



CONSENT TO SEVER FACT SHEET

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WHAT IS CONSENT TO SEVER?

The Planning Act requires that consent must be granted before a parcel of land can be divided to create a new lot. This process is referred to as severing land and the type of consent given in this instance is a severance. Controlling the division of land through severance gives the Town a procedure to ensure that the creation of lots is consistent with the planning policies as set out in the Official Plan; the lots meet provisions under the Zoning By-law; and all servicing requirements have been met. If several severances are intended on the same property, a plan of subdivision might be a more appropriate process for dividing the lands. In the Town of St. Marys consent to sever applications are dealt with by the Committee of Adjustment.

WHAT IS THE COMMITTEE OF ADJUSTMENT?

The Committee of Adjustment is a quasi-judicial body appointed by Council consisting of seven citizens-at-large which make decisions on land severances as well as on minor adjustments to the Zoning By-law. The Committee of Adjustment functions independent of Council and decisions of the Committee are final. Decisions are subject to appeal to the Local Planning Appeal Tribunal (LPAT).

WHEN DO I REQUIRE CONSENT?

- To divide or sever land for the purpose of sale
- To register a mortgage or discharge a mortgage over part of a parcel of land
- To register a lease of 21 years or more over part of a parcel of land (inclusive to renewal options)
- To register easements for rights-of-way
- To adjust boundaries of existing land parcels

HOW TO APPLY

Prior to application, you should arrange for a pre-consultation to discuss your proposal. Contact the Town's Director of Building & Development at 519-284-2340 ext. 215. The formal consent to sever application form must be fully completed by the applicant and submitted to the Secretary-Treasurer of the Committee of Adjustment in the Building and Development Department with the non-refundable application fee of \$1,500 payable to the Town of St. Marys to cover administrative costs.

APPLICATION REQUIREMENTS

★ All measurements must be in metric

- A completed application form
- Non-refundable application fee of \$1,500 by cheque payable to the "Town of St. Marys"
- Any applicable agency information i.e. Upper Thames River Conservation Authority
- An accurate scaled survey drawing showing:
 1. The subject lands, including its boundaries and dimensions, location, and nature of any easement or restrictive covenants which affect the subject lands
 2. The uses of adjacent and abutting lands
 3. The location of all existing as well as proposed buildings and their uses, dimensions and setbacks from lot lines
 4. The location of all natural and man made features on the land and the location of any of these features on adjacent and abutting lands
 5. All proposed severance lines including any proposed easements
 6. Scale and arrow north

**See reverse
for more
information**

Grant Brouwer, Director of Building & Development
Municipal Operations Centre
408 James Street South, St. Marys ON
519-284-2340, ext. 215
gbrouwer@town.stmarys.on.ca





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CONSENT TO SEVER PROCESS

1. Pre-consultation application (no cost) and meeting.
2. Complete a formal consent to sever application
3. Gather required details
4. Submit completed application, survey drawing and application fee to the Secretary-Treasurer of Committee of Adjustment (**measurements in metric**)
5. Staff review application
6. Answer questions and complete deficiencies derived from the application review.
7. Staff circulate a Notice of Public Hearing at least 14 days prior to the public hearing date and post a sign on the property
8. Staff collect comments resulting from the circulation and forward these to the applicant and Committee of Adjustment
9. Committee of Adjustment public hearing
10. Decision by Committee of Adjustment
11. Circulation of Committee Notice of Decision to applicant, agent, staff and anyone requesting notification
12. Twenty (20) day appeal period following the date of mailing of Committee decision
13. If no appeals received, final notice is circulated to applicant, agent and staff
14. Applicant completes conditions of Consent approval as listed on the Notice of Decision
15. Upon satisfactory completion, Secretary-Treasurer of Committee may issue the Certificate of the Official to confirm severance when requested by applicant/solicitor upon Transfer of the lands

USE OF PROFESSIONAL REPRESENTATION

There is no legal requirement for an agent to represent the application. Professional assistance may clarify and expedite an application. If you are not comfortable explaining the application at a public hearing with the Committee of Adjustment you may wish to hire an agent. Professional representation in consent to sever application may be provided by a lawyer, surveyor, or other professional in a related field. Special studies may be required to justify the proposed development and answer any technical questions. Costs for the services of an agent or any special studies are the responsibility of the applicant.

APPLICATION DRAWINGS

The services of a surveyor or engineer are required to draft a clear, accurate application drawing (severance sketch). An Ontario Land Surveyor can clarify and confirm property boundaries through a survey in cases where these may be uncertain. Accuracy is important in consent to sever applications to correctly represent the existing and the proposed property boundaries. Applicants should also keep in mind that survey drawings are protected by copyright law. Costs for the services of a professional to draft an application drawing are the responsibility of the applicant.

OBJECTIONS AND DENIALS

Concerns expressed by any of the circulated agencies or valid objections from neighbours may affect the outcome of your application. If someone objects to an application it does not necessarily mean that approval is denied. All evidence must be presented at the public hearing and weighed by the Committee of Adjustment.

APPEALS

Following the final decision by the Committee of Adjustment a party (including the applicant) has 20 days to file an appeal to the Local Planning Appeal Tribunal (LPAT). The fee for filing an appeal is \$300 payable to the Ontario Minister of Finance.

FINAL STEPS

A 20-day appeal period follows the mailing of the Notice of Decision. Upon expiry of the appeal period, the applicant must satisfy all conditions stated on the Notice of Decision and provide documentation to the Committee Secretary-Treasurer. The Secretary-Treasurer may issue the Certificate of the Official to confirm the severance once all conditions have been satisfied and the applicant/solicitor requests the Certificate of the Official upon transfer of the lands. The Certificate of the Official must be registered on title.

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