

## Applying for consent to create a new lot?

### Helpful Tips

**This guide is to help applicants decide if the proposed new lot would qualify for a severance through the consent application process. There are other factors that may be considered in assessing your application for consent.**

### Early consultation

Prior to formally submitting an application, the applicant and/or agent(s) is strongly encouraged to contact staff of the regional Municipal Services Office of the Ministry of Municipal Affairs and Housing and the municipality to discuss the development proposal. Early consultation is beneficial as the applicant can review the proposal with staff and discuss what supporting documents and information may be required.

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

Official plans are municipal land use planning policy documents adopted by a municipality or planning board and approved by the province or an upper-tier municipality. These plans reflect provincial and municipal planning policy requirements and, among other things, establish policies for lot creation.

Any proposal must conform to the requirements of the official plan and shall be consistent with the Provincial Policy Statement (PPS).

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

Municipal zoning by-laws or Minister's zoning orders may exist in your area. These set out specific requirements/standards for new development (e.g., minimum lot size, frontage, acceptable access, etc.). All proposed new lots must conform to these zoning controls, if they exist in your area.

The clerk of the municipality, secretary-treasurer of the planning board or staff at the regional Municipal Services Office of the Ministry of Municipal Affairs and Housing can help with interpretation of official plan policies and the zoning by-law or zoning order requirements.

### 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 proposed 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 piped water servicing infrastructure are minor and can be done at no cost to the local municipality.

### Where can new lots be created?

Generally, only limited development is permitted in rural areas. This helps to protect the natural environment, the natural resources and the character of rural areas and also discourages the inefficient and costly expansion of municipal piped services.

New residential lots created for permanent, year-round use should be located in existing built-up areas.

If your area is not municipally organized, industrial or commercial lots can only be considered on or near a natural resource if they are dependant on that natural resource. For example, a small resort or campground next to a lake might be permitted. However, related uses such as residential lots to house employees must be located in nearby municipalities.

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.

# Consent Application Guide

## Where new lots are not allowed

Generally, new lots cannot be created in 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.

In areas without municipal organization, new permanent residential lots will not be created where they are in fringe areas of municipalities, unless in a planning area where policies allow permanent residential development. Seasonal lots are usually not permitted in areas where there is potential for conversion to year-round use.

Creation of new lots is not permitted where they are not compatible with surrounding land uses. For example, a new lot for a house would not be permitted adjacent 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 a publicly-owned road which is maintained year-round;
- a limited number of seasonal residential lots on private roads may be considered on an infill basis, provided they would not be converted to permanent residential use and they have registered rights-of-way with direct access to a public road;
- water access may be acceptable for cottage lots if the lots are on an island or in a remote location where future demand for road access is not anticipated. Lots should be located within a reasonable distance of publicly-owned and maintained parking, docking and boat launching facilities.

## What kind of services do new lots need?

In general:

- where municipal sewer and water services exist, lots should hook into those systems;
- where municipal servicing cannot be provided, municipally-owned communal servicing is preferred;

- in other areas, a new lot must be large enough and acceptable for the installation of individual septic system and individual well; lake water may be permitted subject to the approval of the local Health Unit.

## What happens to my application after I submit it to the Minister?

The Minister is required to give notice of an application to persons and agencies that may have an interest in the proposed consent.

This can occur in two ways: (i) by mail or personal service to all landowners and any condominium corporation within 60 metres of the subject land, or (ii) by publishing a notice in a local newspaper.

If the Minister 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, after which time 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 notice of decision being given.

If the Minister proposes not to approve the application, the Minister will give notice of the decision. The applicant, or any person or public body, has up to 20 days from the date of giving of 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 made on the consent request within 90 days of the Minister'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 Minister 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.