

WHAT IS REQUIRED TO SUBMIT A CONSENT APPLICATION?

The below form outlines the requirements of consent applications. General criteria will apply to all consent applications. There are several application specific requirements, as listed below, which apply to certain applications. Note: There could be additional requirements in the form of studies, reports, plans, verification, etc. as conditions of final consent approval.

APPLICATION SPECIFIC	REQUIREMENTS - CHECKLIST
ALL Consent Applications	<ul style="list-style-type: none"> <input type="checkbox"/> Pre-consultation with lower-tier Municipality <input type="checkbox"/> Sketch OR Survey <input type="checkbox"/> Completed Application Form <input type="checkbox"/> Proof of Ownership <input type="checkbox"/> Commissioners Stamp/Signature <input type="checkbox"/> Application fee - \$1350, cheque (to: Treasurer, County of Elgin)
If the application is for a Surplus Farm Dwelling	<p>If the application is for a surplus farm dwelling:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Completed Appendix 'B' – Surplus Farm Dwelling <input type="checkbox"/> A surplus farm dwelling must be surplus to the current owner. Proof may be required: <ul style="list-style-type: none"> <input type="checkbox"/> Eligibility for Farm Property Class Tax Rate Program <input type="checkbox"/> Valid Farm Registration Number <input type="checkbox"/> Other lands owned <input type="checkbox"/> Address of primary residence
If the application for consent is on a Private or Communal Well	<p>If the property is currently serviced by a:</p> <p>a) Privately owned and operated individual well; or b) Privately owned and operated communal well.</p> <ul style="list-style-type: none"> <input type="checkbox"/> A water test done by the applicable health unit. <input type="checkbox"/> Written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards.
If the application for consent is on Private or Communal Septic	<p>If the property is currently serviced by a:</p> <p>a) Privately Owned and operated individual septic tank; or b) Privately owned and operated communal septic system?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Written confirmation from a licensed septic installer that the system is in satisfactory operating condition.
If the application is within 750 metres of a livestock barn	<p>If there are livestock barns (either currently used for livestock or capable of being used for livestock) located within 750 metres of the dwelling <i>on the retained lands</i>:</p> <ul style="list-style-type: none"> <input type="checkbox"/> An MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document -Implementation Guideline #6.
If a previous application for consent has occurred on the site	<p>If there have been any previous severances of land from this holding:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide previous severance file number <input type="checkbox"/> Indicate previous severances on the provided sketch <input type="checkbox"/> Provide grantee's name <input type="checkbox"/> Provide use of parcel <input type="checkbox"/> Provide date parcel created (year)



RULES OF PROCEDURE

Land Division Committee for the Corporation of the County of Elgin

GENERAL

In addition to fulfilling the requirements of Section 53 of the Planning Act, the Land Division Committee shall observe the following rules and requirements:

APPLICATION

1. The Secretary-Treasurer shall note and acknowledge the date of receipt of the application.
2. The Land Division Committee will render their decision and the applicant or agent (if named) will be advised in writing, not later than 15 days from the date of the decision.
3. Pre-consultation with the Municipality involved and interested agencies is strongly encouraged before submitting the application. This will assist the applicant or agent to understand the by-laws and restrictions that affect the property and it will verify compliance to current regulations.

NOTICE OF HEARING

4. The Secretary-Treasurer, in the name of the Committee, shall by personal service or by regular or registered mail, give written notice of time and place of the hearing of each application, together with copies of the Application for Consent, comprising items 1 to 27, not less than 14 days prior to the date of the hearing to:
 - (a) Applicant or agent (if named)
 - (b) Clerk of the Municipality (ies) concerned
 - (c) County Engineer
 - (d) County Manager of Planning
 - (e) Ministry of Transportation
 - (f) Ministry of Culture
 - (g) Kettle Creek/Catfish Creek/Long Point/Lower Thames Valley Conservation Authority
 - (h) Chief of First Nation Council (within 1km of subject land)
 - (i) Every person assessed within 60 metres of subject land (notice only).

CERTIFICATION

5. Upon expiry of the 20-day appeal period and after the conditions have been met, the Secretary- Treasurer shall, on behalf of the Committee, affix a rubber stamp to the deeds or legal documents and sign it, signifying that the consent has been given pursuant to Subsection 42, of Section 53, of the Planning Act. The Secretary-Treasurer shall accept only original copies, accompanied by a fee of \$300.00, for affixing the consent stamp.

The applicant will have one year from the date the decision was given to fulfill conditions imposed by the Committee. One condition generally imposed is that a deed be presented within one year so that the consent stamp may be affixed.

IDENTIFICATION STAKES AND SIGNS

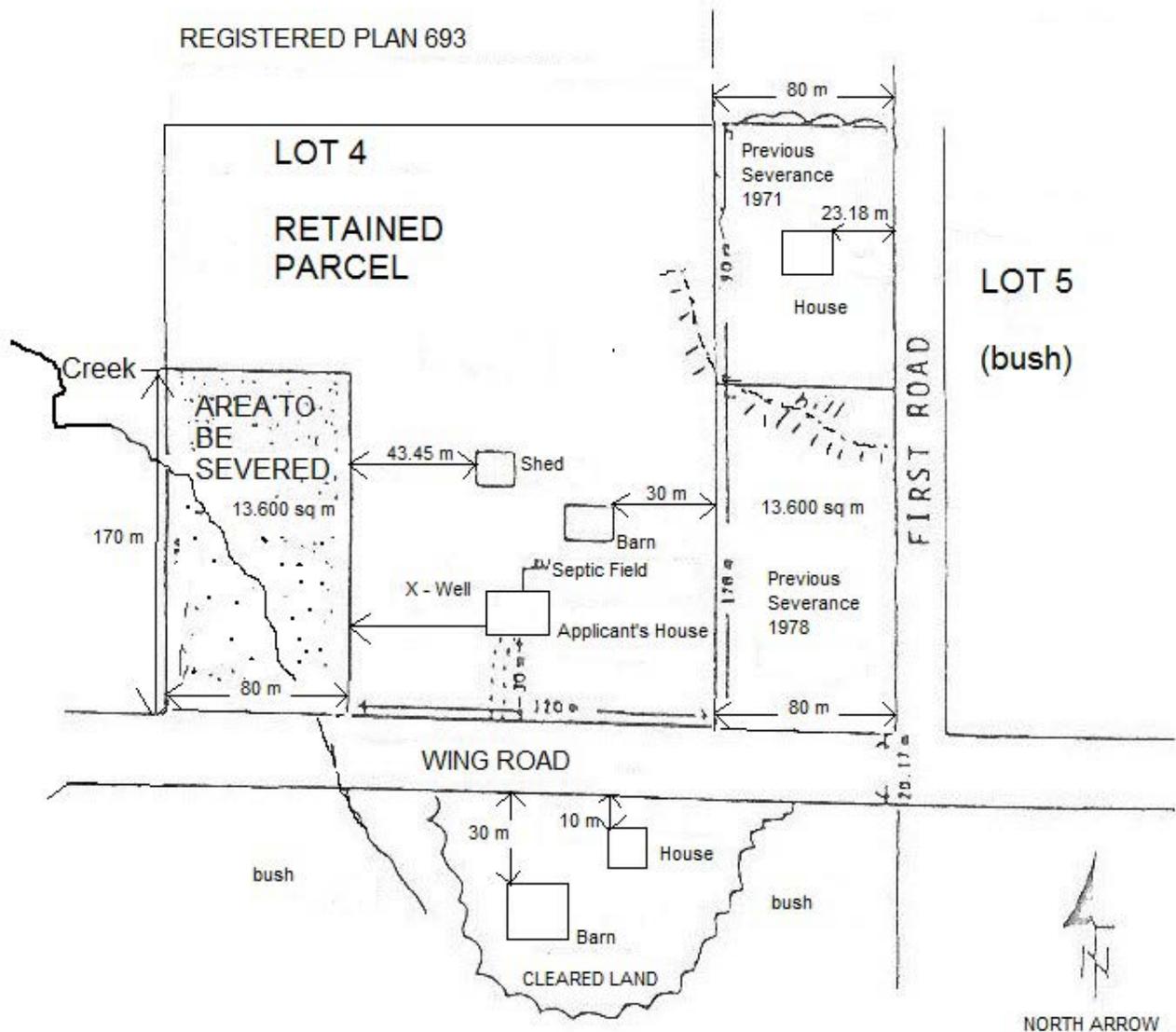
6. Identification Signs will be sent to you by courier after your completed application has been filed. These signs are then to be posted immediately on stakes at each front corner of the proposed lot, and are to remain there until the Decision of the Committee becomes final and binding. Site inspections will be done by a Committee member prior to the hearing date. **Failure to post signs will result in a delay of a decision from the Land Division Committee. Check frequently to ensure that the signs are in place.**

DETAILED SKETCH

7. Must be no greater than 20 cm x 35 cm (8 1/2 x 14"). One copy of the sketch is required, done in black (e.g., ink, felt pen) no pencil or colours. A legend or key indicating severed and retained portions must be shown (e.g., cross-hatching or diagonal lines). Clearly indicate severed and retained portions, with all dimensions of both severed and retained lands on the sketch. **All measurements must be accurate, a variance of 3% on each dimension is acceptable for agricultural land and 1.52 metres on each dimension for non-agricultural land.** Dimensions of all existing buildings should be shown as well as dimensions for their location in relation to property lines and the proposed severance. All buildings and type of land **surrounding both severed and retained portions** must be shown within 300 metres radius for rural areas and 60 metres radius for urban areas. All existing and proposed accesses should be shown. **PLEASE SEE SAMPLE BELOW**

All existing and proposed accesses should be shown. **It is strongly encouraged that a draft survey by a qualified professional prepare the severance sketch.** Please visit the County of Elgin's mapping system to assist you in the preparation of the severance sketch <https://www.elginmapping.ca/> Using aerial photography will assist the committee in orienting the proposed severance.

Application for Severance - Sample Sketch



DIGITAL PHOTOGRAPHS

- Digital photographs can be taken and submitted with the application. An excerpt from Google Maps with aerial photography will be useful to confirm existing buildings and/or features on the site. Photos and google map excerpts will be submitted on a memory stick with the completed application.

APPEAL

9. A specified person or public body may appeal the decision and/or condition(s) imposed by the Committee to the Ontario Land Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, within 20 days from the giving of the Notice of decision, a Notice of Appeal, accompanied by the Tribunal's fee in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Certified Cheques or Money Orders are to be made payable to the Minister of Finance. If you wish to appeal, a copy of the appeal form is available from the LPAT website at <https://olt.gov.on.ca/forms-submissions/> or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas, ON

RETURN TO: **Secretary-Treasurer**
 Elgin County Land Division
 Committee Administration
 Building, 1st Floor
 450 Sunset Drive, ST. THOMAS, Ontario N5R 5V1
 OFFICE HOURS: 8:30 a.m. to 4:30 p.m. Monday through Friday

NOTE: *Applications may be left at the counter during normal business hours.*

Applications may be emailed to the Secretary-Treasurer (payment to follow either dropped off in person or mailed).

Applications may be mailed in to the abovementioned address, attention: Secretary Treasurer of the Land Division Committee.

Applications which are not complete, will not be accepted by the Secretary-Treasurer.

4. (a) Location of land:
 Municipality _____ Concession No. _____
 Lot(s) No. _____ Registered Plan No. _____
 Name of Street _____ Street No. and/or 911 No. _____
 Assessment Roll No. _____

(b) Are there any easements or restrictive covenants affecting the subject land?
 Yes () No () If Yes, describe the easement or covenant and its effect:

5. Description of land intended **to be severed**: (Accurate Measurements in Metric)
 Frontage _____ Depth _____ Area _____
 Existing Use _____ Proposed Use _____
 Number and use of buildings and structures on the land to be severed:
 Existing _____
 Proposed _____

6. Description of land intended **to be retained**: (Accurate Measurements in Metric)
 Frontage _____ Depth _____ Area _____
 Existing Use _____ Proposed Use _____
 Number and use of buildings and structures on the land to be retained:
 Existing _____
 Proposed _____

7. Number of new lots proposed (including retained lots) _____

8. Type of access for proposed and retained lot: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Provincial Highway	()	()
Municipal road, maintained all year	()	()
Municipal road, seasonally maintained	()	()
Other public road	()	()
Right Of Way	()	()
Water access	()	()

If proposed access is by water, what boat docking and parking facilities are available on the mainland?
 (specify) _____

9. (a) What type of water supply is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated piped water system	()	()
Privately owned and operated individual well **	()	()
Privately owned and operated communal well **	()	()
Lake or other water body	()	()
Other means (specify)	_____	_____

(b) ** If existing water supply is provided from a privately owned and operated individual/ communal well, **the owner shall be required to provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards. (Written confirmation to be attached to the Application); AND**

(c) ** **A water quality test by the applicable public health unit is required (Written confirmation to be attached to the Application)**

10. (a) What type of sewage disposal is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated sanitary sewage system	()	()
Privately owned and operated individual septic Tank **	()	()
Privately owned and operated communal septic System **	()	()
Other means (specify)	_____	_____

(b) **If existing sewage disposal is privately owned, **the owner shall be required to provide written confirmation from a licensed septic installer that the system is in satisfactory operating condition. (Written confirmation to be attached to the Application)**

NOTE: If 9(b), 9(c) and 10(b) are not provided, the application is not considered complete and the application will not be accepted until such time as the outstanding items have been provided and it is deemed complete.

11. When will water supply and sewage disposal services be available?

12. What is the existing Official Plan designation(s) of the subject land?

13. What is the existing Zoning designation(s) of the subject land?

14. Has the subject land ever been the subject of an application for approval of a plan of subdivision under the Planning Act? Yes () No () Unknown ()

If Yes, and known, provide the application file number and the decision made on the application

15. If this application is a re-submission of a previous consent application, describe how it has been changed from the original application
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16. (a) Has there been any previous severances of land from this holding?

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:

Who the severance was granted to _____

Use of parcel _____

Date parcel created (Year) _____

17. If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?

Yes () No ()

If Yes, provide the previous severance File No.

18. (a) Are there any barns within 750 metres of the proposed severed lands?

Yes () No ()

i) Now used for livestock? Yes () No ()

ii) Capable of being used for livestock? Yes () No ()

- (b) If there are livestock barns located within 750 metres of the dwelling on the retained lands a MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document -Implementation Guideline #6.

19. Is the owner, solicitor, or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

Yes () No ()

20. Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?

Yes () No ()

If Yes, and known, specify the Ministry file number and status of the application

21. Is the subject land currently the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, or approval of a plan of subdivision?

Yes () No ()

If Yes, and known, specify the appropriate file number and status of the application

22. (a) Is the application consistent with the Provincial Policy Statement 2020 issued under subsection 3(1) of the Planning Act?

Yes () No ()

(b) If Yes, identify policies from the Provincial Policy Statement 2020 to support this application for consent

23. Is the subject land within an area designated under any provincial plan or plans?

Yes () No ()

If Yes, does the application conform to or conflict with the applicable provincial plan or plans

24. Did pre-consultation occur with the local Municipality and/or other agencies?

Yes () No ()

Enter date of consultation and contact person

25. The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.

26. The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

27. DETAILED SKETCH:

The application shall be accompanied by a detailed sketch showing the following:

- the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- the boundaries and dimensions of any land owned by the owner of the subject land and

that abuts the subject land;

- the distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands 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;
- the location of private wells and septic system must be located entirely within the boundaries **of the lot to be created** and shall comply with the Zoning By-Law setbacks;
- the location of private wells and septic system must be located entirely within the boundaries **of the lot to be retained** and shall comply with the Zoning By-Law setbacks;
- the existing use(s) on adjacent lands;
- 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;
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- the location and nature of any easement affecting the subject land.

Dated at the _____ of _____
(Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)

this _____ day of _____ 20_____
(day) (month) (year)

SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

AFFIDAVIT OR SWORN DECLARATION

I/We _____ of the _____
(Applicant/Agent Name) (Municipality/Township/City/etc.)

of _____ in the County of _____
(Name of Municipality/Township/City/etc.) (County Name)

solemnly declare that all the information contained in this application is true, and 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.

DECLARED before me in the

_____ of _____
(Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)

in the _____ this _____ day of _____
(County/Region if applicable) (Day) (Month)

20 _____
(Year)

Signature

Signature

A Commissioner, etc.

If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the seal, if any, must be affixed.

It is required that one copy of this application be filed, together with one copy of the detailed sketch described, with the responsible person, accompanied by a fee of – \$1,250.00 in cash or by cheque made payable to TREASURER, COUNTY OF ELGIN.

An additional fee of \$300.00 will be charged for affixing the consent stamp.

AUTHORIZATION TO APPOINT AN AGENT

NOTE: This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer
Land Division Committee
Corporation of the County of Elgin

Description and Address of Subject Lands:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

_____ of _____ to:
(Agents Name/Names) (Agents City/Town of Residence)

- (1) make an application on my behalf to the County of Elgin Land Division Committee;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Land Division Committee relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the _____ of _____
(Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)

this _____ day of _____ 20 _____
(Day) (Month) (Year)

Name of Owner

Signature of Owner

Name of Owner

Signature of Owner

Name of Owner

Signature of Owner

Name of Witness

Signature of Witness

APPENDIX "A" PROCESS CHECKLIST

**** PLEASE NOTE: If any of the below steps are not completed, the application is subject to delays as per the Planning Act, R.S.O. 1990 c. P.13, as amended.**

- Pre-consult with Municipalities and applicable agencies.
- Submit one copy of Completed Application with fee of \$1350.00 payable to TREASURER, COUNTY OF ELGIN.
- Identification Signs: Two yellow signs will be sent to you by courier for posting on the portion of the lot to be severed. Failure to post signs will result in a delay of a decision from the Land Division Committee. Check frequently to ensure that the signs are in place.
- Notice of Hearing: At least fourteen (14) days prior to the date of the hearing you will receive a "Notice of Application" with the date and time when the severance will be heard.
- Hearing: The Land Division Committee will consider the application(s) and submissions by all interested parties regarding the severance. The Committee will make a decision immediately following the hearing of the application.
- Decision: A Notice of Decision will be forwarded within fifteen (15) days after the date of the Hearing.
- Conditions: A one-year time limit after the date of decision to obtain the consent stamp on the deed(s) is generally imposed and other conditions may be imposed.
- Appeal Period: A twenty (20) day appeal period from the giving of the notice of Decision during which a specified person or public body may appeal the decision and/or conditions imposed by the Committee to the Ontario Land Tribunal. After the appeal period, notice will be sent advising that either no appeals were received or that the application has been appealed.
- If Appealed: A notice of appeal setting out the reasons for the appeal is forwarded to the Secretary-Treasurer of the Land Division Committee, with a cheque payable to the Minister of Finance for \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Notice of Appeal must be received within the twenty (20) day appeal period. A copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/forms-submissions/> or for pick-up at the County Municipal Offices, 450 Sunset Drive, St Thomas.
- No Appeal: If no appeal is received, the decision is final and binding and the applicant is required to: a) Satisfy the conditions imposed by the Committee within one (1) year from the date of decision; b) Obtain the services of a land surveyor to survey the lands to be severed in accordance with the Decision; c) Obtain the services of a solicitor to prepare the necessary documents for certification; d) Submit the Transfer documents to the Secretary-Treasurer of the Land Division Committee for final certification; e) Register the documents at the Registry Office for the County of Elgin.
- Stamping of Deed: Signed Acknowledgement and Direction, Two (2) copies of the Transfer Document with Schedule Page for affixing the consent stamp, Two (2) copies of the Reference Plan (one (1) hardcopy and one (1) digital copy) and a fee of \$300.00.

APPENDIX "B"

Surplus Farm Dwelling Information Form

in Support of an Application for Consent under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

1. Details of Subject Lands			
Municipal Address			
Legal Description			
Lot Area (metric):	Lot Frontage (metric):	Lot Depth (metric):	Year the surplus dwelling was constructed:
Provide confirmation that the surplus dwelling is capable of human habitation, and that it is not a farm help house:			
Is the proposed Surplus Farm Dwelling a result of farm consolidation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
2. Proposed Transaction			
Identify the proposed transaction (i.e. the proposed severance) – to whom will the severed lot and retained agricultural lands be sold or conveyed to? Please include details on purchaser/purchasee			
Identify how/why the dwelling is surplus to the needs of the owner due to farm consolidation			
3. Details of the Lands Farmed by the Person to whom the Dwelling is Surplus			
To whom is the dwelling surplus? <input type="checkbox"/> Owner <input type="checkbox"/> Purchasing Farmer			
Total area of land farmed (metric):		Total area of farm land owned (metric):	
Identify the locations of all lands farmed by the owner:			
4. Farm Business Status			
Is the farm property on which the surplus farm dwelling located eligible for the Farm Property Class Tax Rate Program? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Does the property owner have a valid Farm Business Registration Number? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the Farm Business Registration Number:			
Does the purchasing farmer have a valid Farm Business Registration Number? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the Farm Business Registration Number:			

5. Principal Residence of the Owner

Identify the location of the owner's principal residence:

Does the owner own or rent their principal residence?

Own

Rent

Does the owner own any other dwellings?

Yes

No

If yes, identify the location of all other dwellings owned by the owner:

PLEASE NOTE:

If the purchasing farmer or owner cannot provide sufficient evidence as to their farm business status/status as a farmer, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee. Additionally, if the surplus farm dwelling criteria contained in the Official Plans of both Elgin County and the local municipality cannot be met, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee.