

TOWN OF GRIMSBY

APPLICATION FOR A CONSENT TO SEVER

Revised: July 2024

Under the provisions of Sections 50 and 53 of *The Planning Act, as amended*, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called "consent to sever", or simply 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.

The Application Process

1. Pre-consultation Meeting

Prior to submitting an application, it is recommended that the applicant apply for a pre-consultation meeting. This meeting will allow for Town departments including Planning, Public Works, Building, and other provincial and regional agencies to provide preliminary guidance and confer with the applicant about any additional requirements or studies.

2. Application

NOTE: The applicant and/or their authorized representative are encouraged to make an appointment to submit their completed application. Email planning@grimsby.ca to make an appointment.

As provided for by the *Planning Act* and Ontario Regulation 197/96, 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 Town Council and the Committee of Adjustment, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility. Town Planning staff will post a clearly visible notice on the subject lands no less than 10 days prior to the Hearing.

NOTE: 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 be required for public right of way or easement.

3. Public Hearing

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.

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

4. Notification of Decision

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.

NOTE: Decisions of the Committee are made in public.

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

- The provision of parkland or cash payment-in-lieu of parkland.
- 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.

5. Final Consent

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 two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Consent to Sever Application Requirement Checklist

1. **Recommended Pre-consultation Meeting**
2. **Completed Application Form**
3. **Affidavit**

The person signing the declaration must appear before a Commissioner of Oaths and must show proof of identity via government issued photo identification such as a driver's licence, or passport. The person signing the declaration must sign the document in the presence of the Commissioner.

Please note that an appointment is required to see the Commissioner. Contact Town Hall at 905-945-9634 or email clerks@grimsby.ca to inquire about appointment availability.

4. **Letter of Authorization (if applicable)**

As provided for in Ontario Regulation 197/96, if the applicant is not the owner, the chargee, or the purchaser of the subject land, the written authorization of the owner, the chargee, or the purchaser to the applicant is required. One (1) copy of the letter is required.

5. **Copy of Portion of Agreement of Purchase (if applicable)**

As provided for in Ontario Regulation 197/96, if the applicant is the purchaser or the purchaser's agent, one (1) copy of the portion of the agreement of purchase is required.

6. **Preliminary Drawing**

As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by one (1) physical and one (1) high quality digital copy of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. The drawing must indicate the following:

- The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land.
- The distance between the subject land and the nearest lot line or landmark such as a bridge or railway crossing.
- The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- 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 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.

- The existing uses on adjacent land, such as residential, agricultural, and commercial uses.
- 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 an easement affecting the subject land.

7. Application Fees

8. Supporting Studies, as indicated in a Pre-Consultation Meeting

9. Electronic copies of all required items sent to the Town Grimsby Planning Department

Please contact planning@grimsby.ca for more information about how to provide electronic copies.

— TOWN OF —
GRIMSBY

**APPLICATION FOR A
 CONSENT TO SEVER**

Revised: July 2024

For Office Use Only	
Date Received	Date Application Deemed Complete
Application Reviewed by	

1. Suggested Pre-Consultation Meeting
Pre-Consultation Meeting Date

2. Registered Owner (as shown on the deed and title of the property)			
Name	Company Name	Municipality	
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	

3. Authorized Agent or Solicitor (if one has been authorized)			
Name	Company Name	Municipality	
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	
Contact for all future correspondence (select one): <input type="checkbox"/> Registered Owner <input type="checkbox"/> Authorized Agent			

4a. Other Parties (consultant, surveyor, lawyer, etc.)			
Contact Name	Company Name	Municipality	
Role to application (consultant, surveyor, lawyer, etc.)			
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	

4b. Other Parties (consultant, surveyor, lawyer, etc.)

Contact Name	Company Name	Municipality	
Role to application (consultant, surveyor, lawyer, etc.)			
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	

5. Proposed Transaction

Type and purpose of proposed transaction

- | | |
|--|--|
| <input type="checkbox"/> Creation of a New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Easement |

If a lot addition, identify the lands to which the parcel will be added

Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged

6. Details of the Subject Lands

Municipal Address

Legal Description

Are there any: easements, restrictions, or other covenants applicable to the property? If "yes", provide a description of each easement, restriction or covenant, and its effect.

Description of land to be severed:		
Part No. on sketch (i.e., Part A)		
Frontage (metric)	Depth (metric)	Area (metric)
Existing use of land to be severed		
Proposed use of land to be severed		
Existing structure(s) on land to be severed		
Proposed structure(s) on land to be severed		
Description of land to be retained:		
Part No. on sketch (i.e., Part B)		
Frontage (metric)	Depth (metric)	Area (metric)
Existing use of land to be retained		
Proposed use of land to be retained		
Existing structure(s) on land to be retained		
Proposed structure(s) on land to be retained		

7. Access (select all that apply)

Identify how the land to be severed will be accessed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Regional road | <input type="checkbox"/> Other public road | <input type="checkbox"/> Private road |
| <input type="checkbox"/> Municipal road maintained all year | <input type="checkbox"/> Provincial highway | <input type="checkbox"/> Right of way/Easement |

Identify how the retained land will be accessed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Regional road | <input type="checkbox"/> Other public road | <input type="checkbox"/> Private road |
| <input type="checkbox"/> Municipal road maintained all year | <input type="checkbox"/> Provincial highway | <input type="checkbox"/> Right of way/Easement |

8. Servicing (select all that apply)

Identify how the land to be severed will be serviced:

Water

- Municipal water
- Private individual well
- Private communal well
- Lake or other waterbody
- Other: _____

Wastewater

- Municipal wastewater
- Private individual septic
- Private communal septic
- Other: _____

Stormwater

- Sewers
- Ditches/swales
- Other: _____

Identify how the retained land will be serviced:

Water

- Municipal water
- Private individual well
- Private communal well
- Lake or other waterbody
- Other: _____

Wastewater

- Municipal wastewater
- Private individual septic
- Private communal septic
- Other: _____

Stormwater

- Sewers
- Ditches/swales
- Other: _____

9. Planning Information

Regional Plan Designation

Grimsby Official Plan Designation

Current Zoning

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

If "yes" please indicate the file number and decision.

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

Yes No

If "yes" please indicate previous severances on the required sketch and supply the grantee's or purchaser's name, the land use on the severed parcel, the date the parcel was transferred and the consent file number (if known).

Is the subject land the subject of any other application under the *Planning Act* such as approval of a plan of subdivision, a consent application, an official plan amendment, a zoning bylaw amendment, or a minor variance?

Yes No

If "yes" please provide the file number and status of the application.

10. Provincial Plan Conformity

Describe how the application is consistent with the policy statements issued under Section 3(1) of the *Planning Act*.

Is the subject property within an area designated by the Greenbelt Plan?

Yes No

Is the subject property within an area designated by the Niagara Escarpment Plan?

Yes No

If the answer to any of the above is “yes”, please explain how the application conforms to the applicable plan(s).

11. Other Information

Is there any other information that you think may be useful to the Town or other agencies in reviewing this application?
If so, explain below or attach on a separate page.

Affidavit

I, _____ OF THE _____
Applicant Name *Name of City Town, or Township etc.*

IN THE _____, SOLEMNLY DECLARE THAT
Name of Regional Municipality

the information and material contained within this application, including this form and all documents that accompany it, is accurate and complete. 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.

Declared before me in _____ in the _____
Name of City Town, or Township etc. *Name of Regional Municipality*

on this ____ day of _____, 20____
Month *Year*

Signature of Applicant or Authorized Agent

Signature of Commissioner of Oaths

Acknowledgement of Agreement of Registered Owner

I (we), _____, REGISTERED OWNER(S) OF THE SUBJECT LANDS,
Name of Registered Owner(s)

ACKNOWLEDGE AND AGREE AS FOLLOWS:

- i. I am the registered owner of the Subject Lands.
- ii. All information requested on this form is collected and maintained under the authority of the *Planning Act*, R.S.O 1990, c. P.13 for the purpose of creating a record that is available to the general public within the meaning of section 27 of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.
- iii. I hereby grant the Town permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public either online or through other means for the purpose of application review.
- iv. Employees and agents of the Town to which this application is made (“the Municipality”), Niagara Region, and any relevant commenting agency may enter onto the Subject Lands, without notice, to view, survey, and/or photograph the Subject Lands to obtain information required by the Municipality to process this application.
- v. All information and material requested on this form and/or obtained by entering onto the Subject Lands is required by the Municipality to process this application and will be used for that purpose.
- vi. For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I 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, Town of Grimsby, 160 Livingston Ave, Grimsby, Ontario L3M 0J5, telephone 905-945-9634.

Signature of Registered Owner

Date

The section below is only to be completed by the Corporate Owner or an Agent of the Corporate Owner (if applicable).

Name: _____

Date: _____

I have the authority to bind the corporation.

Owner's Authorization of an Agent

If an agent is employed, the Owner(s) must complete the following:

I (we) _____,
Name of Registered Owner(s)

REGISTERED OWNER(S) OF THE SUBJECT LANDS, hereby authorize

Name of Agent

to prepare and submit an Application for Consent to Sever for approval.

Signature of Registered Owner

Date