

The Planning Act grants authority to Sarnia City Council to appoint a Committee of Adjustment to consider consent to sever land.

CONSENT DEFINITION

Consents are permission granted to divide (sever) land into new lots, to add land to an abutting lot, to establish easements or rights-of-way and to lease or register a mortgage over 21 years.

PUBLIC HEARING OF THE COMMITTEE

The Committee meets on Tuesdays at 5:00 p.m. on average every three (3) weeks. Please contact the Planning and Building Department for the full public hearing schedule.

CONSENTS TO SEVER PROPERTY

Property owners who wish to divide their property for the purpose of selling it, registering or discharging a mortgage, or leasing, if for a period over 21 years, must apply for a severance. In municipal legislative terms, it means obtaining a “consent to sever” from the Committee of Adjustment.

The Planning Act stipulates that a consent must be granted before a parcel of land can be divided to create an additional lot(s). This process is referred to as land severance and the type of consent given in this instance is a severance. Controlling the division of land through “severance” gives the municipality a mechanism for ensuring that the creation of lots is consistent with the planning policies of the municipality as set out in its Official Plan and the County of Lambton Official Plan.

Generally, no more than five abutting parcels can be created through the consent process. Anything beyond that requires approval as a “plan of subdivision”.

APPEALING THE DECISION OF THE COMMITTEE

Any person can appeal the decision of the Committee to the Ontario Municipal Board (OMB). The appeal must be filed within 20 days of the date of the Notice of the Committee’s decision. Appeals are made through the Committee of Adjustment, Planning and Building Department, located on the 3rd, Floor of City Hall. The appeal to the OMB requires the payment of a \$125.00 fee (2009) payable to the Ontario Minister of Finance.

For more information about the appeal process, visit the OMB website at www.omb.gov.on.ca. Committee of Adjustment application forms can be obtained at the Planning and Building Department located on the **3rd, Floor of City Hall – 255 Christina Street North** or online at www.sarnia.ca.

For further information about the Committee of Adjustment, please call **City Hall at 519-332-0330** and speak to **Beth Gray (ext 344), Secretary of the Committee of Adjustment** or **Max Williams, Planner (ext 293)**.



CITY OF SARNIA PLANNING & BUILDING DEPARTMENT

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COMMITTEE OF ADJUSTMENT CONSENT



A Guide To
Consent

APPLICATION AND APPROVAL PROCESS

1. CONSULT WITH THE SECRETARY-TREASURER:

Before you submit an application, discuss your plans with the Secretary-Treasurer or a Planner of the Planning and Building Department to confirm whether other planning or engineering approvals are required.

Note: If the lot or lots to be created are not located in an area of the City where sanitary sewers are available, the County of Lambton, Planning and Development Services Department should be contacted 519-845-0801. No application to create a lot or lots on private services will be scheduled for a public meeting until the County of Lambton advises the City that the appropriate studies have been received and reviewed by the County and are found to be acceptable.

2. COMPLETE THE APPLICATION, INCLUDING THE FOLLOWING:

- One copy of a survey of the proposal, dimensioned and drawn to scale; showing the lot and the location and size of the buildings and the parking and access on the lot. It must also show all of the information and features that are listed on the Consent Application Form;
- A cheque made payable to the City of Sarnia to cover the approved fee (variable fee); and
- If you are using an agent or solicitor, your written authorization identifying by name the individual who will be your agent or solicitor.

In some cases additional information could be helpful in assessing an application; you are encouraged to submit photographs or other relevant documentation. To avoid delays, please ensure that your application is complete, that all drawings are neat and legible and that all dimensions are accurate.

3. NOTICE OF PUBLIC HEARING AND CIRCULATION OF APPLICATION:

A notice of Public Hearing will be posted on the property itself and copies of the Notice will be sent to all registered property

owners within 60 metres (200 feet) of the property and to every person and public body that has provided a written request for such notice, at least 14 days before the date of the Hearing. Copies of the application will also be circulated to prescribed agencies and to City Departments for the purpose of obtaining written comments and/or advice for consideration when making the decision on the application.

4. PUBLIC HEARING AND DECISION MAKING PROCESS:

The Committee will carefully consider all aspects of your application in light of the requirements of the Planning Act, the Provincial Policy Statement, the policies in the City Official Plan and the County Official Plan, comments from municipal departments, agency comments and input from the public. When dealing with an application to sever land, the Committee will consider where appropriate:

- What the effect will be on the health, safety, convenience and welfare of the present and future inhabitants;
- The impact on Provincial interests as identified in Section 2 of the Planning Act;
- Whether the application is in the public interest or is premature;
- If the lands suit the proposal;
- If the size and shape of the lots and the overall plan are suitable;
- Whether the layout addresses energy conservation of natural resources and flood control;
- Whether utilities, road systems, municipal services and schools are adequate;
- If the area of land being dedicated for public purposes is suitable; and
- Whether the application conforms to the City and County Official Plans and is it compatible with adjacent land uses.

If your application is approved, the Committee may impose conditions as part of the decision. Conditions could include things such as a requirement for Site Plan Approval, the entering into of a severance agreement with the City, preparation of a tree preservation plan, or approval of a lot grading plan.

5. NOTICE OF DECISION:

Within 10 days of the date on which the Consent Authority makes a decision, one copy of it will be mailed to the applicant and/or agent, to anyone who filed a written request for notice of the decision, to everyone who provided written comments or written submissions, and to anyone else prescribed by regulation. Information is included in the Notice of Decision outlining appeal procedures and identifying the last day for appealing the Committee's decision to the Ontario Municipal Board.

6. WHEN DECISION IS FINAL AND BINDING:

If no appeals are made by the end of the 20 day appeal period, the decision is final and binding. The applicant can prepare and submit to the Committee the appropriate documents such as a deed or a mortgage for certification by the Secretary-Treasurer.

LAPSING OF CONSENT:

Section 53 of the Planning Act provides that:

- Where a consent is granted with conditions, the conditions must be fulfilled within one year of the "notice of decision" or the consent is deemed to be "refused" or "lapsed"; and
- Where a "certificate of consent" (stamp) has been given following the fulfillment of the conditions, the consent is deemed to be "refused" or "lapsed", if the transaction in respect of which the consent was given is not carried out within two years from the date of the certificate.

