

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

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.

<p>INSTRUCTIONS AND INFORMATION REGARDING THE SEVERANCE PROCESS PLEASE READ ALL OF THIS INFORMATION PRIOR TO SUBMITTING YOUR APPLICATION</p>
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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:

Planning Services
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, Planning Services 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 and Decision Date

Notice of Application will be sent out a minimum of 14-days prior to a Public Meeting. The Notice of Application and Decision Date 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.

Delegated Approval Authority

Decisions on consent applications are delegated to the Director of Planning & Development Services, provided they are uncontested. Applications that also require approval from the Committee of Adjustment under Section 45 of the Planning Act or those that are contested require a decision by the Committee of Adjustment. Uncontested applications are those for which no comments have been received or for which comments have been received with concerns that can be addressed through conditions. Contested applications are those for which comments have been received that cannot be addressed through conditions or those for which the applicant is not satisfied with the recommendation of Planning Staff.

Decision and Conditions of Consent

The delegated approval authority will consider all comments received from commenting agencies, members of the public, and the recommendations contained in a municipal planning recommendation report. The delegated approval authority 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 the consent is granted 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 the delegated approval authority 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 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 the delegated approval authority 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 the delegated approval authority. When you are ready to proceed, contact Planning Services to schedule a new decision 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

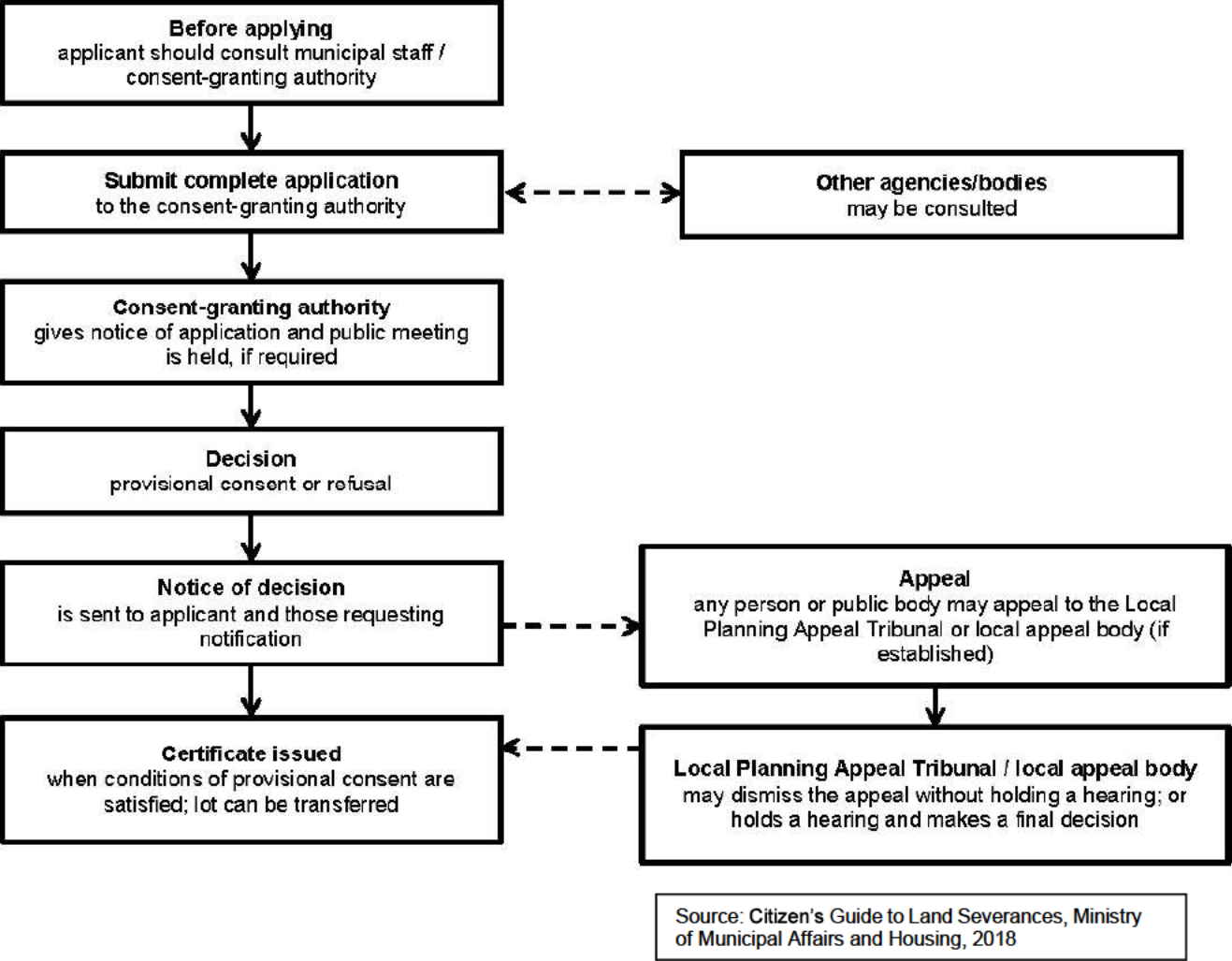
Once a decision is made on the application, a “Notice of Decision” will be mailed to all required parties within 15-days. Once the “Notice of Decision” is completed there is a 20-day appeal period that must be completed before the decision becomes final and binding. During the appeal period, specified persons may appeal the decision or any condition imposed by the delegated approval authority, 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



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) copy 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 in evaluating the application. Failure to provide adequate, correct information may result in the application being refused.

1. (a) **Name of Registered Owner:** Botden Orchards Ltd.

Address: 67480 33rd Sideroad, Thornbury, ON, N0H 2P0

Tel. No.: 519-378-4480 Email: gerbebotden@gmail.com

(b) **Name of Applicant:** Same as owner

Address: _____

Tel. No.: _____ Email: _____

(c) **Name of Authorized Agent:** Zelinka Priamo Ltd (c/o Danieli Sikelero Elsenbruch)

Address: 318 Wellington Road, London, ON, N6C 4P4

Tel. No.: 519-474-7137 Email: danieli.s@zpplan.com

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).

Consent to sever to create a new lot for the construction of a single-detached dwelling associated with the ongoing special agricultural activities (apple orchard) on the remainder of the severed lands. The purpose of the severance is so Mr. Botden can construct a new home for his family proximate to his family business.

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.

Gerbe Botden & Emily Botden

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

Assessment Roll No.: 4242000015146010000

Concession No.: COLLINGWOOD CON 12 Lot No.: PT LOT 32

Registered Plan No.: RP 16R11205 PART 1 Lot(s)/Block(s):

Reference Plan No.: Part(s):

Municipal Address: 357069 The Blue Mountains Meaford Townline Road

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): 198.7 Depth (m): 474.7 Area (m): 11.3ha

b) Existing Use: Apple orchard Proposed Use: Apple orchard with associated farm

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

Existing: N/A

Proposed: One farm dwelling

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:

N/A

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

YES ☐

NO ☒

If no, please specify source of water supply:

New private well is proposed for the farm dwelling

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

YES ☐

NO ☒

If no, please specify sewage disposal system:

New septic system is proposed for the farm dwelling

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

a) Frontage (m): 20.1 Depth (m): 1,359.3 Area (m): 26.6ha

b) Existing Use: Apple orchard Proposed Use: Apple orchard

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

Existing: N/A

Proposed: N/A

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:

N/A

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

YES ☐

NO ☒

If no, please specify source of water supply:

Surface runoff and tile drainage

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

YES ☐

NO ☒

If no, please specify sewage disposal system:

N/A

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

	Land to be Severed	Land to be Retained
Zoning By-law:	'SA' Zone and 'H' Zone	'SA' Zone, 'A' Zone, and 'H' Zone
Official Plan:	Special Agricultural, Agricultural, and	Special Agricultural, Agricultural, and Hazard

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:

Please refer to the enclosed Planning Justification Report.

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? Unknown

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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	File No.:	Status:
Zoning By-law Amendment	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	File No.: Concurrent application	Status:
Minister’s Zoning Order	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	File No.:	Status:
Site Plan Application	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	File No.:	Status:
Minor Variance	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	File No.:	Status:

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

Please refer to the enclosed Planning Justification Report.

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

YES ☐ NO ☒

Please explain:

The ZBA application seeks to implement a site-specific “Special Agricultural (SA) Zone” for the retained lands to bring the lot into compliance with the Zoning By-law. The following special provision is required: to permit a lot frontage of 20.1m.

The severed lands conform with the requirements of the Zoning By-law.

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, Craigleith or Swiss Meadows.

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

Beef ☐ Dairy ☐ Pigs ☐ Poultry Sheep ☐ Cash Crop ☒
Other _____ Please specify: Apple Orchard

2. a) How long have you owned the subject property? April 21, 2021

b) Is the land being actively farmed? YES ☒ NO ☐

If yes, for how long? Current orchard was planted in June 2022

If no, when did farming cease? _____

Why did farming cease? _____

3. a) Area of the total farm holding: 38.8ha

b) Number of tillable acres: 70 acres

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

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

CON 11 N PT LOT 17; CON 10 E PT LOT 28; PLAN 562 LOT 61 PT LOT 60 AND RP 16R9042 PART 2; PLAN 562 PT LOT 62 RP 16R9068 PART 1; and, COLLINGWOOD CON 11 S PT LOT 28

d) Do you rent any other land? YES ☒ NO ☐

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

CON 11 N PT LOT 17; CON 10 E PT LOT 28; PLAN 562 LOT 61 PT LOT 60 AND RP 16R9042 PART 2; PLAN 562 PT LOT 62 RP 16R9068 PART 1; and, COLLINGWOOD CON 11 S PT LOT 28

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. Please refer to the enclosed Planning Justification Report

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

YES ☒ NO ☐



DECLARATION OF OWNER OR AUTHORIZED AGENT

I/We Danieli Sikelero Elsenbruch of the City of London
(Name of Owner or Authorized Agent) (e.g. Town of The Blue Mountains)
in the County of Middlesex
(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 City of London in the
County of Middlesex this 26 day of May 2025

[Redacted Signature]
Applicant Signature

Danieli Sikelero Elsenbruch
Applicant Name (Print)

☐ I have authority to bind the Corporation

[Redacted Signature]
Commissioner of Oaths

Mathew Braden Campbell, a Commissioner, etc.,
Province of Ontario, for Zelinka Priamo Ltd.
Expires August 26, 2025.

[Redacted Seal]
Commissioners Seal



AUTHORIZATION OF APPLICANT/AGENT

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

Please refer to the enclosed Authorization Form

(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: 2025-05-26

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: 357069 The Blue Mountains Meaford Townline Road
(Municipal Address)

I hereby authorize the members of the Committee of Adjustment 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

Danieli Sikeleru Eisenbruch
Please print name

June 2024



Zelinka Priamo Ltd.

LAND USE PLANNERS

AUTHORIZATION AS AGENT

TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 357069 The Blue Mountains Meaford Townline Road, Thornbury, ON.

Botden Orchards Ltd. / Gerbe Botden

Property Owner

Authorized Signature

April 16, 2024

Date