

**Application for
CONSENT
To Create a New Lot**

The Corporation of the
Municipality of Neebing
4766 Highway 61
Neebing, ON P7L 0B5
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TIPS THAT MAY HELP

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. Other factors may be considered in assessing your application for consent.

→Review the Official Plan Provisions for your Area

Official Plans are local land use planning documents adopted by the municipality and approved by the Province. They reflect provincial and local planning issues and, among other things, establish policies for lot creation.

Your proposed lot (or lots) must conform to the requirements of the Official Plan, and must be consistent with the Provincial Policy Statement established under Section 3 of the Planning Act.

→Review the Zoning By-law Provisions for your Area

The Zoning By-law sets out specific requirements for new development. There are rules for all sorts of things such as minimum lot size, frontage on maintained roads, etc. Your proposed new lot (or lots) must conform to the zoning controls.

The Municipal Clerk can assist you in interpreting the applicable Official Plan and Zoning By-law.

→Consider Whether a Consent Process is Best

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

- Only one or two new lots are proposed;
- No more than two lots have already been severed from the land parcel since October of 1972, when approval of lot creation became mandatory; and
- The new and remaining lots will have direct access to an existing publicly owned and maintained road.

→Where New Lots CAN 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 it discourages the inefficient provision of services.

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

Commercial or industrial lots can be created on a major municipal road or provincial highway. A Zoning By-law amendment may be necessary for this type of consent.

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.

The Thunder Bay District Health Unit is an agency that comments on all consent applications. A fee may be applicable for their checking out the property in question – this is in addition to any fees paid to the Municipality.

→Where New Lots CANNOT be Created

Generally, lots cannot be created on provincially significant wetlands, prime agricultural lands, lands with mineral aggregate resources, lands prone to hazards like flooding or rock falls, or areas where fish or wildlife species' habitats, particularly those of endangered species, will be disturbed.

New lots cannot be created where they are not compatible with surrounding land uses. For example, a new lot for a residential use would not be permitted on property next to a landfill site.

→Required Access for New Lots

Any new lot must provide safe, long-term access for all vehicles, including service and emergency vehicles. Generally, this means:

- Lots should be located on publicly-owned roads 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;
- 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 may be located within a reasonable distance to publicly owned and maintained parking, docking, and boat launching facilities.

→Service Needs for New Lots

A new lot must be acceptable for the installation of a septic tank and tile bed system (or a similarly functioning system approved by the Thunder Bay District Health Unit).

A new lot must be acceptable for the installation of a well that will provide an adequate quantity and quality of water for the proposed use.

Lake water for cottage lots may be permitted, subject to the approval of the appropriate Provincial Ministry or agency.

→Fees

Fees in addition to those paid to the Municipality may be required to be paid to reviewing agencies. There will also be costs associated with obtaining land surveys. Applicants may choose to retain professionals (such as planning consultants, lawyers, and/or paralegals) to assist them, and all fees paid to those professionals are the responsibility of the Applicant.

→The Application Process

The Municipality 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 – by either mail or personal service to all landowners and condominium corporations within 60 metres of the land in question, or by publishing a notice in the local newspaper.

The notice and circulation of the application will be done promptly once the application is complete. Some agencies may require site visits to formulate their responses and will require the time necessary to do that.

The Committee of Adjustment will convene a meeting date for the purposes of reviewing the application and making a decision. This is a formal hearing process. Typically, the date of the meeting will be within 90 days of the date of filing of a complete application –circumstances that are more complex may require more time. To avoid further delays, it is highly recommended that the Applicant attend this meeting should the Committee have any further questions.

Approval decisions may be accompanied by conditions. If so, the conditions must be fulfilled prior to the granting of the consent. **Fulfillment of all conditions and the transfer of the new lot or lots must all occur within one year of the date of the decision.**

When a decision is made, notice of that decision is circulated to the same persons and agencies that received notice of the original application, as well as any other person who formally requested notice. Any of those people may appeal the decision to the Ontario Municipal Board. The applicant may also appeal the decision to the Ontario Municipal Board – this may occur if the application is denied or if there is concern or disagreement about any of the imposed conditions. Appeals must be submitted within 20 days of receipt of the notice of decision. If there are no appeals within that period, then the decision becomes final. If there is an appeal, the matter is in the hands of the Ontario Municipal Board. A hearing will be convened for the Board to hear proponents and opponents of the matter and the Board will make a decision that replaces the one made by the Committee of Adjustment. That process can take a significant amount of time to be completed.

POLICY FOR CONSENT APPLICATIONS

All applications must be complete and must have original signatures. Applications must be signed in front of a Commissioner for Taking Affidavits in Ontario. Commissioning services are available at the Municipal Administrative office. The Planning Act does not allow the Municipality to accept signatures from persons holding Power of Attorney over Property for others. Faxed applications may be submitted, but a hearing will not be scheduled until the office has the original application.

All questions on the application must be completed. If you do not know the answer to any of the questions, Municipal staff may be able to assist you; however, Municipal staff cannot fill in your application for you.

All diagrams submitted with the application must be complete and all relevant distances must be indicated. All buildings must be on the diagram and all neighbouring properties must be shown, including buildings on those properties (to the best of the Applicant's ability). Where the property has variations in topography, contour lines should be included to illustrate hills, valleys, cliffs, fields, streams, rivers, etc. Forested areas must be designated.

An application will only be processed once it is fully complete. Municipal staff cannot accept an application if there is information or signatures missing. Please ensure that everything is filled out and signed/commissioned before the application is filed with the office.

Once your application has been accepted and is ready for processing, there is a 20-day circulation period during which the application is sent to all abutting landowners within 60 metres of your property (all boundaries), Provincial Ministries, and commenting agencies. A public meeting (hearing) will be convened where the Committee of Adjustment will hear from any person who wishes to comment, whether in support of, or in opposition to, the application – in person or in writing. Additional information may be presented at the hearing and it is highly recommended that the Applicant attend this hearing should the committee have additional questions. The Committee may make a decision at that time or it may require further information. When the decision is made, it is circulated to the same persons and agencies who received notice of the original application. Those persons (and the applicant) have 20 days to appeal the decision (or any part of it) to the Ontario Municipal Board. If there is no appeal, the decision becomes final. If there is an appeal, the decision is not final unless and until the Ontario Municipal Board makes a decision relating to the appeal. The Board may confirm the original decision, overturn the original decision, or make changes to the original decision. The timing of that process is in the hands of the Ontario Municipal Board and can involve months or years.

Consent approval decisions may be subject to certain conditions. If so, those conditions must be fulfilled within one year of the date of the decision of the Committee of Adjustment (or Ontario Municipal Board, if the application was appealed). The transfer of the new lot or lots must also occur within that same one year time period.

Clearly, it is important to file a complete application, that is properly signed and commissioned, that includes all relevant information and sketches, and is accompanied by the applicable fee.

CONSENT APPLICATION INFORMATION FOR APPLICANTS – PLEASE READ CAREFULLY

- 1 The application fee is \$1,000.00 per application.
- 2 Property owners or their duly authorized agents may only submit applications. If an agent represents the owner, written authorization from the owner must be provided. Agents include professionals such as lawyers, paralegals, or planning consultants, or any other person (such as a relative) who speaks on behalf of the owner.
- 3 Proof of ownership (i.e. copy of property deed) may be required.
- 4 A sketch must accompany the application. Measurements on the sketch must correspond to the measurements indicated in the application. Photocopies of a property survey (if one exists) should form the base document for the sketch. If no survey is available, a detailed hand-drawn sketch, as close as possible to scale, is acceptable.
In some cases, it may be appropriate to obtain professional services to determine the accuracy of property dimensions.
ALL relevant and required information is presented on ONE sketch only. The maximum size for any sketch is 8.5 inches by 14 inches (“legal sized” paper).
The sketch must indicate ALL of the following:
 - Abutting land (if any) owned by the applicant, showing boundaries and dimensions
 - Distance between the subject land and the nearest Municipal lot line (road, bridge, municipally owned land, or water)
 - An indication of which portion of the lot is the retained land and which is/are the proposed severed parcel(s)
 - Boundaries and dimensions of the retained land and the proposed severed parcel(s)
 - Approximate locations of all natural and artificial features on the subject land and land that is adjacent to the subject land which have a bearing on the decision (examples: buildings, roads, watercourses, drainage ditches, rivers, streams, wetlands, wooded areas, wells, septic tanks, buildings or land areas containing livestock, etc.)
 - Existing uses on adjacent lands
 - 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.A sample sketch is included in this information package.
- 5 The legislation requires that the Applicant must provide all relevant information.
- 6 The Applicant must post a sign at least 14 days prior to the meeting of the Committee of Adjustment at which the application will be considered. The Applicant and/or Applicant’s agent must confirm posting. Failure to confirm that the sign was posted as required will result in a deferral of the Application to a subsequent meeting date.

- 7 The owner of the property must sign applications, or his/her/their authorized agent, **in front of** a Commissioner for Taking Affidavits or a Notary Public.
- 8 Where a property is proposed to be serviced by a private sewage system, a preliminary soils inspection is required. **It is the responsibility of the Applicant to contact the Thunder Bay District Health Unit** for this purpose. The Health Unit is located at 999 Balmoral Street, Thunder Bay, Ontario, Tel: 807-625-7990. Ask for the *Septic Tank and Land Development Program Office*.
- 9 Applications to the Committee of Adjustment are processed in accordance with Provincial legislation and information provided by the Applicant. **It is the responsibility of the Applicant to ensure the accuracy and completeness of the information in the application prior to its submission to the Municipal Administration office to avoid any misunderstandings.**
- 10 Confirmation of the current Zoning By-law and Official Plan designations on the property may be obtained from the Municipal Administration office.
- 11 Application measurements must be shown in metric. (1 foot equates to 0.3048 metres). Conversion calculators are widely available on-line.
- 12 Applications must be completed in blue or black ink only. Do not use any other colour of ink or pencil. If you are submitting facsimile or photocopied documents, the original copy must also be forwarded to the Municipal Administration Office.

**For further information, please contact the
Municipal Administration office at 807-474-5331.**

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A NEW LOT**

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4766 Highway 61
Neebing, ON P7L 0B5
T: 807-474-5331 / F: 1-807-474-5332



The applicant consents to an inspection of the property by members of the committee of adjustment and by municipal staff. The undersigned hereby applies to the Committee of Adjustment under the Planning Act, R.S.O. 1990, c. P. 13, as amended.

THE INFORMATION IN THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.

1. Owner/Applicant information:

NAME:		TEL:	
ADDRESS:		FAX:	
CITY/PROV/PC:		EMAIL:	
NAME:		TEL:	
ADDRESS SAME AS OWNER ABOVE <input type="checkbox"/> OR		FAX:	
CITY/PROV/PC:		EMAIL:	

2. Agent information acting on behalf of owner (if any):

NAMES:		TEL:	
ADDRESS:		FAX:	
CITY/PROV/PC:		EMAIL:	

3. Indicate the type of transaction for which the severance is required (Mark x):

To sell/transfer property	<input type="checkbox"/>	To approve a lease with a term over 21 yrs.	<input type="checkbox"/>
To add property to another (consolidate)	<input type="checkbox"/>	For a mortgage over part of the land	<input type="checkbox"/>
To provide an easement/right of way	<input type="checkbox"/>	Other (specify):	<input type="checkbox"/>

Provide the names of other parties involved, if known. (i.e. purchaser, mortgagor, tenant, person requiring easement, etc.)

4. If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances currently on the property, please provide details. If there are no encumbrances, please indicate so.:

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5. Property legal description:			
Assessment Roll Number:	58-01-		
Municipal Address <i>(Or Abutting Road Name If Property Has No Address)</i>			
Registered Plan No.:			Mining Location No.:
Reference Plan No.:			Lot No.:
Concession No.:	Part No.:	Sec. No.:	
6. Physical description/dimensions of the parcel that will be retained after severance:			
Frontage in Meters:		Depth in Meters:	
Area in Square Meters:		Area in Hectares:	
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:		Zoning:	
7. Physical description/dimensions of the parcel(s) that will be severed:			
FIRST PARCEL:			
Frontage in Meters:		Depth in Meters:	
Area in Square Meters:		Area in Hectares:	
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:		Zoning:	
SECOND PARCEL (if applicable):			
Frontage in Meters:		Depth in Meters:	
Area in Square Meters:		Area in Hectares:	
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:		Zoning:	
THIRD PARCEL (if applicable):			
Frontage in Meters:		Depth in Meters:	
Area in Square Meters:		Area in Hectares:	
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:		Zoning:	

8.(a) Road access to retained parcel	Mark (X)	(b) Road access to severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Provincial Highway		Provincial Highway			
Municipal Road		Municipal Road			
Private Road		Private Road			
Right of Way		Right of Way			
Water Only**		Water Only**			

**** (c) Where access is proposed by water only, indicate on the sketch or in the space below, the parking and docking facilities to be used and the approximate distance of these facilities as well as the nearest public road from the subject lands.**

9.(a) Water supply to the retained parcel	Mark (X)	(b) Water supply to the severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Privately Owned & Maintained Well		Privately Owned & Maintained Well			
Lake		Lake			
Other (specify):		Other(specify):			

10.(a) Septic service to the retained parcel	Mark (X)	(b) Septic service to the severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Privately Owned & Maintained Septic System		Privately Owned & Maintained Septic System			
Outhouse/Privy		Outhouse/Privy			
Other (specify):		Other (specify):			

11. Has the land ever been the subject of an application for a plan of subdivision under the Planning Act or a prior consent under the Planning Act?

YES NO

If YES, provide the File/Application Number, date of application, and the result and decision with respect to the application.

12. Were any land parcels severed from this property since October 4, 1972?

YES NO

If YES, advise how many times the property has been severed and when this happened.

13. Have any land parcels been severed from the original parcel that was acquired by the applicant?

YES

NO

If YES, advise how many times the property has been severed and when this happened.

14. Is the subject land the subject of any other applications under the Planning Act?

YES

NO

If YES, provide the file/application number and the status of such applications.

Official Plan Amendment:

Plan of Subdivision:

Zoning By-law Amendment:

Minor Variance:

Minister's Zoning Order:

Consent:

15. Is this application consistent with the Provincial Policy Statement issued under the Planning Act?

YES

NO

CERTIFICATE OF THE APPLICANT

I/We _____ of the **Municipality/Township/City** of

_____ in the Province of Ontario, solemnly declare that the statements contained in this application are true. **I/We** 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 virtue of the Canada Evidence Act.

Jointly and severally (delete if not required) at the

Municipality/Township/City of _____ .

This _____ day of _____, 20____.

Commissioner for Taking Affidavits

Applicant Signatures:

If the applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporate Seal shall be affixed – or written authorization from the Corporation signed by an individual who has authority to bind the Corporation.

Owner's/Owners' Authorization for an Agent to make the application on his/her/their/ behalf/behalfes:
I/We authorize _____ (**name of Agent**) to act on **my/our** behalf in submitting this application, which is filed with **my/our** knowledge and consent.

Owner/Owners' Signatures

Date