



# Consent (Severance)

## Information Guide

Consent or Severance is one of the methods used in Ontario to divide land. The City of Orillia's Official Plan policies state that the Consent process shall generally be used where four or fewer lots are being created. Consent may also be used to grant other interests in land such as easements and rights-of-way. This brochure will outline the Consent process at the City of Orillia and provide information regarding what costs you can expect to incur when severing property.

## Step 1

### Pre-consultation

Contact the City of Orillia's Planning Division if you wish to sever a property within the City. Planning Division staff can review the proposal and advise you with respect to compliance with the City's Official Plan and Zoning By-law, as well as other factors that may affect your ability to sever the property in question. No assurances can be given by staff with respect to whether any given application will be approved by the Committee of Adjustment. Staff will also advise you if the services of a [professional planning consultant](#) would be beneficial to you.

## Step 2

### Prepare the Application

The [application for Consent](#) is available to you at the City Centre or on the City's website. The application requires general information about you, your property and the proposed severance. A sketch showing the proposed consent is critical. This sketch does not have to be prepared by a professional, but it is required to show the boundaries and dimensions of the lands and any other abutting lands that you own. You should also clearly label the severed and retained portions of land and show any buildings and/or structures, roads, watercourses or other significant features on the property.

## Step 3

### Submit the Application

The application should be submitted to the Planning Division at City Centre together with the applicable fee. The fee is non-refundable if the application is denied by the Committee of Adjustment. Once the application is deemed complete by City staff, it will be placed on the next available [Committee of Adjustment Agenda](#). The Committee of Adjustment meets once per month. Each month's meeting date is the deadline for submission of applications for the next month's meeting. You will be advised of the hearing date for your application by the Secretary-Treasurer.

#### Step 4

### Notice of Hearing

Under the *Planning Act*, the City is required to circulate Notice of your application to all property owners within 60m (200ft) of your property boundaries and to various utilities and government agencies. This Notice must be circulated at least 14 calendar days prior to the hearing date. You may wish to speak to your immediate neighbours prior to issue of the notice to make them aware of the proposal to sever your property. If your neighbours have no objections to your proposal, you may wish to obtain a letter from them confirming this, or encourage them to attend the Committee of Adjustment hearing to voice their support. The City will also post a sign on your property as required under the *Planning Act*.

#### Step 5

### Hearing

On the date appointed for the hearing, the Committee of Adjustment will meet to hear applications. The Committee of Adjustment is a quasi-judicial body appointed by Council and consists of three members of the community. At the hearing, the Committee will introduce your item. As an applicant, either you or your representative will have an opportunity to present your proposal. Any person having an interest in your application will be invited to identify themselves and will be given an opportunity to make their views known. The Committee members will ask questions to you/ your representative, staff and/or members of the public.

#### Step 6

### Decision and Appeal Period

Once the Committee is satisfied that all evidence has been heard, it will render a Decision to approve or deny the application. The Approval of Consent applications is always referred to as “provisional approval” as the Committee will always attach conditions that must be fulfilled before the Secretary-Treasurer can issue the final Consent Certificate.

Typical conditions include:

- A requirement for a reference plan of survey describing the severed land to be prepared by an Ontario Land Surveyor
- A requirement for a lawyer to provide a draft Transfer for the severed land
- Payment of cash-in-lieu of parkland if the severance involves the creation of a new lot
- A payment of miscellaneous processing fees to the City
- Each Consent application is unique and there may be other conditions specific to your proposal which will be identified during pre-consultation.

The provisions of the Planning Act provide you with two years from the date of giving Notice of the Decision to fulfill the conditions of provisional approval. If the Applicant is dissatisfied with the Decision of the Committee or objects to any condition that has been imposed, they may appeal to the Ontario Land Tribunal (OLT) within 20 days of the giving of Notice of the Consent Decision. Similarly, the Minister, a specified person or public body may also file an appeal during this time period. A specified person is defined in Section 1 (1) of the Planning Act. An appeal must be filed with the City before the expiry of the appeal period and must be accompanied by the required fee as set out in the Decision. If an appeal is filed, the matter is transferred to the OLT for resolution and the City's jurisdiction is at an end.

## Step 7

### **Satisfying the Conditions**

If the appeal period expires with no appeals made, your next step is to fulfill the conditions imposed by the Committee. Since surveyors and lawyers are very busy, you should contact these professionals early in the process to ensure that they have time to complete the required surveying and legal work within the one-year time frame. It is your responsibility to provide the Secretary-Treasurer with evidence that the conditions have been fulfilled.

## Step 8

### Issue of Consent Certificate

Once all conditions have been fulfilled and upon request by your lawyer, the Secretary-Treasurer will issue a Certificate of Official. This Certificate will be sent directly to your lawyer and must be attached to the Transfer for the severed lot as evidence that Consent was granted. The Certificate is valid for two years from the date of issue, so you should ensure that your lawyer registers the Transfer within that time.

#### Contact Information

T: 705-325-2622

E: [coa@orillia.ca](mailto:coa@orillia.ca)

#### Cost of a Consent Application

Prior to applying for Consent, you should calculate the costs involved. The cost of Consent includes not only the City's fees but also your overall costs to retain various professionals to complete the works required in order to finalize the Consent.

Your costs can include, but are not limited to:

- City Application Fee
- City processing fees
- Cash-in-lieu of Parkland
- Surveying costs for an Ontario Land Surveyor to prepare and register a Reference Plan
- Legal costs for preparation and registration of conveyancing documents
- Costs of any special studies or reports required by the City as a part of a complete application (ex: Environmental Impact Statement)
- Servicing costs if new sewer and water laterals are required

For more information contact the City's Planning Division.

Severance Sketch Example

