

# Consent Application Guideline



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**The Guidelines for Consent provide information for those involved in the consent planning approval process. This document is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed.**

## What is a Consent?

A consent refers to the formal permission given by a municipality in relation to changes to property. Consent is commonly referred to as a “severance”. Consents are required for lot creation, lot additions, boundary adjustments, easements, and to register or discharge mortgages. The Township of South Frontenac Official Plan provides policies and requirements to guide the severance of land within the Township.

## What fees could I be required to pay?

For multiple applications, fees made payable to the Township of South Frontenac can be combined into one cheque.

There are a number of fees that could be required throughout the severance process. Such as:

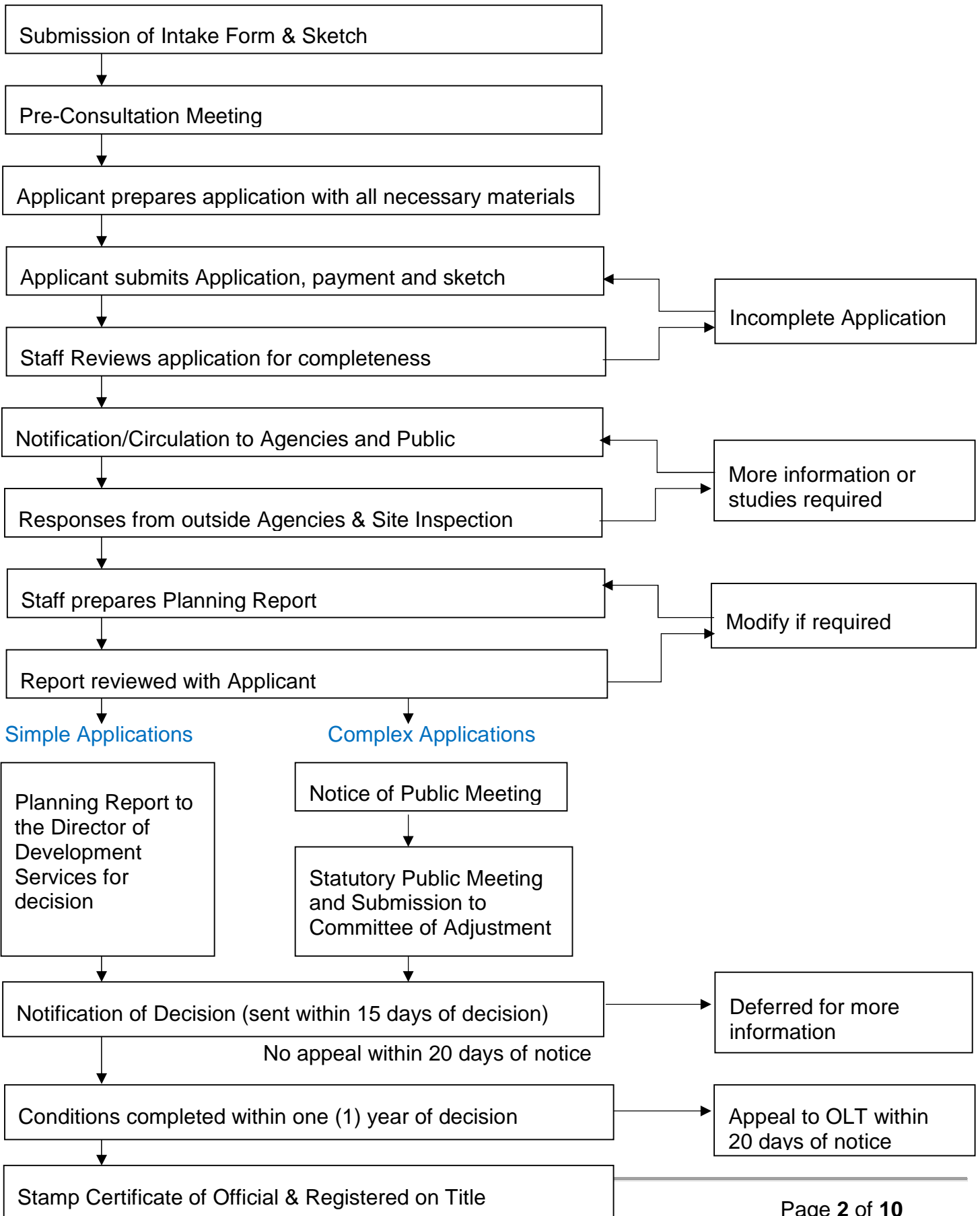
- Township of South Frontenac Pre-Consultation Fee (\$102)
- Township of South Frontenac Severance Application (\$1005)
- Township of South Frontenac Sewage System Review: (\$515 for each septic inspection)
- Minimum Distance Separation Calculation Fee (\$281)
- Conservation Authority Fee’s (further permits may be required after approval)
- Any applicable studies & peer reviews (e.g. Environmental Impact Analysis) \*\*
- Costs of meeting the conditions of consent (may include one or more of the following):
  - Surveying fees
  - Cash in lieu of parkland
  - Application fee for rezoning or minor variance
  - Reference plan of survey and plan registration
  - Deed(s)
  - Legal Fees
  - Well Driller & Pump Test
  - Development Agreement (\$255)

\*\*On occasion, studies submitted by the applicant, such as hydrogeological studies, will require peer review. The applicant is responsible for the cost of peer review.\*\*

## How Long Does the Process Take?

The Severance process from when a complete application is received until a decision is made will take a minimum of 3 months, and may take longer depending on the complexity of the application. Applicants then have 1 year to finalize the consent.

# The Consent Process



## Step 1: How do I begin the process? – Pre-Consultation Before Submitting an Application

The most important step in the process is pre-consultation with a Planner to discuss your proposal. Pre-application meetings must be booked in advance. This consultation helps to provide you with an overview of the consent process and to assist you with any initial questions you may have regarding that process. The Planner may also identify complete application requirements, associated fees, and an approximate timeline for processing the application as well as if any additional information or studies may be required. Pre-consultation may help to avoid any surprises/issues that may arise later on in the process.

You should review the Official Plan designation and zoning for your property; [www.frontenacmaps.ca](http://www.frontenacmaps.ca) is a helpful tool for this. You may also be advised to speak with the conservation authority or other agencies and Township departments in advance of the meeting.

To aid in the Pre-Consultation, the following information should be provided to the Planner:

- a. A proposed consent layout sketch showing all structures on the property, adjoining land uses and roads/streets;
- b. Civic address and roll number(s) of the property
- c. Brief description of the proposal

Pre-consultation requests can be made by submitting an intake form on the Township website here: <https://www.southfrontenac.net/en/open-for-business/planning-and-development.aspx>.

## Step 2: Submitting an Application

You, as the applicant or your authorized agent, are responsible for submitting the completed application and for its accuracy, and applying for the appropriate type of consent. The application form **MUST** be completed in its entirety. Failure to provide all of the required information may result in processing delays of the application or the need to submit a new or revised application. Should you have any questions regarding the information required in the application form, please join our Staff on a weekly zoom meeting to have your questions answered. You may register for the zoom meeting on the website.

Planning staff are available to assist applicants throughout the process. **Staff are not permitted to complete application forms or maps for you.**

The standard requirements for a complete consent application are listed under Frequently Asked Questions of this package. One application is required for each new lot created (i.e. each application may have one severed parcel and one retained parcel).

Once completed, the “Declaration of the Owner/Agent” section of the application must be signed before a Commissioner of Oaths. The Township provides this service free of charge via a zoom meeting or in person.

Applications may be submitted electronically by sending the completed application and sketch to [planning@southfrontenac.net](mailto:planning@southfrontenac.net). Note that the hardcopy of the application, site sketch and fees will still need to be forwarded to Planning Services.

Please note that the application form, signatures and site sketch must be fully completed and legible in order to be processed. Failure to provide complete or legible information will result in a delay in processing the application.

### **Step 3: After Submitting an Application**

Once your application has been submitted, Planning staff will review the submission. The application will not be processed unless all required information is provided.

Once deemed to be complete, the application will be assigned a file number. Please refer to this file number for all correspondence with the Township.

It is important to consider that commenting agencies have their own requirements and may require separate planning review fees and/or additional reports or studies in order to process the application. These will be identified throughout the process.

### **Step 4: The Consent Process**

The Consent process is governed by the policies and regulations of the Planning Act. It may take three (3) to four (4) months from the time of submission of the Application for Consent until the time a Notice of Decision is received. Should there be appeals received, the process may be delayed. Times may vary greatly depending on the number and complexity of issues arising as part of the application review process and/or staff work volumes.

#### **1. Circulation & Public Notice**

The Planning Act requires that when a complete application for consent is received, notice of the application must be sent to a variety of different agencies for review and comment. Also, notice of the application will be sent to all land owners within 60 metres of the subject property (severed and retained lands). The notice briefly the nature of the application. It is recommended that you contact your neighbouring property owners in advance of this circulation to discuss your proposal.

Staff will prepare a notice. The applicant is responsible for posting the notice card on the property. It is mandatory that this notice be posted. They must be clearly visible and are to remain posted until the decision becomes final. After a Notice of No Appeal has been issued, the placards may be removed.

The placards can be attached to an existing feature such as a fence or pole, or placed on a stake. It is a requirement that you take photos of the placards and send these photos, confirming the date that they were posted to [planning@southfrontenac.net](mailto:planning@southfrontenac.net).

Any person or public body may provide comments on the proposed consent to sever application. If a member of the public wishes to receive a copy of the Committee's decision, they must make a written request. All comments submitted will be reviewed and become public documents.

Should any objection be received from an adjoining landowner that is not able to be resolved, a public hearing will then be scheduled. Staff will notify you (the applicant) and property owners within 60 metres of the subject property by mail at least 14 days before the meeting.

#### **Sewage System Approval**

In order to determine the capability of the lands to support on-site sewage systems, the impact of the severance on any existing systems or usable area for a system, a sewage system inspection is required. Approval for severance purposes is not the same as septic approval for a building permit. The criteria used for Severance is a standard Class 4 Primary Septic System. If required, you will be asked to dig test holes for the inspector to evaluate. More information on this can be found by reading "Call after you Dig Sheet".

## **2. How is a Consent application evaluated?**

When considering an application, the Director of Development Services or the Committee of Adjustment evaluate the application using the criteria in Section 53(12) of the Planning Act, including:

- The effects of the proposal on matters of provincial interest;
- Compliance with the Township Zoning By-law;
- Suitability of the land for the proposed use, including size and shape of the lot;
- Adequacy of vehicular access, water supply and sewage disposal;
- The need to ensure protection from potential flooding or other natural hazards; and
- The protection of natural features including waterbodies and wetlands.
- All decisions must be consistent with the Provincial Policy Statement and conform to the County and Township Official Plans.

When evaluating the application, the planning report will be reviewed as well as any comments received from agencies including the conservation authority.

Staff, agencies such as the conservation authority will attend the site prior to the making of a decision.

## **3. Staff prepare a Planning Report**

Planning Staff will write a planning report when comments from all the agencies have been received and reviewed and Staff have attended the site. Planning Staff communicate concerns (if any) to the applicant and work together to resolve issues and determine the next steps.

The planning report outlines a number of conditions that are required as part of the approval process of the severance. Staff share the planning report with the applicant so that they may review these conditions. Staff ask that the applicant provide a statement in writing stating that they are or are not agreeable to the conditions of draft approval.

### **What are the “conditions of severance”?**

A severance approval may have certain conditions attached to it including requirements for road widening, parkland dedication, drilling a well and doing a pump test (More information on Step 7). In addition, the property owner may be required to enter into an agreement with the Township to provide future services or facilities. The conditions of severance must be satisfied within one year of the decision. It is the responsibility of the applicant to satisfy these conditions.

## **4. Decision**

The approval of severances rests with the Director of Development Services or, for complex or contentious applications, with the Committee of Adjustment.

### Simple Applications

The staff report provides a recommendation and conditions of draft approval which the Director of Development Services will consider when reviewing the application and making their final decision. Should planning staff recommend approval, and no concerns or objections be received from adjoining land owners or agencies; and the application is considered to be “straight forward” the consent will be deemed to be an undisputed consent. The file may be approved without a public hearing by the Director of Development Services.

## Complex Applications

If an objection has been received from any agency, neighboring landowner, if the applicant is not agreeable to the conditions or if the application is complex, the application is considered to be a disputed consent.

Applications with objections will be forwarded and heard by the Committee of Adjustment and the next available public hearing. A notice of public hearing also will be sent to all neighboring landowners inviting them to attend the public hearing for the application at the Committee of Adjustment meeting. Anyone attending the Public Hearing will be given the opportunity to address the Committee.

At the Committee of Adjustment meeting, both the applicant and any member of the public will have the opportunity to speak to the Committee in support of or opposition to the application. It is strongly recommended that the applicant attend this meeting in order to address any questions or concerns that may be asked by members of the public or of the Committee. At the public meeting, the Committee will review all of the information and make a decision to Approve, subject to conditions, Deny or Defer the application.

## Deferred Application

If the Committee of Adjustment defers the application, reasons for the deferral will be provided and it is the applicant's responsibility to prepare and provide any additional information that may be requested by the Committee of Adjustment. When you are ready to proceed, contact the Secretary-Treasurer to schedule a new hearing date. Please be aware that in some cases a re-circulation fee may be required if a second Public Notice is required.

## Denied Application

If the application is denied, the application is refused and the proposed severance may not proceed.

### **5. Notice of Decision**

Once a decision has been made on the application, the applicant will be provided with a Notice of Decision. Any person or public body who provided comments is also sent a notice that a decision has been made.

### **6. Appeal Period & Notice of No Appeals**

When a Notice of Decision is given, a 20-day appeal period follows. The Notice of Decision will notify you on how you should file your appeal. During the appeal period any person or public body may appeal the decision or any condition imposed by the Committee, or the Director of Development Services, to the Ontario Land Tribunal by filing a Notice of Appeal with the clerk of the municipality

There is also an opportunity to appeal a failure to make a decision within the prescribed timeframe. For more information about this option, please speak with the Planner reviewing the application. Appeals are filed with the Township, and the Clerk is required to forward the appeal to Ontario Land Tribunal (OLT). You must submit your appeal within the legislated timelines, with the filing fee, completed appeal form, and grounds for appeal. For a better understanding on the land use planning and appeal process in Ontario, please visit the OLT website (<https://olt.gov.on.ca/>).

If no appeal is received within the legislated time-frame the applicant will be provided with a Notice of No Appeals and the decision is final. To finalize the consent all conditions of severance must be met.

## **7. Fulfilling Conditions**

The applicant has one year from the date of the mailing of the Notice of Decision to fulfill all conditions. It is the responsibility of the applicant to satisfy these conditions. If all conditions have not been fulfilled within the specified one year, the approval of the severance will lapse and the application will need to reapply for consent and go through the process again.

The applicant should begin to address and fulfill conditions as soon as possible as There is no extension to the one year limitation as it is a statutory timeframe.

When the applicant has satisfied or fulfilled all the conditions, a Certificate of Official is issued by the Township. The Certificate of Official is sent to the owner's lawyer to be reported to the Land Registry Office. The certificate is valid for two years so it is the applicant's responsibility to ensure the transfer is completed within that time. This is done by having the deed registered at the Land Registry Office. Once a severance is reported the land can be registered and conveyed.

### **Conditions that you may be required to complete**

Such conditions may include, but are not limited to, the following (for more information see Potential costs associated with consent applications document):

#### **1. Proof of Potable Water & Well Driller**

Prior to the endorsing of deeds for the severed lot, proof of potable water available on the severed parcel is required. You are required to submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6- hour pump test for the parcel. Please contact the well drilling company of your choice directly with respect to the costs associated with this.

#### **2. Surveyor & Survey Plans**

In order to prepare a Deed for the severed lot, your Solicitor will require a registerable description. This usually involves a new survey plan. A qualified Ontario Land Surveyor must be hired by the applicant or the agent to survey the lands to be severed. Please contact the surveyor of your choice directly with respect to fees associated with this.

#### **3. Lawyer & Legal Fees**

For the preparation of the legal documents by your Solicitor and subsequent registration of those documents. A qualified Lawyer in the Province of Ontario must be hired by the applicant or agent to prepare all legal documentation associated with the severance, including but not limited to, registration of any agreements, title searches, preparation and registration of any road widening and transfer documents and all matters associated with the Land Registry Office. Please contact the real estate lawyer of your choice directly with respect to the fees and disbursements associated with this.

#### **4. Rezoning**

The severed lot may be required to be rezoned in order to be in compliance with Township Policies. The Township can provide more information on this if required and what the costs for the application are.

#### **5. Road Widening**

Sufficient land must be deeded to the Township for road widening, by REGISTERED deed to provide a road width of 33 feet to the centre line of a Township road, across the frontage of the severed and retained land.

## 6. Cash-In-Lieu of Parkland

The Township of South Frontenac shall receive 5% of the value of the parcel to be severed in lieu of parkland [Planning Act, s. 51(1)]. A valuation letter from a qualified Real Estate Agent or Real Estate Appraiser shall be provided by the applicant to be used to calculate the 5% payable. The evaluation shall reflect the value of the raw land on the day before the severance was finalized.

## 7. Development Agreement

You are required to enter into a Development Agreement to be registered on title to the severed parcels to address the development of the lot. This may include the Township's Environmental Policies, an entrance permit, and a lot grading and drainage plan to be submitted at the building permit stage. The cost of drafting the Development Agreement is \$255, to be paid to the Township of South Frontenac by cheque, cash or debit at the time the Development Agreement is submitted to the Township with the owner's signatures. Please ensure your lawyer quotes additional cost to register this Agreement on title to the severed lands.

## Frequently Asked Questions

### **Do I need a professional to prepare and submit my application?**

Depending on the complexity of the application, some applicants may find the expertise of someone who has an understanding of the planning process and the requirements of the various legislation and policies. It is not a requirement of the application process for most applications, but may be required for complex applications. Contact the Township planning department to obtain a list of frequently used consultants.

### **How can I find the information required for my application?**

Information regarding your property can be found on your tax bill (e.g. legal description, roll number) as well as on [Frontenac Maps](#) (e.g. zoning, official plan designation). Should you require more assistance with the application, it may be beneficial to hire a planning consultant to assist with your application.

### **How do I create a Sketch?**

A hand drawn sketch to scale is usually sufficient. However, once consent is granted, a survey will be required in order for your solicitor to describe the severed lot in the deed. It is, however, very important that dimensions shown on the sketch and in the application be accurate. If the final survey differs from the sketch, you may be required to submit a new application showing the correct dimensions. If you are unable to obtain accurate measurements, you should consider engaging a surveyor to prepare the sketch.

Section 16 of the application outlines requirements of the sketch. Please note that at a minimum it must show the entire subject property (both the severed and the retained), the total road frontage, waterfrontage (if applicable) and acres.



## **What is required for a complete consent application**

You may complete an application on your own or you may wish to hire someone to apply on your behalf, which is referred to as an “Agent”. The owner of the land must sign the application form and give permission to the Agent to conduct the application.

Every application must include:

- One copy of the complete Application Form
- A sketch or accurate technical drawing that is consistent with the requirements of Section 16 in the Application form
- Required application fees including those for commenting agencies identified during the pre-application process
- Any additional studies as identified during the pre-application process

If your application is for a lot addition, enlargement or lot line revision:

- Please make sure that the sketch includes information stating the total number of acres, road frontage and waterfrontage before and after the lot addition for the subject property and the benefitting lands.
- An accurate description including for the land which the parcel will be added to.
- An explanation of the purpose that the lot addition will serve.

## **What are the Provincial Policy Statements (PPS)?**

The Provincial Policy Statements provide direction on matters of provincial interest related to land use planning and development, and promote the provincial ‘policy-led’ planning system. As such, the PPS takes precedence over both the County and the Township Official Plans. To find out more information about the Statement, please visit [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

## **What is a Supporting Study and why might I need to have one done?**

A supporting study is any report done, by a qualified professional, which may be identified by the Planning Approval Authority as being necessary in order to deem a consent application as being ‘complete’ and to determine Official Plan and Provincial Policy compliance. Examples of supporting studies include such things as a Traffic Study, Archaeological Study and Environmental Impact Study (EIS). As an example, an EIS may be required to address one or more environmental concerns and/or features located on your property (e.g. provincially significant wetland, rare species, area of natural and scientific interest). Before a severance can be granted, it must be demonstrated by means of an Environmental Impact Study that the severance and subsequent construction on the property will not negatively affect the natural feature(s) identified in the area.

## **What is a Peer Review?**

For certain matters the Township will review the supporting studies and may do so internally or through the use of peer reviewers. The applicant should be aware that both the cost of the supporting study and the peer review will be borne by the applicant.

## **What are the Minimum Distance Separation requirements?**

Minimum Distance Separation (MDS) is a tool used to determine a recommended distance between a livestock facility and another sensitive land use. The objective is to prevent land use conflicts and minimize nuisance complaints from odour; MDS does not account for noise and dust. When severing a new lot, MDS calculations are intended to protect existing agricultural operations. These calculations are a requirement in the County Official Plan, and most municipalities. MDS is required to be calculated for all barns within 750 metres of the property. We require you to fill out a Farm Data Sheet with information about all surrounding barns. The fee for this calculation is \$281. Applicants may seek a private consultant to perform this work for them.

## **I'm applying for a severance, how many severances may I have?**

The number of severances that you may have is dictated by the Official Plan and is subject to change with the document.

## **Where can I find more information?**

This brochure is intended to provide general information only. For additional information, please visit our website at <https://www.southfrontenac.net>. More specific information regarding severance proposals and/or Preliminary Reviews can be obtained from the Planning Department.

### **For More Information:**

Township of South Frontenac

4432 George Street

PO Box 100

Sydenham, Ontario

K0H 2T0

<https://www.southfrontenac.net/en/open-for-business/severance.aspx>

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