

## APPLICATION FOR CONSENT GUIDELINES

### When is a Consent required?

The Ontario Planning Act R.S.O 1990, as amended, requires that a land severance, or consent, be obtained whenever you wish to sell, mortgage, charge or enter into any agreement (at least 21 years) a part of your lands. In addition to the division of land, establishing rights-of-way, easements and any changes to your existing property boundaries also require a severance. In the City of Barrie, you must obtain permission to sever land from the City's Committee of Adjustment.

### How Do I Apply for a Consent?

Application forms are available in the Development Services Department at City Hall at 70 Collier Street, Barrie or can be submitted through the City's online web portal [APLI](#). Before making your application, we recommend that you speak to a staff member in the Planning Services Branch for their comments on your proposal. Pre-consultation is strongly recommended. Applicants are encouraged to contact the Development Services and any affected agency (i.e., Lake Simcoe Region Conservation Authority) as they will be providing the Committee of Adjustment with comments on your application(s), and it is best to work with them to alleviate any potential problems that may arise.

To make an application for consent, you must submit an application form completed in full with an application fee of \$3,347.29 per application for a creation of a new lot or lot addition OR \$1,507.97 per application for an easement, made payable to the City of Barrie, to cover the costs of processing the file(s) and 1 copy of a preliminary sketch and a **mandatory property survey** showing all information as outlined in the application, showing the full extent of the your property and how you propose to divide the lands.

### **Costs Involved:**

**Application Fee** – Dependent on the type of consent, fees upwards of \$3,347.29/application are required to pay for the processing of the application, payable to the City of Barrie.

**Conservation Authorities (Lake Simcoe Regional or Nottawasaga Valley)** - If your property is near a body of water or water course or is within a designated "floodplain", your application may be subject to review by the Conservation Authority and you are required to pay a review fee directly to them in order for them to provide comments on your application. Please consult with either zoning staff or the conservation authority to see if your application is subject to this fee.

**Development Fees** – Development fees such as Development Charges, Education Levies, Area Specific Charges, and Park Levies may be required. For more information, please contact Meaghan Messina in our Finance Department at 705-726-4242.

**Reference Plans** - New reference plans are required in order for your solicitor to prepare a deed for the newly severed lands.

**Other Development Applications** – Dependent on the type of consent and the zoning of the lands, you may be required to obtain additional approval such as a minor variance, zoning amendment, site plan approval or development agreement.

**Legal Fees** - Consult your solicitor as to costs on preparation and registration of deeds.

**PLEASE NOTE** – Other conditions may be imposed by the Committee of Adjustment based on inter-departmental and other agency recommendations on a site-by-site basis.

### **The Committee of Adjustment:**

The City of Barrie has established a Committee of Adjustment to deal with applications for consents and minor variances. The Committee is made up of five members, appointed by City Council to serve a four-year term.

The function of the Committee of Adjustment is to review the application, receive staff and agency comments on applicable planning policies and regulations, additional information provided by the applicant, as well as the input of any neighbours. As part of their review of this information, the Committee must satisfy themselves that the consent constitutes good planning for the proper and orderly development of the municipality.

For this reason, it is not possible for any one person or agency to tell an applicant in advance if their application will be approved. The Committee does, however, strongly encourage pre-consultation with some of these agencies in advance of making a formal submission to determine some of the requirements.

A verbal decision is given to you the night of the hearing, unless the Committee feels it needs further information before making a proper decision. A written decision will be sent to you within 10 days from the hearing date. The Committee's decision is subject to a 20-day appeal period, during which time, if you are not satisfied with the decision, you may lodge an appeal with the Ontario Land Tribunal. If no appeals are received within the 20-day period, the Committee's decision is then considered final.

### **What Can I Do If the Committee Does Not Approve My Application?**

You have the right to appeal the Committee's decision to the Ontario Land Tribunal (OLT) within 20 days from the date of mailing the Committee's decision. The appeal must be filed with the City Clerk via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting City of Barrie as the Approval Authority or by mail [City of Barrie, Committee of Adjustment, P.O. Box 400, 70 Collier Street, Barrie, Ontario L4M 4T5]. The appeal fee of \$1,100 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If an appeal is received, the entire matter is taken out of the Committee's jurisdiction and the OLT then arranges for a new hearing, which currently may take up to six months to schedule. The decision of the OLT is considered final.

### **The Various Steps in the Process:**

- Applicant submits application to the City of Barrie, including forms, survey sketch and the appropriate processing fee.
- Staff process application and circulates notice to staff and prescribed agencies at least 14 days prior to Hearing. Applicant posts a public notice sign on the property.
- City staff reports and any other agency or public comments are sent to the applicant prior to the Hearing.
- Committee of Adjustment Hearing – application proposal and all reports reviewed by Committee. Applicant and other parties may make a presentation to the Committee. Decision made.
- 20-day appeal period from the date of mailing.
- If not appealed and if approval was given, applicant has two years to fulfill conditions of approval.
- If appealed - sent to Ontario Land Tribunal, who will hold a new Hearing.
- Applicant has reference plan prepared by a surveyor and meets all conditions that were imposed by Committee of Adjustment.
- Applicant has his/her solicitor prepare a Deed for severed lot, right-of-ways and/or easements.
- Solicitor forwards Deed to Secretary Treasurer of the Committee who will issue a Certificate of Consent.
- Solicitor registers the Deed in the Land Registry Office. Severance is complete.

**For more information, please contact the Development Services Department – Planning**

**Phone: (705) 726-4242 or Email: [planneroftheday@barrie.ca](mailto:planneroftheday@barrie.ca)**