

## PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment and Land Division is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by advertising in a newspaper which has general circulation in the area. In addition, and by policy of the Town Council and the Committee of Adjustment and Land Division, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "Land Severance - A Suggestion to the Applicant".

Section 69(3) of The Planning Act states that a filing fee may be paid "under protest" and thereafter appealed to the Ontario Municipal Board against the levying of the fee or the amount of the fee, by giving written notice of appeal to the Ontario Municipal Board within 30 days of payment of the fee.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application. To assist the members and other Interest persons or agencies in locating the lands under consideration, the applicant will be required to place one or more posters on the lands subject of the application. The poster and instructions for its use will be mailed to the applicant/agent/solicitor with the notice of hearing.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Ontario Municipal Board within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by Cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Ontario Municipal Board. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Ontario Municipal Board.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions Imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

## POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

The requirements to complete one application are:

One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.

A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).

Fifteen (15) copies of a preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information referred to in item 14 of the application form.

Payment of the appropriate fee. Cheques are to be made payable to "Town of Grimsby". (See enclosed fee tariff).

If an application is being made to convey a parcel of land together with or subject to a right-of-way or easement, a separate application form and fee will not necessarily be required for the right-of-way or easement.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

That payment of 5% of the value of the subject parcel be made to the local municipality for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.

That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

That land be deeded gratuitously to the local or Regional municipality for road widening purposes.



COMMITTEE OF ADJUSTMENT AND CONSENT  
TOWN OF GRIMSBY  
THE PLANNING ACT – SECTION 53  
APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

File No. \_\_\_\_\_

1. (a) Registered Owner (s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ e-mail: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

(b) Owner's Solicitor (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ e-mail: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

(c) Authorized Agent (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ e-mail: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

(d) Please specify to whom all communications should be sent:

Owner

Solicitor

Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

Creation of New Lot

Disposal of Surplus Farm Dwelling

Addition to Lot

Farm Retirement Lot

Mortgage or Charge

Partial Discharge of Mortgage

Lease

Right-of-way

Easement \_\_\_\_\_

(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. Are there any existing easements or restrictive covenants affecting the land?

Yes

No

If "Yes" describe the easement or covenant and its effect: \_\_\_\_\_

4. Location of land:

Municipality (City/Town/Township) \_\_\_\_\_

Former Municipality \_\_\_\_\_

Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Name of Street \_\_\_\_\_ Street No. \_\_\_\_\_

5. Description of subject land: 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: \_\_\_\_\_

6. Description of land to be retained: Part No. on sketch \_\_\_\_\_
- (a) Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_
- (b) Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_
- (c) Existing and proposed buildings and structures on the subject land to be retained:
- Existing: \_\_\_\_\_
- Proposed: \_\_\_\_\_

7. (a) Type of access to subject land:
- Provincial Highway  Regional Road
- Municipal Road maintained all year  Other Public Road
- Municipal Road maintained seasonally  Right-of-way
- Water Access  Private Road
- (b) Type of access to retained land:
- Provincial Highway  Regional Road
- Municipal Road maintained all year  Other Public Road
- Municipal Road maintained seasonally  Right-of-way
- Water Access  Private Road

8. What type of water supply is proposed: (Check appropriate space)

Type	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water supply	<input type="checkbox"/>	<input type="checkbox"/>
Lake	<input type="checkbox"/>	<input type="checkbox"/>
Well (private or communal)	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/> _____	<input type="checkbox"/> _____

9. What type of sewage disposal is proposed? (Check appropriate space)

Type	PROPOSED LOT	RETAINED LOT
Publicly owned and operated Sanitary sewage system	<input type="checkbox"/>	<input type="checkbox"/>
Septic system (private or communal)	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/> _____	<input type="checkbox"/> _____

10. What is the current designation of the subject land in any applicable official plan?
- (a) Local Municipal Official Plan \_\_\_\_\_
- (b) Regional Policy Plan \_\_\_\_\_
11. (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 \_\_\_\_\_
12. (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 know) B
13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an official plan amendment; a zoning bylaw amendment; a minor variance?
- Yes  No
- (b) If the answer of (a) is "Yes", give the file number and status of the application.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
14. As provided for in Ontario Regulation 197/96, and as required by this COMMITTEE OF ADJUSTMENT, an application must be accompanied by fifteen (15) copies of a preliminary drawing prepared, 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;
- (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 travelled 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 an easement affecting the subject land.
15. 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 Town of Grimsby.

**DECLARATION**

Dated at the Town of Grimsby this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I/We, \_\_\_\_\_ of the City/Town/Township of \_\_\_\_\_

In the County/District/Regional Municipality of \_\_\_\_\_

solemnly declare that all the 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 the virtue of the Canada Evidence Act.

Declared before me at the Town of Grimsby )  
in the Regional Municipality of Niagara this )  
 )  
 )  
 day of \_\_\_\_\_, 20\_\_\_\_ )  
 )  
 ) \_\_\_\_\_

\_\_\_\_\_  
A Commissioner, etc.  
\_\_\_\_\_

**AUTHORIZATION**

**TO THE SECRETARY/TREASURER,  
COMMITTEE OF ADJUSTMENT FOR THE TOWN OF GRIMSBY.**

I/We \_\_\_\_\_  
(Name of Owner(s))

Being the Owner of the property known municipally as \_\_\_\_\_

Hereby authorize \_\_\_\_\_  
(Name and Address of Solicitor/Agent)

to act as my/our Agent with respect to the above noted submission and this is my/our good, full and final authority to do so.

OWNER PER: \_\_\_\_\_

PLEASE NOTE: Personal Information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: **Town Clerk P.O. Box 159, 160 Livingston Avenue, Grimsby, ON L3M 4G3 (P) (905) 945-9634 (Fax) 905-945-5010**

**PERMISSION TO ENTER**

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Date: \_\_\_\_\_

**Secretary-Treasurer Committee of Adjustment  
Town of Grimsby  
160 Livingston Ave.,  
Grimsby ON  
L3M 4G3**

Dear Secretary-Treasurer:

RE: Application to Committee of Adjustment

Location of Land: \_\_\_\_\_(Municipal Address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the Town of Grimsby and the Region of Niagara 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