

Town of The Blue Mountains Consent to Sever Application Package

Town Clerk, Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, Ontario N0H 2P0
Tel.: (519) 599-3131
Fax: (519) 599-3018
Email: townclerk@thebluemountains.ca



NOTICE TO ALL APPLICANTS FOR CONSENT TO SEVER TO THE TOWN OF THE BLUE MOUNTAINS COUNCIL

1. It is ***strongly recommended*** that all applicants consult with Planning Services prior to preparing and submitting an application for consent to sever. This consultation will provide an opportunity to discuss the proposal with Planning Staff and to determine specific application requirements including any additional reports/studies that may be required. Information meeting request forms can be found on the Town of The Blue Mountains website at the following link: <https://www.thebluemountains.ca/planning-building-construction/land-use-planning>. Please return the completed form and all requisite information to planning@thebluemountains.ca. A fee of \$250.00 made payable to the Town of The Blue Mountains applies for formal information meetings.
2. Application fees are due at the time of submission and are required as part of a complete application. Fees may be paid by cash, debit, or by cheque made payable to "Town of The Blue Mountains". For up-to-date application fee information please visit the Land Use Planning page of the Town website: <https://www.thebluemountains.ca/planning-building-construction/land-use-planning>. In addition to the payment of any application fee and security deposits, all costs incurred by the municipality to advertise a Notice of Public Meeting regarding this application in a local newspaper shall also be borne by the applicant.
3. A separate application review fee may be required by the Conservation Authority if the subject property is within a regulated area. To determine if your property is within a regulated area please visit:

The Nottawasaga Valley Conservation Authority Permit Information:
<https://www.nvca.on.ca/planning-permits>

The Grey Sauble Conservation Authority Permit Information:
<https://www.greysauble.on.ca/submitting-permit-and-planning-applications/>
4. If your property is within the Development Control area of the Niagara Escarpment Plan, you will need separate approval from the Niagara Escarpment Commission, ***prior to*** applying for consent to sever. To determine if you property is within the Niagara Escarpment Plan Area, please visit: <https://escarpment.org/permits/>.
5. Please be aware that creating a new building lot will likely require additional fees, including Development Charges and Parkland Dedication fees. Fees may be payable prior to finalizing the consent.
6. Should the Municipality require any or all documents submitted to the Municipality by either the Applicant or their Agent, including any third-party documents, to be made accessible, the Applicant and/or their Agent agree to provide the Municipality with accessible copies at the Applicant and/or Agent's sole expense.

**INSTRUCTIONS AND INFORMATION REGARDING THE SEVERANCE PROCESS
PLEASE READ ALL OF THIS INFORMATION PRIOR TO SUBMITTING YOUR APPLICATION**

What is a Consent to Sever?

A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. Consent to sever is required if you wish to convey or create any interest or entitlement in land for a period that exceeds 21 years. The Town of The Blue Mountains Official Plan provides policies and requirements to guide the severance of land, including new lot creation, lot additions, and lot boundary adjustments, within the Municipality. These policies help to ensure that any division of land will not have a negative impact on the community.

Submitting Your Application

Before submitting an application for consent, it is strongly recommended that you contact Planning Services to discuss your proposal. This consultation helps to identify complete application requirements, associated fees, and an approximate timeline for processing the application. Information meeting request forms can be found on the Town of The Blue Mountains website at the following link:

<https://www.thebluemountains.ca/planning-building-construction/land-use-planning>. Please return the completed form and required fee of \$250.00 to planning@thebluemountains.ca.

The standard requirements for a complete consent application are listed on the application checklist on page five (5) of this package. Please note that one application is required for each new lot created (i.e. each application may have one severed parcel and one retained parcel). If the application is submitted by a property owner, all owners must sign the application forms. If the application is signed by an agent on behalf of an applicant, the attached agent authorization form must accompany the submission. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

Please take note that the “**DECLARATION OF OWNER OR AUTHORIZED AGENT**” section of the application must be signed in the presence of a Commissioner of Oaths. The Town provides this service free of charge, provided the application is submitted in person.

The complete application package and fees should be submitted to:

Town Clerk
The Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, Ontario N0H 2P0

Applications may also be submitted electronically by sending the completed application to planning@thebluemountains.ca. Note that the requisite number of hardcopies and fees will still need to be forwarded to Planning Services.

Please note that the application form, signatures and site sketch must be fully completed and legible in order to be processed. Failure to provide complete or legible information will result in a delay in processing the application.

After Submitting Your Application

Once your application has been submitted, Town of The Blue Mountains planning staff will review the submission. The application will not be processed unless all required information is provided. Once deemed to be complete, the application will be assigned a file number. Please refer to this file number for all correspondence with the Municipality.

It is important to consider that commenting agencies have their own requirements and may require separate planning review fees and/or additional reports or studies in order to process the application. Pre-consultation with planning staff will help to identify any of the additional information or fees required to process the application.

Notice of Application

Notice of Application will be sent out a minimum of 14-days prior to a Public Meeting. The Notice of Application will be circulated to all registered property owners within 60m of the subject lands, as well as municipal departments, and public agencies. Any person or public body may provide comments on the proposed consent to sever application.

Town staff will prepare a notice sign that the applicant is responsible for posting on the subject land. The sign must be placed in a conspicuous location on the land effected by the application and must be visible at all times. ***It is mandatory that this notice be posted within the minimum required timeframe.*** If the notice sign is not posted, or is posted late, the review and processing of the application will be delayed and may be subject to recirculation fees.

The Public Meeting

The Public Meeting will normally be held approximately thirty (30) days of receipt of an application. Town Staff and Council will hear all comments which have been forwarded to the attention of the Town Clerk at the Public Meeting. Anyone attending the Public Meeting in person will be given the opportunity to provide verbal comments. **It is strongly recommended that the applicant attend this meeting and provide an overview of their application request and be prepared** to address any questions or concerns that may be asked by members of the public or by Councilors. A decision on the file will not be made at the Public Meeting.

The Decision of Council and Conditions of Consent

Council will consider all comments received from commenting agencies, members of the public, and the recommendations contained in a municipal planning recommendation report. Council may decide to grant consent, grant a provisional consent, defer the application to a later date, or to deny the consent request. A "Notice of Decision" will be forwarded to the applicant and all required parties within 15- days following the decision.

Consent is Granted

If Council grants the consent without any conditions, then the applicant may proceed with the preparation of the necessary transfer documents for review and issue of the Certificate of Official by the Municipality. It is the applicant's responsibility to have the final stamped documents registered at the Land Registry to complete the consent.

Provisional Consent

If Council grants a "provisional consent", then the consent application is effectively approved subject to satisfying conditions of consent. It is the applicant's responsibility to ensure that all conditions of consent are met within two years, as set out in the "Notice of Decision". In order to receive the Certificate of Official and register the consent on title of the property, the Town of The Blue Mountains must receive confirmation that all conditions of consent have been satisfied within the required timeframe. Once confirmed, the applicant is responsible for providing the necessary documents to the Town for issue of the Certificate of Official. The fee for this service is included in the Severance (Consent) fee.

Failure to complete the conditions within the required time will result in a lapse of the approval and the previous decision of Council will be null and void. Standard conditions of provisional consent include: provision of a Draft Reference Plan, payment of parkland dedication fees or development charges, and the provision of a draft transfer schedule and legal description. The consent may also be conditional upon obtaining appropriate zoning for the lands. Please be aware that extensions to provisional consent deadlines are not possible.

Once the conditions of consent are cleared and the Certificate of Official is provided, then the applicant will have two (2) years from the date of the Certificate to register the Consent documents.

Deferred Application

If Council defers the application, reasons for the deferral will be provided and it is the applicant's responsibility to prepare and provide any additional information that may be requested by Council. When you are ready to proceed, contact the Town Clerk to schedule a new hearing date or final recommendation report. Please be aware that in some cases a re-circulation fee may be required if a second Public Notice is required.

Denied Application

If the application is denied, the application is refused and the proposed severance may not proceed.

Appeals

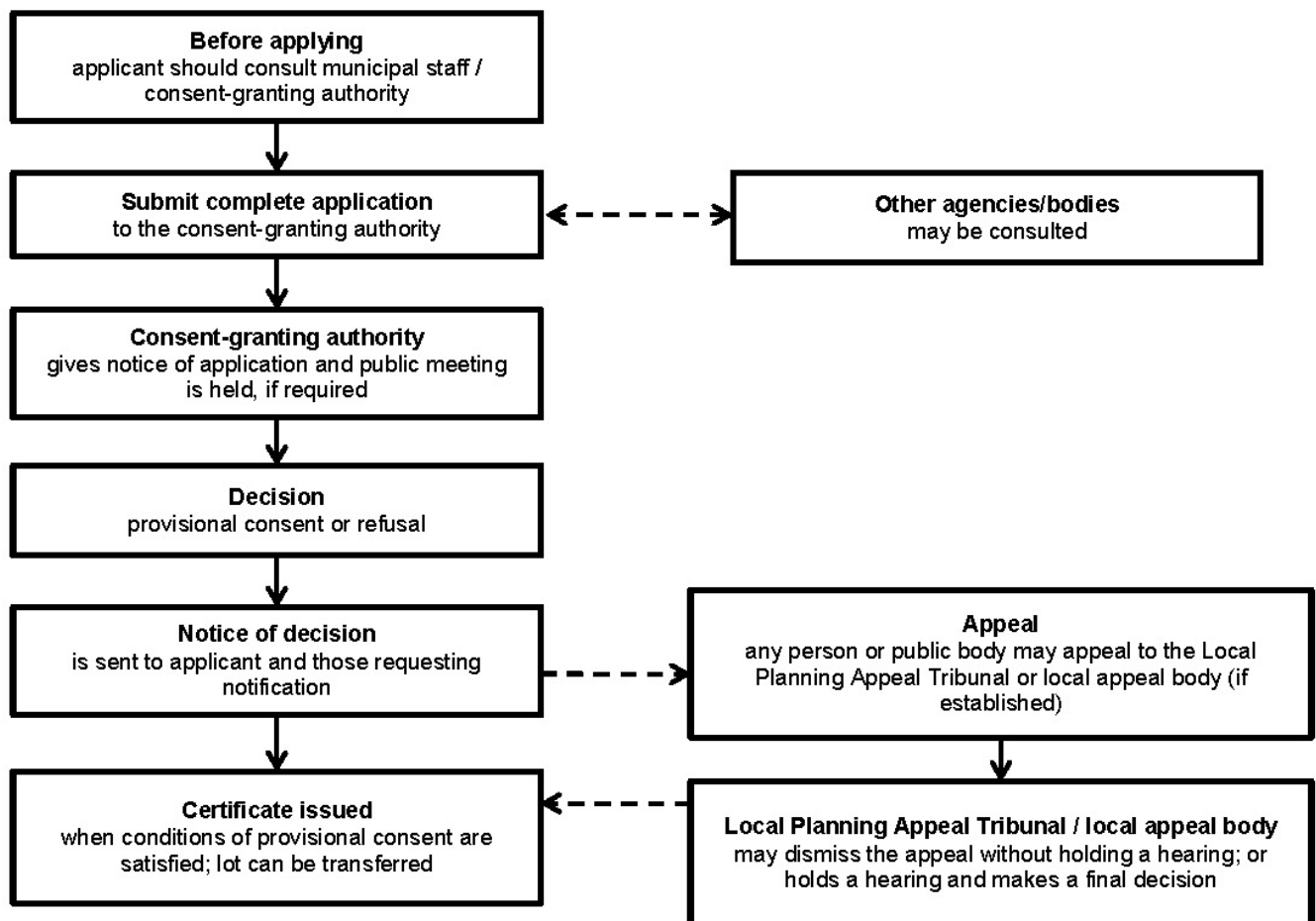
Once a decision is made on the application, a “Notice of Decision” will be mailed to all required parties within 15-days. Once the “Notice of Decision” is completed there is a 20-day appeal period that must be completed before the decision becomes final and binding. During the appeal period, specified persons may appeal the decision or any condition imposed by Council, or both, to the Ontario Land Tribunal by filing a notice of appeal with the clerk of the municipality.

To file an appeal, a duly completed appellant form and a letter outlining the reasons of the appeal must be forwarded to the Office of the Clerk of the Town of The Blue Mountains accompanied by the fee by the Ontario Land Tribunal.

Appellant forms can be obtained on the Ontario Land Tribunal website at the following link:
<https://olt.gov.on.ca/>.

After completion of the 20-day appeal period, the applicant will be provided a notice stating that either no appeals were received or that the application has been appealed to the Ontario Land Tribunal.

Flowchart: Land Severance Process



Source: Citizen's Guide to Land Severances, Ministry of Municipal Affairs and Housing, 2018

**CONSENT APPLICATION
Submission Checklist**

- Application Form (Complete and Executed)
- Agent Authorization Form (Complete and Executed)
- Permission to Enter Form (Complete and Executed)
- Municipal Consent to Sever Application Fee
- Conservation Authority Review Fee, if required
- One (1) copies of a sketch/plan, prepared in METRIC UNITS, on paper no larger than 8.5"x14" (a site sketch in imperial units will not be accepted). The site sketch must include the following information:
 - i) The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - ii) The approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
 - iii) The boundaries and dimensions of the subject land, including the part that is intended to be severed and the part that is intended to be retained (note: the land to be severed is to be outlined in RED and the land to be retained is to be outlined in GREEN);
 - iv) The location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - v) The approximate location of all natural and artificial features (for example roads, buildings including barns, railways, watercourses, wetlands, wooded areas, septic tanks etc.) that are located on the subject land and on land that is adjacent to it and, in the applicant's opinion, may affect the application
 - vi) The current uses of land that are adjacent to the subject land;
 - vii) 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;
 - viii) 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 approximate distance of these facilities from the land and the nearest public road; and
 - ix) The location and nature of any easement affecting the subject land.
- Additional/Supporting Information as required through the Pre-Consultation process
- A digital copy of all submitted information

NOTE: It may be determined that a sketch will not adequately display the necessary information to process the application. In such cases a plan prepared by an Ontario Land Surveyor may be required.

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APPLICATION FOR CONSENT TO SEVER

FOR OFFICE USE ONLY

APPLICATION RECEIVED (date) _____ SEVERANCE FILE NO: B _____

CONCURRENT APPLICATION _____ P-FILE NO: _____

FEE RECEIVED (receipt no., value, and description): _____

NOTE: Pursuant to subsection 53(2) of the *PLANNING ACT*, an applicant for a consent shall provide the prescribed information or material as the Municipality may require. The application form below represents the information prescribed by the Planning Act and contains additional information to assist Council and Municipal Staff in evaluating the application. Failure to provide adequate, correct information may result in the application being refused.

1. (a) **Name of Registered Owner:** _____
Address: _____

Tel. No.: _____ Email: _____

(b) **Name of Applicant:** _____
Address: _____

Tel. No.: _____ Email: _____

(c) **Name of Authorized Agent:** _____
Address: _____

Tel. No.: _____ Email: _____

2. **Communications should be sent to:**

Owner

Applicant

Authorized Agent

3. **The type and purpose of the proposed consent (for example, lot creation, a lot addition, an easement, a charge, a lease or a correction of title).**

4. If proposing new lot creation, confirm if a Certificate of Official is required for the retained lands.

_____ yes _____ no

If yes, the applicant shall provide a statement from a Lawyer that there is no land abutting the subject lands (ie. Severed and/or retained) that is owned by the Registered Owner(s) of the subject lands, other than land that could be conveyed in accordance with S. 50 of the Planning Act.

5. If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

Description of the subject land ("subject land" means the original parcel that is subject to this application):

Assessment Roll No.: _____

Concession No.: _____ Lot No.: _____

Registered Plan No.: _____ Lot(s)/Block(s): _____

Reference Plan No.: _____ Part(s): _____

Municipal Address: _____

6. Are there any easements or restrictive covenants affecting the subject lands?

YES

NO

If yes, please specify: _____

*NOTE: It is the applicant's responsibility to identify any/all easements or restrictive covenants affecting the lands.

7. Description of the land intended to be SEVERED:

a) Frontage (m): _____ Depth (m): _____ Area (m): _____

b) Existing Use: _____ Proposed Use: _____

c) Number and use of buildings and structures on the land to be severed:

Existing: _____

Proposed: _____

d) Type of Access to land to be severed:

Municipal Road County Road Provincial Highway Other

If other, please specify: _____

e) If access to the land will be by water only, identify the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

f) Is water supply provided by a municipally owned and operated water system?

YES

NO

If no, please specify source of water supply:

g) Is sewage disposal provided by a municipally owned and operated sanitary sewage system?

YES

NO

If no, please specify sewage disposal system:

8. Description of the land intended to be *RETAINED*:

a) Frontage (m): _____ Depth (m): _____ Area (m): _____

b) Existing Use: _____ Proposed Use: _____

c) Number and use of buildings and structures on the land to be retained:

Existing: _____

Proposed: _____

d) Type of Access to land to be retained:

Municipal Road County Road Provincial Highway Other

If other, please specify: _____

e) If access to the land will be by water only, identify the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

f) Is water supply provided by a publicly owned and operated water system?

YES

NO

If no, please specify source of water supply:

g) Is sewage disposal provided by a publicly owned and operated sanitary sewage system?

YES

NO

If no, please specify sewage disposal system:

9. What are the current Zoning By-law and Official Plan designations?

	Land to be Severed	Land to be Retained
Zoning By-law:	_____	_____
Official Plan:	_____	_____

If the severance is proposed on lands in a rural area then Schedule "A" must be completed and submitted with the application.

10. Is the proposal consistent with the policies of the Town of The Blue Mountains Official Plan?

YES NO

Please explain:

11. Has the subject land ever been subject to an application for a plan of subdivision under S. 51 of the Act or a consent under S. 53 of the Act?

NO YES File No.: _____ Status: _____

12. Has any land been severed from the parcel originally acquired by the current owner of the subject land?

NO YES

Date of Transfer: _____ Land Use: _____

Name of Transferee: _____

13. If known, whether the subject land is subject to any of the following applications under the Planning Act:

Official Plan Amendment NO YES File No.: _____
Status: _____

Zoning By-law Amendment NO YES File No.: _____
Status: _____

Minister's Zoning Order NO YES File No.: _____
Status: _____

Site Plan Application NO YES File No.: _____
Status: _____

Minor Variance NO YES File No.: _____
Status: _____

14. Please describe how the proposal is consistent with policy statements issued under Subsection 3(1) of the Planning Act:

15. Does the proposal conform to the requirements of the Zoning Bylaw?

YES

NO

Please explain:

16. Is the subject land within an area of land designated under any provincial plan(s) (i.e. Niagara Escarpment Plan)?

YES

NO

If yes, explain how the application conforms to or does not conflict with the applicable provincial plan(s):

Schedule "A": Agricultural Property History

This form is required to be completed for all severance proposals on lands within the agricultural/rural area. This form is not required for severance proposals within the Urban Settlement Areas Lora Bay, Thornbury, Clarksburg, Camperdown, Craigeith or Swiss Meadows.

1. What type of farming has been conducted on the property?

Beef Dairy Pigs Poultry Sheep Cash Crop
Other _____ Please specify: _____

2. a) How long have you owned the subject property? _____

b) Is the land being actively farmed? YES NO

If yes, for how long? _____

If no, when did farming cease? _____

Why did farming cease? _____

3. a) Area of the total farm holding: _____

b) Number of tillable acres: _____

c) Do you own any other farm properties? YES NO

If yes, please provide the legal description of the property:

d) Do you rent any other land? YES NO

If yes, please provide the legal description of the property:

4. a) Is there a barn on the parcel to be SEVERED? YES NO

If yes, please indicate:

Condition of the barn: _____

Present use of the barn: _____

Livestock capacity: _____

b) Is there a barn on the parcel to be RETAINED? YES NO

If yes, please indicate:

Condition of the barn: _____

Present use of the barn: _____

Livestock capacity: _____

c) Manure storage facilities on the subject lands:

Type: Dry-bedded Semi-solid Liquid Solid

5. Are there any barns on other properties within 300m of the proposed lot?

YES NO

If yes, then all barns must be shown on the application sketch, as shown on the rural site sketch example in the instructions and information portion of this package.

6. Has a residential/non-farm lot been previously severed from the farm holding?

YES NO



DECLARATION OF OWNER OR AUTHORIZED AGENT

I/We _____ of the _____
(Name of Owner or Authorized Agent) (e.g. Town of The Blue Mountains)

in the _____
(e.g. County of Grey)

make oath and solemnly declare that the information contained above and that the information contained in any documents that accompany this application is true and that I make this 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**.

For the purposes of the Freedom of Information and Protection of Privacy Act, I hereby 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 and correspondence purposes. Questions about this collection should be directed to the Town Clerk of the Town of The Blue Mountains.

It is understood and agreed that the fee submitted with this application covers only routine processing costs (ie. review by municipality, a Public Meeting and Consent documents, if approved). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (ie: Planning, Legal or Engineering Fees, OLT Hearing Costs, Agreements, Special Studies, other Approvals or Applications, and any other related matters), will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.

EXECUTION OF THIS DECLARATION MUST BE WITNESSED BY A COMMISSIONER OF OATHS.

Sworn or declared before me at the _____ of _____ in the
_____ of _____ this _____ day of _____ 20____

Applicant Signature

Applicant Name (Print)

I have authority to bind the Corporation

Commissioner of Oaths

Commissioners Seal



AUTHORIZATION OF APPLICANT/AGENT

I/We, the undersigned, being the registered owner(s) of

(Legal description or municipal address)

in the Town of The Blue Mountains, hereby authorize

(Print name of agent and/or company)

as my/our agent for the purpose of submitting application(s) to the Town of The Blue Mountains and acting on my/our behalf with respect to the application. The authority granted by this authorization shall continue until I shall have revoked such authority in writing, and delivered such written revocation to The Town of The Blue Mountains Planning and Development Services Department. No such revocation shall invalidate any action taken by the authorized applicant/agent prior to the date The Town of The Blue Mountains received such written revocation.

Dated the _____ day of _____, 20__.

(Signature of owner or signing officer)

(Please print the full name and position of the individual signing)

I have authority to bind the Corporation _____

(Name of corporation, if applicable)

(Signature of owner or signing officer)

(Please print the full name and position of the individual signing)

I have authority to bind the Corporation _____

(Name of corporation, if applicable)



PERMISSION TO ENTER

Date: _____

Planning Services
Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, Ontario N0H 2P0
Tel.: (519) 599-3131
Fax: (519) 599-3018

To Whom It May Concern,

RE: Application for Consent to Sever

Location of Land: _____
(Municipal Address)

I hereby authorize the members of Council and members of staff of the Town of The Blue Mountains to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of owner or authorized agent

Please print name