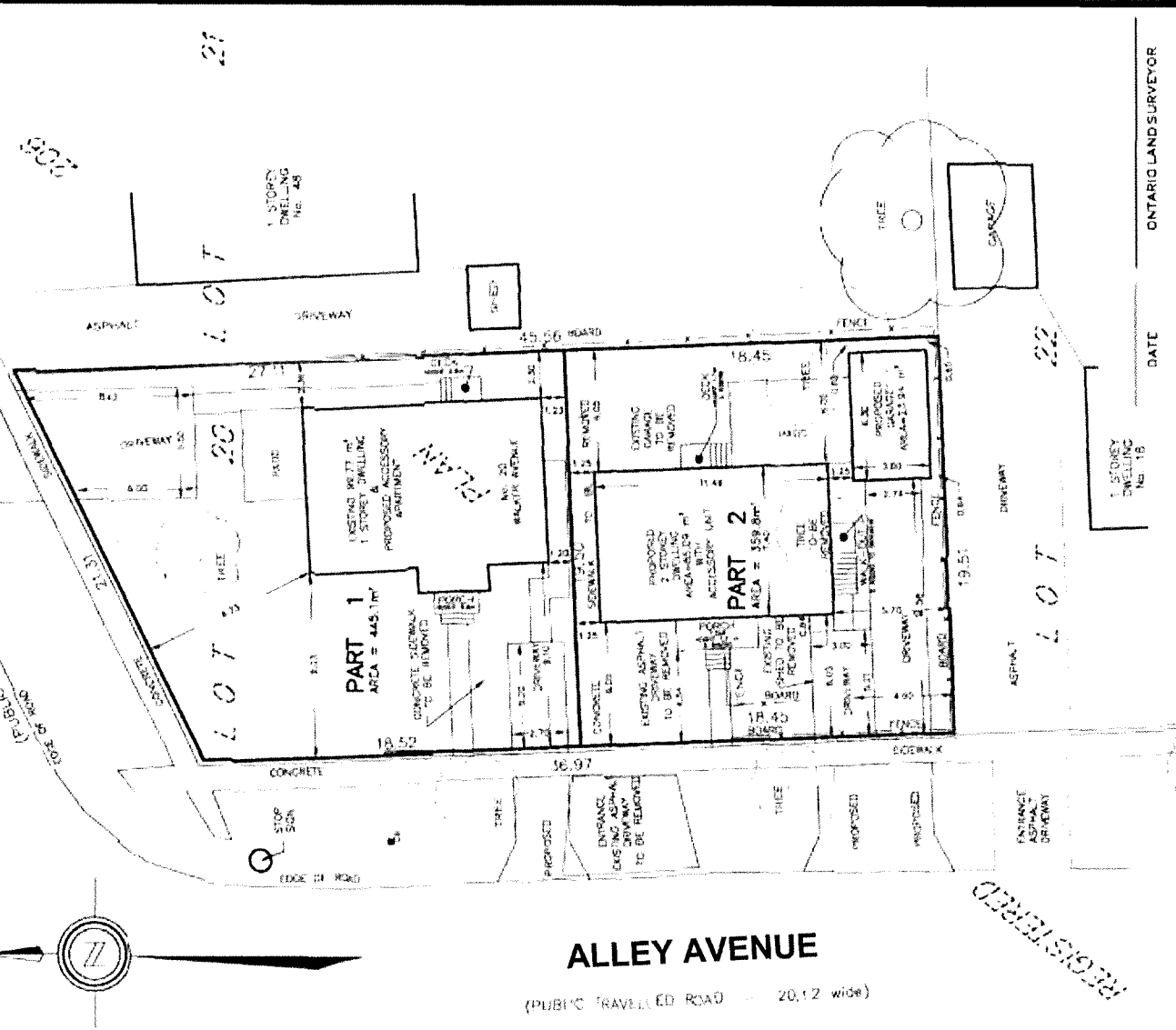
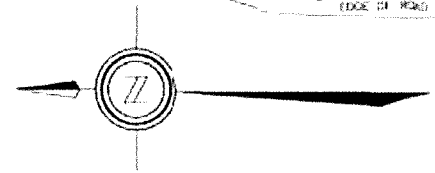
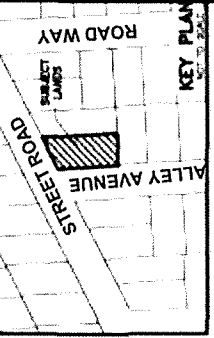
**REGISTERED PLAN  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1 : 200

0 5 10 15 METERS

**STREET ROAD**  
(PUBLIC TRAVELLED ROAD 20.11 wide)

**STREET ROAD**  
(PUBLIC TRAVELLED ROAD 20.12 wide)



**NOTE**

THIS SKETCH IS INTENDED FOR USE OF THE COMMITTEE OF ADJUSTMENT ONLY. MEASUREMENTS MAY VARY UPON FIELD SURVEY.

**METRIC NOTE**

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DATE \_\_\_\_\_ ONTARIO LAND SURVEYOR

**SAMPLE**

OPEN SPACE  
PART 1 = 231.4 m<sup>2</sup> (65.5X)  
PART 2 = 200.7 m<sup>2</sup> (55.6X)





**CONSENT Application  
Committee of Adjustment  
Planning & Building Services**

OFFICE USE ONLY	
Date Received:	Submission Number: B-
Application Deemed Complete <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Deemed Complete
Amanda Number:	
Roll Number:	

**\*PLEASE PRINT CLEARLY IN INK\***

Reviewed by (Name of City Planner):	Date:
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SECTION A – OWNER INFORMATION	
All Registered Owners (Indicate name(s) exactly as shown on the Transfer Deed of Land)	
First Name	Last Name
Address (Indicate Owner address exactly as shown on the Transfer Deed of Land)	
Number	Street
Unit	City
Province	Postal Code
Mailing Address (If different from Owner address as shown on the Transfer Deed of Land)	
Number	Street
Unit	City
Province	Postal Code
Phone Number	Email
Mortgagees, holders of charge or other encumbrances:	
Name	Number
Street	City
Province	Postal Code
SOLICITOR INFORMATION (If Known)	
Owner's Solicitor	
First Name	Last Name
Organization	
Address	
Number	Street
Unit	City
Province	Postal Code
Phone Number	Email

<b>AGENT INFORMATION</b> (Person to be contacted about the application if not the owner)			
Authorized Agent			
First Name		Last Name	
Organization			
Address			
Number Street		Unit City	Province Postal Code
Phone Number		Email	

<b>SECTION B - PURPOSE OF THE APPLICATION</b> (check all applicable boxes)	
<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling
<input type="checkbox"/> Addition to Lot	<input type="checkbox"/> Easement, See Below
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Partial Discharge of Mortgage
<input type="checkbox"/> Lease	
If a lot addition, identify the lands to which the parcel will be added:	
If an easement, identify the type and who it will benefit:	
Name and address of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged:	
Name	Street Unit City Province Postal Code

<b>SECTION C - LOCATION OF LAND</b>		
Legal Description (Street No. & Name of Street, Lot, Registered Plan, etc.)		
Easements or Restrictive Covenants		Type
<input type="checkbox"/> Yes <input type="checkbox"/> No		
Property Zone	City Official Plan	Regional Official Plan
Property Acquisition Date		







**SECTION F - POSTING OF A PUBLIC HEARING SIGN**

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application. A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

Each sign must remain posted beginning 21 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file too as evidence that you have met the Committee's requirements. Failure to post the sign as required may result in deferral of your application(s).

\*I understand that each sign must be posted at least 21 days before the hearing and will remain posted, and replaced if necessary, until the day following the hearing.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Property

\_\_\_\_\_  
Signature Owner/Agent

\_\_\_\_\_  
Date

**PERMISSION TO ENTER**

I authorize the members of the Committee of Adjustment and City Staff to enter onto the above property which is under application for the purposes of evaluating the merits of the application(s).

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature Owner/Agent

\_\_\_\_\_  
Date

**SKETCH REQUIREMENTS**

I hereby confirm that all the requirements, as outlined in the application information package, are reflected on the submitted sketch. I understand that my application will be considered incomplete until all the required information is submitted by the application deadline.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature Owner/Agent

\_\_\_\_\_  
Date

**SECTION G – AUTHORIZATION OF REGISTERED OWNER(S)**

If the applicant is not the owner of the land that is subject of this application, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

**Please Note:** *If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation’s SEAL (if any) should be affixed OR the words, “I have the authority to bind the Corporation” may be printed under the signing officer’s name instead of affixing the Corporate seal.*

Photocopies, e-signatures and/or faxed copies are not acceptable; this form must be submitted with ORIGINAL signatures.

I / We, the undersigned, being the registered owner(s) of the land that is subject to this consent application

Property Owner’s Name(s)

(Legal description and/or municipal address)

Hereby authorize \_\_\_\_\_  
First Name Last Name Company (if applicable)

As my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment for permission in accordance with Subsections 1 or 2 of Section 53 of the Planning Act, R.S.O. 1990.

Dated at the <input type="checkbox"/> Town <input type="checkbox"/> City	of
in the <input type="checkbox"/> County <input type="checkbox"/> Regional Municipality	of

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Property Owner Name

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Property Owner Name

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Property Owner Name

**SECTION H - AFFIDAVIT OF OWNER(S) OR AUTHORIZED AGENT**

The declaration below must be signed in the presence of a Commissioner for Taking Affidavits. This may be done when presenting your application at City Hall. Please make sure to bring your photo I.D. with a signature.

I / We,	of the <input type="checkbox"/> Town <input type="checkbox"/> City
Of	in the <input type="checkbox"/> County <input type="checkbox"/> Regional Municipality
Of	

solemnly declare that all the statements contained in this application are true and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

\_\_\_\_\_  
Signature of Owner, or Authorized Agent  
I have the authority to bind the Corporation

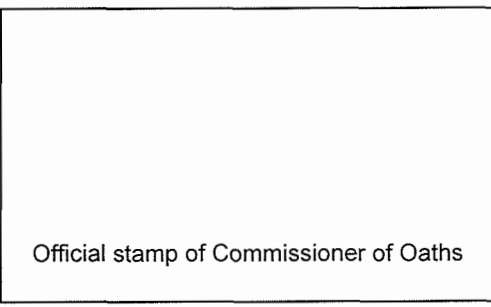
\_\_\_\_\_  
Signature of Owner, or Authorized Agent

**Please Note:** If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation's SEAL (if any) should be affixed OR the words, **"I have the authority to bind the Corporation"** may be printed under the signing officer's name instead of affixing the Corporate seal.

Declared before me at the <input type="checkbox"/> Town <input type="checkbox"/> City	of
in the <input type="checkbox"/> County <input type="checkbox"/> Regional Municipality	of

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
A Commissioner of Oaths



## WHAT HAPPENS AFTER YOUR APPLICATION IS FILED?

### Application Reviewed:

- \* Once an application has been filed, it will be reviewed for completeness. When an application is deemed complete, a Hearing Date will be assigned and you will receive an email notification to pick up a sign. Hearing dates are not guaranteed based on submission deadlines.

### Public Notice Sign Requirement:

- \* In accordance with the Planning Act, the applicant is required to post a sign on the subject property, prepared and provided by Committee staff. The sign must be posted for 21 days, as per Council's direction, prior to the hearing date and be placed in a location that is clearly visible and legible from a public highway. The applicant will need to sign a form indicating that the sign will be posted on the subject property and will remain posted up to and including the day of the Public Hearing. This form must be completed as part of the application.

**Failure to meet public notice requirements may result in deferral of the application.**

In addition, a Public Notice will be prepared and mailed out to all assessed property owners within 60 metres of the subject property.

### Staff Review:

- \* Once an application is submitted, it will be reviewed by staff and outside agencies for the purposes of providing comments and recommendations to the Committee of Adjustment. In the event an unforeseen issue or concern should arise or additional information (i.e. environmental and technical studies), the application may be deferred until all the requested information has been submitted and reviewed.

**If an application requires deferral by the applicant/agent AFTER the public notice has been released, applicable adjournment and/or recirculation fees will apply.**

### Staff Report & Comments Received:

- \* A Staff Report containing all comments and recommendations received from staff and outside agencies will be available on the Friday before your scheduled Hearing date. The Agenda and comments including the Staff Report will be emailed to you by the Secretary-Treasurer or Planning Technician and will be available on the City's website at [www.cityofstcatharines/CommitteeofAdjustment](http://www.cityofstcatharines/CommitteeofAdjustment).

### Attendance at Hearing:

- 1) The applicant (owner) and/or agent of the applicant **must** be present at the hearing
  - 2) The applicant/agent should be prepared to present their application before the Committee if required, explaining the nature of the application. The applicant/agent should be prepared to answer any questions by the Committee or members of the public.
  - 3) Take notice that if you do not attend this hearing, the Committee may adjourn the application or proceed in your absence and you will not be entitled to any further notice in the proceedings. **Adjournment and/or recirculation fees may apply.**
- \* The Notice of Decision will be mailed out one (1) week after the Hearing and will contain all applicable conditions of consent or Minor Variance, other documentation and important dates.



### **Conditions of Approval (Consent):**

- \* The applicant (owner) must fulfill all conditions imposed upon a **Provisional Consent** within a period of one (1) year from the date of the mailing of the Notice of Decision. Neither the Committee nor Staff have the authority to permit an extension to the one (1) year limitation. If the conditions are not cleared within the one (1) year limitation, the severance is considered lapsed and a new application is required.
- \* Some of the conditions that may apply include requirements for road widening, parkland dedication, a building permit to demolish an existing structure, a rezoning (or minor variance) to allow a new land use, a development agreement with the municipality to provide future services or facilities.

When the applicant has met all the conditions, the Secretary-Treasurer issues a Final Certificate and the severance goes into effect. The Final Certificate is to be registered on title within two (2) years of the date of the certificate, otherwise, the severance is considered lapsed.

### **Ontario Land Tribunal (OLT):**

- \* A Notice of Decision will be mailed to the applicant and/or agent and all persons who made a written or verbal submission at the Hearing or requested a copy of the Decision within 15 days after the decision has been made. There is a 20-day appeal period after the mailing of the Notice of Decision during which it may be appealed to the OLT. An appeal may be launched in two different ways:
  1. Applicant, Specified persons or public body may appeal a Committee of Adjustment's decision and any condition within 20 days of the notice of decision.
  2. The applicant may appeal if no decision is made within ninety (90) days from the date of receipt of the complete application by the Secretary-Treasurer.

Appeals must be filed with the Secretary-Treasurer, accompanied by reasons for the appeal and the appeal fee payable to the Minister of Finance. The appeal is forwarded to the OLT which is an independent administrative tribunal responsible for hearing appeals. When a decision is appealed, the OLT will hold a hearing where you will have the chance to present your case. Appealing a planning decision to the OLT is a serious matter. It can take considerable time, effort and in some cases, money for everyone involved. A hearing may last only a few hours if the matter is quite simple, but for more complicated matters, a hearing can last for several days. See the Notice of Decision, or visit <https://olt.gov.on.ca> for more information.

### **WHAT OTHER APPROVALS MAY BE REQUIRED?**

In addition to the planning approvals, a building permit may be required.

Any questions about the Committee of Adjustment process, or submitting an application, please refer to the Consent brochure, the application package or contact the Secretary-Treasurer at 905.688.5601 x1715, [jnahachewsky@stcatharines.ca](mailto:jnahachewsky@stcatharines.ca) or the Planning Committee Coordinator x1652, [rrisi@stcatharines.ca](mailto:rrisi@stcatharines.ca).