Committee of Adjustment
Consent Application Guidelines

HOW DO I APPLY?

Before you apply for a land severance, you should consult with planning staff. If several consents or severances are intended in the same area, a plan of subdivision may be more appropriate. Please contact Planning Services and speak with a planner to determine if consent is the best approach or if a plan of subdivision is necessary for the proper and orderly development of your lands.

There is base fee for processing the application. Additional review fees may require payment to the Regional Municipality of Niagara or the Niagara Peninsula Conservation Authority, where applicable. Rural applications may also be subject to Regional Public Health fees for septic systems review. A final certificate fee is required at the end of the process. To determine the current processing fees for your application, please contact the Secretary-Treasurer.

One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the Treasurer, City of St. Catharines.

As provided for in Ontario Regulation 197/96, as amended by 547/06, and as required by the Committee of Adjustment, an application must be accompanied by fifteen (15) copies of a preliminary drawing prepared in metric units, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one set of fifteen drawings plus one extra copy for each additional application will suffice.

- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- 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 on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream
banks, wetlands, wooded areas, wells and septic tanks;

- the existing uses on adjacent land, such as residential, agricultural and commercial uses;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- the location and nature of any easement affecting the subject land.
- A building envelope together with all proposed parking areas (dimensioned) for any proposed new building lots

WHO GETS NOTICE OF THE APPLICATION?

Consent applications are a public process and as such the City’s Committee of Adjustment must give notice of application before a decision is made. The Committee, through the City’s website, by mail and by a sign on the property gives notice of an application at least 14 days in advance of a decision. Any person or public body may submit his or her views to the Committee of Adjustment. The Committee of Adjustment may also consult with municipal and Regional Municipality of Niagara staff, other agencies, boards, authorities or commissions before making a decision.

WHEN IS A DECISION MADE?

The Committee of Adjustment makes its decision on the application at a public hearing. After the hearing, a notice of decision approving or refusing the application is mailed within 15 days of the decision being made, to any person or public body that requested to be notified. Once the notice of decision is given, a 20-day appeal period follows.

HOW IS THE SEVERANCE/CONSENT APPLICATION EVALUATED?

In considering each application for land severance, the Committee of Adjustment evaluates the merits of each proposal against criteria such as:

- Conformity with the official plan and compatibility with adjacent uses of land
- Compliance with the zoning by-laws
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- Adequacy of vehicular access, water supply, sewage disposal
- Need to ensure protection from potential flooding

WHAT ABOUT CONDITIONS OF SEVERANCE APPROVAL?
A severance approval may have certain conditions attached to it including requirements for road widenings, parkland dedication, a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the municipality to provide future services or facilities. Severance conditions must be met within one year. When the applicant has met all the conditions, the Secretary-Treasurer issues a certificate and the severance goes into effect. If the transaction originally applied for -- sale of property, for example -- is not carried out within two years of the date of the certificate, the severance is considered lapsed.

HOW CAN YOU GET INVOLVED?

If you are concerned about a severance application that may affect you, you should:

• find out as much as possible about the application
• write the Committee of Adjustment including a request to be notified of the decision

If the consent-granting authority knows about your concerns early in the process, it can take them into account before making a decision on the severance application.

WHAT RIGHTS OF APPEAL DO YOU HAVE? Appeals to the Ontario Municipal Board (OMB) can be made in two different ways: 1. any person or public body may appeal a Committee of Adjustment's decision and any condition within 20 days of the notice of decision. Appeals to changed conditions are must also be made within 20 days of the notice of decision. 2. The applicant may appeal if no decision is made within 60 days from the date of receipt of the complete application by the Committee of Adjustment. 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 Ontario Municipal Board (OMB) which is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. When a decision is appealed, the OMB will hold a hearing where you will have the chance to present your case. Appealing a planning decision to the OMB 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 or even weeks.

WHAT OTHER APPROVALS MAY BE REQUIRED? In addition to the planning approvals and building permits, which are needed for a building project, there may be other permits and approvals required in particular circumstances. For example, a septic tank permit is required for a new septic system or a fill permit from the Niagara Peninsula Conservation Authority if you wish to fill a ravine.
CONSENT APPLICATION

Please Type or Print in Ink

1. (a) Registered Owner(s): _________________________________________________
   Mailing Address: _______________________________________________________
   City: ___________________________ Province: _____________________________
   Postal Code: ____________ Telephone: _______________ Fax: ________________
   E-Mail Address: _______________________________________________________

(b) Owner's Solicitor (if any): ________________________________________________
   Mailing Address: _______________________________________________________
   City: ___________________________ Province: _____________________________
   Postal Code: ____________ Telephone: _______________ Fax: ________________
   E-Mail Address: _______________________________________________________

(c) Authorized Agent (if any): ________________________________________________
   Mailing Address: _______________________________________________________
   City: ___________________________ Province: _____________________________
   Postal Code: ____________ Telephone: _______________ Fax: ________________
   E-Mail Address: _______________________________________________________

(d) Please specify to whom all communications should be sent:
   Owner     Solicitor     Agent
2. (a) Type and purpose of proposed transaction: (Check appropriate box)

- Creation of New Lot
- Addition to Lot
- Mortgage or Charge
- Lease
- Easement
- Disposal of Surplus Farm Dwelling
- Farm Retirement Lot
- Partial Discharge of Mortgage
- Right-of-way

(b) If a lot addition, identify the lands to which the parcel will be added:

____________________________________________________________________
____________________________________________________________________

(c) Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged:

____________________________________________________________________

3. Location of land:

Concession No. ____ Lot(s) ____ Registered Plan No. ____ Lots(s) __________
Reference Plan No. _______________ Part(s) _____________________________
Name of Street ________________________ Street No. _______________________

4. SUBJECT LAND:

Description of subject land in metric units: Part No. on sketch __________

(a) Frontage _________ Depth ___________ Area ____________________________

(b) Existing Use _______________ Proposed Use __________________________

(c) Existing and proposed buildings and structures on the subject land:

Existing: _____________________________________________________________

Proposed: ___________________________________________________________
5. (a) Type of access to subject land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) What type of water supply is proposed for the subject lot? (Check appropriate box)

SUBJECT LOT

TYPE

Publicly owned and operated piped water supply

Lake

Well (private or communal)

Other (specify)

6. What type of sewage disposal is proposed for the subject lot? (Check appropriate box)

SUBJECT LOT

TYPE

Publicly owned and operated sanitary sewage system

Septic system (private or communal)

Other (specify)

7. RETAINED LAND:

Description of land to be retained in metric units: Part No. on sketch __________

(a) Frontage ___________ Depth ___________ Area _________________________

(b) Existing Use ______________ Proposed Use _______________________________
(c) Existing and proposed buildings and structures on the subject land:

Existing: _________________________________________________________________

Proposed: ________________________________________________________________

8. (a) Type of access to retained land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) What type of water supply is proposed for the retained land? (Check appropriate box)

<table>
<thead>
<tr>
<th>TYPE</th>
<th>RETAINED LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly owned and operated</td>
<td></td>
</tr>
<tr>
<td>piped water supply</td>
<td></td>
</tr>
<tr>
<td>Lake</td>
<td></td>
</tr>
<tr>
<td>Well (private or communal)</td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

9. What type of sewage disposal is proposed for the retained lot? (Check appropriate box)

<table>
<thead>
<tr>
<th>TYPE</th>
<th>RETAINED LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly owned and operated</td>
<td></td>
</tr>
<tr>
<td>sanitary sewage system</td>
<td></td>
</tr>
<tr>
<td>Septic system (private or communal)</td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

10. What are the current Plan designations of the land?

(a) City Official Plan ______________________________________________________

(b) Regional Policy Plan ____________________________________________________
11. What is the property zoned? _______________________________________________

12. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; an official plan amendment; a zoning by-law amendment; a minor variance or a consent?

Yes    No

(b) If the answer of (a) is “Yes”, give the file number and status of the application.

______________________________________________________________________
______________________________________________________________________

13. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes    No

(b) If the answer to (a) is “Yes”, please provide the following information:

File Number ___________________________________________________________________
Decision _____________________________________________________________________

14. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes    No

(b) If the answer to (a) is “Yes”, please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee’s (Purchaser’s) name _______________________________________________
Land Use on severed Parcel _______________________________________________
Date parcel transferred _______________________________________________
Consent file number (if known) B __________
15. Are there any existing easement or restrictive covenants affecting the land?

Yes    No

If “Yes” describe the easement or covenant and its effect: __________________________

16. Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged:

___________________________________________________________________________
___________________________________________________________________________

17. Is the application consistent with policy statements issued under subsection 3 (1) of the Act?

Yes    No

18. Is the subject land within an area of land designated under any provincial plan or plans?

Yes    No

19. If the answer to Section 18 is yes, does the application conform to the applicable provincial plan or plans?

Yes    No

20. As provided for in Ontario Regulation 197/96, as amended by 547/06 and as required by this Land Division Committee, an application must be accompanied by fifteen (15) copies of a preliminary drawing prepared in metric units, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one set of fifteen drawings plus one extra copy for each additional application will suffice.

(a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;

(b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;

(c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained in metric units;

(d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
(e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;

(f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;

(g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;

(h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;

(i) the location and nature of any easement affecting the subject land.

(j) for proposed new lots, surveyors are requested to show a building envelope together with all proposed parking areas (dimensioned) in accordance with the policies of the Committee of Adjustment and Planning Services department.

21. One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the Treasurer, City of St. Catharines.

22. **AFFIDAVIT**

I/We __________________________________________________________

of the City/Town/Township of _______________________________________

in the County/District/Regional Municipality of _________________________

All statements contained in this application are true, and I 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.

Declared before me at the _____ of ___________________

in the __________________ of _______________________

this day ______ of ________, 20__.

________________________________

A Commissioner etc.
AUTHORIZATION

Location of Subject Lands

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

I, We, the undersigned, being the registered owner(s) of the above lands hereby authorize:

___________________________________________________________________________

of the________________________ of __________________________________________
(Municipality)

to make application(s) on my/our behalf to the Committee of Adjustment for the City of St. Catharines for consent to convey an interest in the land in accordance with Subsection 1 of Section 53 of the Planning Act, R.S.O. 1990.

Dated at the__________ of______________ in the___________________ of ____________,
this ________ day of ________________, 20____.

________________________    _______________________________
Signature of Owner       (Name of owner - printed)

________________________    _______________________________
Signature of Owner       (Name of owner - printed)

_________________________    ________________________________
Signature of Owner       (Name of owner - printed)

NOTE: This form is only to be used for applications which are to be signed by someone other than the owner(s). If the applicant is a corporation, the corporate seal is to be affixed over the owner’s signature(s). Photocopies and/or faxed copies are not acceptable; this form must be submitted with ORIGINAL signatures.