

**FEE - \$500.00**

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## Applying for a Consent To Create a New Lot?

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### Tips that can help.

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**These tips are intended as a guide to help you decide if your proposed lot might qualify for a severance through the consent application process. There are other factors which may be considered in assessing your application for consent.**

#### **Is there an official plan for your area?**

Official plans are local land use planning documents adopted by a local municipality or planning board and approved by the province. They reflect provincial and local planning issues and, among other things, establish policies for lot creation.

Your proposed lot must conform to the requirements of the official plan and have regard to the Provincial Policy Statement under Section 3 of the *Planning Act*.

#### **Is there a zoning order or zoning by-law for your area?**

Local zoning by-laws or Minister's zoning orders may exist in your area. They set out specific requirements for new development (e.g. minimum lot size, frontage, acceptable access, etc.). Your proposed new lot must conform to any zoning controls.

Your municipal Clerk can help you interpret your local official plan and zoning by-law or zoning order.

#### **Is consent the way to go?**

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

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

#### **Where can new lots be created?**

Generally, only limited development is permitted in rural areas. This helps protect the natural environment, the natural resources and 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.

#### **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 will not be created where they are not compatible with 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.

#### **What kind of access do new lots need?**

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

Generally, this means:

- Lots should be located on publicly-owned road(s) which are maintained year round;
- A limited number of seasonal residential lots on private roads may be considered, on an in-fill 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.

#### **What kind of services do new lots need?**

In general:

- Where municipal sewer and water exist, lots should hook into that service;
- Where municipal services cannot be provided, municipally-owned communal services are preferred;
- A new lot must be acceptable for the installation of a septic tank and tile bed system and wells.

**How long does it take to have a lot severed?**

Prior to holding a meeting there is a requirement for at least 14 days to be allowed between the date that notice is published in a newspaper and the date of the hearing/meeting. After a decision is made by the Consent Granting Authority, a 20 day appeal period must elapse before the decision is final. These time requirements are prescribed by the *Planning Act* and cannot be changed. In order to expedite the approval process, we strongly recommend that you submit your application to the Clerk in draft so any deficiencies can be identified and remedied before the application is formally submitted.

**What happens to my application after I submit it to the Township of La Vallee?**

The Township of La Vallee Consent Granting Authority is required to give notice of a complete application to persons and agencies that may have an interest in the proposed consent. This can occur in two ways:

1. By mail or personal service to all landowners and any condominium corporation within 60 meters of the subject land; or
2. By publishing a notice in a local newspaper.

If the Township of La Vallee Consent Granting Authority 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 fulfil 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 Ontario Municipal Board within 20 days of the giving of the notice of decision.

If the Township of La Vallee Consent Granting Authority proposes not to approve the application, the Township will send a notice, giving the reasons for the proposed refusal. The applicant, or any person or public body, has up 20 days from the giving of the notice to appeal the decision to the Ontario Municipal Board. If at the end of 20 days there is no appeal, the decision to refuse becomes final.

The applicant can appeal the application to the Ontario Municipal Board if a decision has not been reached on the consent request within 60 days of the Township's receipt of an application that contains 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 Township to make a decision on the application within a reasonable time. If all the necessary information is submitted at the time of application, delays in processing the application can be avoided.

# Township of La Vallee

# Application for Consent

Under Section 53 of the Planning Act

NOTE TO APPLICANTS: This application form is to be used when applying to the Township of La Vallee for consent. In this form the term "subject" land means the land to be severed and the land to be retained.

## Completeness of the Application

The information in this form that must be provided by the applicant is indicated by **arrows** on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 41/95 made under the **Planning Act**. The mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided the application will be returned and will not be considered until the information and fee have been provided

The application form also sets out other information that will assist the Committee and others in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

- 5 copies of the completed application form and 5 copies of the sketch are required. The copies will be used to consult with Provincial Government agencies that may have an interest in the application.
- Measurements are to be in metric units.

## For Help

To help you understand the consent process and information needed to make a planning decision on the application, refer to the "Application Guide Q & A". For more information on the **Planning Act**, the consent process or provincial policies, please see the "Guide to Planning Applications" and the "Provincial Policy Statements".

You can also call the Municipal Office and speak with staff. Applications to be submitted to:

Township of La Vallee  
56 Church Road, P.O. Box 99  
Devlin, Ontario  
P0W 1C0  
Phone: 807-486-3452

## Submission of the Application

- One application form is required for each parcel to be severed.
- The applicable fee as indicated by the Township of La Vallee's Fee Schedule.

Please Print and Complete or (✓) Appropriate Boxes

## 1. Applicant Information

➤ 1.1	Name of Applicant	Home Telephone No.	Business Telephone No.
	Address		Postal Code
➤ 1.2	Name of Owner(s) (If different from the applicant). An owner's authorization is required in Section 11.1 if the applicant is not the owner.		
	Name of Owner(s)	Home Telephone No.	Business Telephone No.
	Address		Postal Code
1.3	Please indicate to whom all communications should be sent:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent

**2. Location of the Subject Land (Severed and Retained) Complete Applicable Boxes in Section 2.1**

Municipality		Township	Property Roll No. 59-16-000-000-
➤ 2.1	Property descriptor:	Lot/Section No.	Part No. Reference Plan No.
Other Information (parcel #, etc.)			Registered Plan No.
➤ 2.2	Are there any easements or restrictive covenants affecting the subject land? <input type="checkbox"/> No <input type="checkbox"/> Yes If <b>Yes</b> , describe each easement or covenant and its effect		

**3. Purpose of this Application**

➤ 3.1 Type and purpose of proposed transaction (✓ appropriate box):

Transfer   
 Creation of a new lot   
 Addition of a lot (see also 3.3)   
 An easement   
 Other purpose  
 Other   
 A charge   
 A lease   
 Correction of title

➤ 3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged.

➤ 3.3 If a lot addition, identify on the accompanying sketch the lands to which the parcel will be added.

**4. Servicing information regarding the subject land. (complete each section)**

**Severed**

**Retained**

		Severed	Retained
➤ 4.1	Dimensions	Frontage (m) (# of ft. x .3048)	
		Depth (m) (# of ft. x .3048)	
		Area (m)	
➤ 4.2	Use of Property	Existing Use(s)	
		Proposed Use(s)	
➤ 4.3	Buildings or Structures	Existing	
		Proposed	
➤ 4.4	Access (✓ appropriate space)	Provincial Highway (secondary or primary)	
		Municipal Road (maintained all year)	
		Municipal Road (seasonally maintained)	
		Other Public Road	
➤ 4.5	Water Supply (✓ appropriate space)	Right of Way	
		Publicly owned & operated piped water system	
		Privately owned & operated individual well	
		Privately owned & operated communal well	
		Lake or other water body	
	Other means		

		Severed	Retained
➤ 4.6	<b>Sewage Disposal</b> (✓ appropriate space)	Publicly owned & operated sanitary sewage system	
		Privately owned & operated individual septic tank*	
		Privately owned & operated communal septic system	
		Privy	
		Other means *A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.	
4.7	<b>Other Services</b> (✓ if service is available)	Electricity	
		School Bussing	
		Garbage Collection	
4.8	If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in section 4.4 above, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.		

## 5. Land Use

➤ 5.1 What is the existing Official Plan designation(s), if any of the subject land?

5.2 What is the zoning, if any, of the subject land?

5.3 Are any of the following uses or features on or adjacent to the subject land. (✓ appropriate boxes if any apply)

Use or Feature	On subject land	Adjacent to subject land- within 500 meters? (indicate distance)
An agricultural operation		
A landfill		
An industrial or commercial use (specify uses)		
An active railway line		
A Municipal Airport		

## 6. History of the Subject Land

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the **Planning Act**?  
 Yes  No  Unknown  
 If **Yes**, and if **known**, provide the Ministry or Municipal Application file number and the decision made on the application
- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
- 6.3 Has any land been severed from the parcel originally acquired by the owner of the subject land?  
 No  Yes  
 If **yes**, provide for each parcel severed the date of transfer, the name of the transferee and the land use.

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**7. Current Applications**

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- 7.1 Is the subject land currently the subject of a proposed Official plan or Official Plan amendment, Zoning By-Law amendment, a minister's zoning order, a minor variance, an approval or a plan of subdivision or a consent?
- Yes    No    Unknown

If **yes** and if **known**, specify the appropriate file number and status of the application.

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**8. Sketch**

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- 8.1 The application shall be accompanied by a sketch showing the information indicated below. Mandatory information **MUST** be included on the sketch. Other information must be provided if it applies to the subject property.
- The boundaries and dimensions of the subject land, the part that is to be severed and the part to be retained.
  - The existing use(s) on adjacent lands, such as rural, agricultural, commercial or industrial
  - 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.
  - 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 adjacent lands 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 systems.
  - The boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land
  - The distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge
  - The location and nature of any easement affecting the subject land.
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**9. Other Information**

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- 9.1 Is there any other information that you think may be useful to the Committee of Adjustments for the Township or other agencies in reviewing this application? If so, explain below or attach a separate sheet.
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**10. Affidavit or Sworn Declaration**

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- 10.1 Affidavit OR Solemn Declaration for the Prescribed information

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_

In the \_\_\_\_\_ of \_\_\_\_\_, make oath and say OR solemnly declare that the information required by Ont. Regulation 197/96 and all other information required in this application, including supporting documentation is true and I make this solemn declaration conscientiously believing it to be true knowing that it is of the same force and effect as if made under oath and by virtue of the **Canada Evidence Act**.

Sworn/Declared before me at the Township  
of La Vallee, in the District of Rainy River,  
this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_

} \_\_\_\_\_

Applicant

\_\_\_\_\_  
Commissioner for Oaths, etc.

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**11. Owner's authorization if the Owner is not making the Application**

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- 11.1 If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner **MUST** be included with this form or the authorization below must be completed.

**AUTHORIZATION OF OWNER FOR APPLICANT TO MAKE THIS APPLICATION**

I, \_\_\_\_\_, am the owner of the land that is the subject of this application for consent and, as evidenced by my signature below, I hereby authorize \_\_\_\_\_ to make this application on my behalf.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Owner

- 11.2 If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

**AUTHORIZATION OF OWNER REGARDING PERSONAL INFORMATION**

I, \_\_\_\_\_, am the owner of the land that is the subject of this application for a consent and for the purpose of the Freedom of Information and Protection of Privacy Act, I authorize \_\_\_\_\_ as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Owner

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**12. Consent of the Owner**

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**Consent of the Owner to the Use and Disclosure of Personal Information**

I, \_\_\_\_\_, am the owner of the land that is the subject of this consent application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Owner

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The Township of La Vallee will assign a File Number for complete applications and this should be used in all communications.

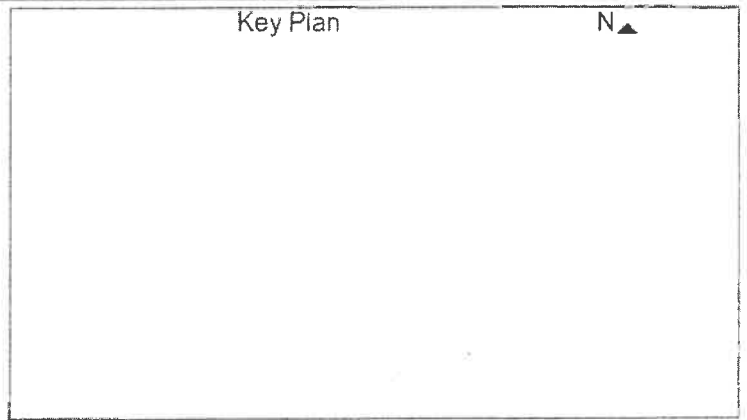
- Applicant's Checklist: Have you remembered to attach: (✓)
- Required number of copies of Application
  - Required number of copies of sketch
  - Copy of comments of local Health Unit
  - The required fee, payable to Township of La Vallee

Forward To: Township of La Vallee  
56 Church Road  
P.O. Box 99  
Devlin, Ontario  
P0W 1C0

Inquiries Call: (807) 486-3452

SKETCH SHEET

Sketch accompanying Application. (Use metric Units)  
(See Section 8)





Sample Sketch

Please Use Metric Units

To Convert	Multiply by	To Find
Feet	0.3048	Metres
Acres	0.4046	Hectares

Key Map

