



The Corporation of the Town of Bracebridge Development Services Department Consent Procedures

APPLICATION FOR CONSENT

GUIDE TO LAND SEVERANCE PROCEDURES

PLEASE READ CAREFULLY PRIOR TO FILLING OUT AND SUBMITTING APPLICATION(S)

THE BASIC CRITERIA

Official plans are land use planning documents adopted by Municipal Councils and approved by the Province. They reflect provincial and local planning issues and among other things, establish policies for lot creation. The Planning Act requires that any proposed severance must conform to the requirements of the Official Plan and be consistent with the Provincial Policy Statement. In the Municipality of the Town of Bracebridge, lands are subject to both the Bracebridge Official Plan and the District of Muskoka Official Plan.

All lands are also subject to local Zoning By-Laws which set out specific requirements for new development (e.g. minimum lot size, frontage, setbacks, etc.) All proposed lots must conform to the relevant Zoning By-Law, or the By-Law amended to bring the lands into conformity. Town Development Services staff can assist you in determining the rules and specific lot size requirements which are applicable to your property. Information regarding the Official Plans can also be obtained from Development Services staff as well as from the District Planning staff at the District Administration Building at 70 Pine Street, Bracebridge, ON.

To apply for a severance, the attached application form should be completed in full and returned to the staff at the Town of Bracebridge Municipal office. Staff in the Development Services Department are available to assist applicants throughout the process and would strongly suggest that you arrange a pre consultation meeting with the Planning Staff.

SOME TYPICAL QUESTIONS

QUESTION: WHEN DO I NEED A SEVERANCE TO CONVEY LAND ?

If you own, or have an interest in any land abutting the lot you wish to convey, Section 50(3) & (5) of the Planning Act requires that a "consent" or land severance be obtained before you can convey that lot. Similar circumstances apply to grants of right of way. In the Municipality of the Town of Bracebridge, you must obtain permission to sever land from the Town's Committee of Adjustment.

QUESTION: DO SEPARATE DEEDS OR SEPARATE TAX ASSESSMENTS DIVIDE LAND ?

No, if the lands are abutting and in the same name, a Consent is required under the Planning Act, unless those lots were previously created by an approval authority under a Consent application or a Plan of Subdivision.

QUESTION: HOW DO I DECIDE WHICH WILL BE THE SEVERED LOT IN THE APPLICATION ?

Generally, the severed lot is the one that you want to convey and the retained lot is the one you will keep. In some circumstances, it is possible to create three parcels by severing only the middle lot, if after the middle lot is conveyed, the two outside lots would be isolated and you own no other abutting lands. However, you may wish to apply for a Consent for all three of these lots so that any one lot could be conveyed at any time without having to consider the order of conveyancing. A Certificate of Consent can only be issued for a severed lot, never a retained lot. If you wish to receive a Certificate for more than one lot, a separate application must be submitted for each lot.

QUESTION: WHAT HAPPENS ONCE AN APPLICATION IS SUBMITTED?

Steps of the Process

- Applicant submits application to the Town of Bracebridge, including forms, sketches and filing fee - \$807.00 + fee for septic review.
- Development Services Staff process application & provide notice to persons & agencies prescribed by Planning Act regulations at least 14 days prior to Hearing. This includes neighbours within 60 m (200 ft.). The Town posts lot identification signs to assist those conducting site inspections.
- Staff reports & any other agency or public comments sent to applicant prior to Hearing.
- Committee of Adjustment Hearing – proposal & all reports reviewed by Committee. The function of the Committee of Adjustment is to review the submitted reports and then make a decision based on this information, as well as information provided by the applicant and any neighbours who may wish to be heard. For this reason, it is not possible for any one person or agency to tell you in advance whether or not you will be able to obtain a severance. You may, however, wish to discuss your proposal with some of these agencies in advance of making a formal submission to determine some of the requirements.

PLEASE NOTE: THE COMMITTEE OF ADJUSTMENT IS A JUDICIAL BODY, WHICH MAKES DECISIONS SOLEY ON INFORMATION GATHERED AS A COMMITTEE. COMMITTEE MEMBERS ARE NOT TO BE CONTACTED PRIOR TO THE HEARING DATE TO AVOID CONFLICT OF INTEREST.

- 20 day appeal period.
- If approval was given & not appealed, applicant has one year to meet conditions.
- If appealed – sent to Ontario Municipal Board who will hold a new Hearing.
- Applicant has survey plan prepared by a surveyor & meets all conditions, which were imposed.
- Applicant goes to his/her Solicitor to have a Deed prepared for the severed lot &/or right-of-way &/or easement.
- The Solicitor forwards the Deed to the Secretary-Treasurer of the Committee of Adjustment who issues a Certificate of Consent.
- The Solicitor registers the Deed in the Registry Office & your severance is now complete.

QUESTION: WHAT ARE THE COSTS THAT MAY OR MAY NOT BE INVOLVED?

Application Fee - \$807.00 to pay for the processing of the application, payable to the Town of Bracebridge.

Septic Review Fee – \$61.00 for each lot, including the retained lot (e.g. if 1 severed & 1 retained – the fee will be \$122.00), to be made payable to the Town of Bracebridge.

Zoning Amendments – if your request requires a change in zoning designation, or if it is undersized for the present zoning & requires a minor variance or by-law exemption, an application must be made to the Development Services Department, of the Town of Bracebridge.

Development Charges – the Town of Bracebridge and the District Municipality require the payment of a development charge on new lot creation, however, these charges are payable at the building permit stage and will not become a condition of consent approval. A complete listing of development charge amounts are available from our Department.

Parkland Dedication – The Planning Act provides for parkland dedication of up to 5% of the land, or a cash-in-lieu contribution. The Town will determine if land dedication is required, or the alternative cash contribution, which must be completed prior to finalization of the consent.

Survey Plans – in order to prepare a Deed for the severed lot, your Solicitor will require a registrable description of those documents, etc.

Legal Fees – for the preparation of the legal documents by your Solicitor and subsequent registration of those documents, etc.

Please note, there may be other costs involved depending on conditions attached should the application (s) be approved.

FILLING OUT THE APPLICATION FORM

SECTION 2:

The *Municipality* refers to the general area (e.g. Bracebridge) while the *Ward* refers to the original Township name (e.g. Monck, Oakley).

SECTION 3.1:

If a right of way is to be included in the deed along with the severed lot, it must also be included in this section.

SECTIONS 4.1 and 4.2:

All dimensions must be stated, even if the application is only for a right of way, in order for your application to be deemed complete. In such instances, the dimensions of the right of way should be shown under "severed lot". Dimensions are to be stated in metric measurement.

SECTIONS 4.1(a) & 4.2(a) - Use of Lands:

Existing use refers to the actual use you would see if a site visit were made, not the zoning or use permitted in the Zoning By-Law. In the case of an addition to abutting lands, the dimensions, use and type of buildings on that abutting property must also be indicated somewhere on the application or on the plan.

SECTION 5 - Access:

If access is by private road over someone else's property, a copy of your Deed showing that you have a registered right of way over that road should accompany the application. If a driveway is to be shared, this should be indicated, as a right of way will have to be established for that purpose.

If access is by water, we will require information regarding your parking and docking facilities. If you are using a marina, written confirmation from that marina will be required at a minimum advising that they have sufficient accommodations to serve each of the lots. This should relate to car parking and boat docking facilities and specify availability of a minimum of 2 car parking spaces and 1 docking slip per vacant parcel.

Sketches:

Ten (10) copies of a plan similar to that shown on the sample attached must be submitted showing all the information contained in the application. The plan should be colour coded as follows:

- RED** - Severed parcel(s) (unless the severed "parcel" is a right of way or easement only)
- GREEN** - Retained parcel(s)
- YELLOW** - Rights of Way - all rights of ways or easements should be shown in **yellow only**, even if it also represents the severed "parcel"
- BLUE** - i) rights of way - the lands to which a right of way is being granted.
- ii) lot additions - the lands to which the severed or retained lot are being joined.

In cases of multiple applications, one set of 10 plans may be all that is required. Individual applications can be

shown by numbering the proposed parcels.

NOTE :

IF YOU DO NOT HAVE AN EXISTING SURVEY PLAN, A SKETCH TO SCALE IS REQUIRED. HOWEVER, SHOULD THE CONSENT BE GRANTED, A SURVEY WILL BE REQUIRED IN MOST INSTANCES IN ORDER FOR YOUR SOLICITOR TO DESCRIBE THE SEVERED PARCEL 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 EITHER PREPARE THE SKETCH, OR TO MAKE SOME PRELIMINARY CALCULATIONS FOR YOU.

DIRECTIONS :

Written directions on how to locate the site must accompany the application. This is to facilitate site inspections by the reporting agencies and should include distances from intersections, names of all roads, distinctive land marks, colour of houses, mailboxes, etc., as well as your 911 address.

DELINEATING PROPOSED PARCEL(S):

The applicant is required to identify the proposed parcel(s) on the ground, clearly visible to facilitate site inspections by commenting agencies (ie, coloured flagging tape, stakes, etc.)

LOT POSTING :

After your application is submitted, the Town of Bracebridge will be posting a poster on the severed lot in a location which is clearly visible a minimum of 14 days prior to the Hearing. The purpose of the sign is to assist the reporting agencies in locating your property when they conduct a site inspection. The poster is to remain until the Public Hearing has been held.

SEPTIC APPROVALS:

Approvals previously given by the Ministry of the Environment and Energy for private sewage disposal systems have now been delegated by the Province to the local municipalities. In order to determine the capability of the lands to support on site sewage systems, or the impact of the severance on any existing systems or usable area for a system, a report from the septic approval authority is required. (This does not apply to applications on municipal sewers). There is a fee charged for this service, and in the event that the fee is not required, your cheque will be returned to you.

The current fees are as follows: -

- a) \$61.00 for each parcel, including the retained parcel (e.g. if 1 severed & 1 retained – the fee will be \$122.00)
- b) a flat fee of \$61.00 for all applications that do not create a lot (e.g. rights of way, etc.)

WHAT HAPPENS NEXT ?

Once your application is submitted, the Committee of Adjustment staff are required by the Planning Act to circulate notice of your proposal to persons and agencies prescribed by Regulation who may have an interest in the proposed consent. These agencies include the District Planning & Economic Development Department, District Engineering & Public Works Department, the Town of Bracebridge Development Services Department (Planning and Building), and if applicable, Ministry of Natural Resources, Ministry of Transportation, TransCanada Pipelines, Hydro and any Railways, etc. All agencies may submit a written report which will be considered by the Committee of Adjustment at a Public Hearing.

PLEASE NOTE: If you are proposing construction, you should contact applicable Hydro authority well in advance (Hydro One, Lakeland Power Distribution).

An official Notice of that Hearing will be mailed to the owner, solicitor and/or agent, reporting agencies and to all neighbours within 60 metres (200 feet) at least 14 days prior to the Hearing.

Generally, the Hearing will be held and a decision given within 60 days of receipt of a completed application. If a decision has not been reached within 60 days, the applicant has the right to appeal to the Ontario Municipal Board. Before filing such an appeal, however, the applicant should determine the status of the file to see if a decision will be reached within a reasonable time. If all needed information is provided at the time the application is submitted, delays in processing can be avoided.

Once a decision is given, there is a 20 day appeal period when the decision of the Committee may be appealed to the Ontario Municipal Board. After the appeal period has expired, the decision is final and binding and the applicant may proceed to finalize the application by meeting all conditions of severance, having a survey plan prepared showing the severed lands and having a Deed drawn up by his or her Solicitor. The Deed for the severed lot should then be submitted to the Secretary-Treasurer, who endorses it with a Certificate of Consent. It is necessary that the lands described in the Deed be identical to the severed lot described in the application. The Planning Act requires that all conditions imposed be fulfilled within one year from the date of sending out of the decision. If conditions are not met within that time limit, the conditional consent expires and a new application must be submitted.

CHECK LIST:

Have you enclosed the following: -

- One (1) original consent application for each severed parcel, and nine (9) copies of the application for each severed parcel. If all required copies are not provided, an additional charge will apply of \$1.00 per page (G.S.T. applicable). Please note the application is required to be signed in front of a Commissioner, our Department has Commissioners on staff.
- 10 copies of the sketch, properly colour coded and showing all buildings, septic systems, and the remaining information required in Section 9 of the application. (Only a total of 10 copies may be required in multiple applications).
- The filing fee of \$807.00 per severance application. (Fees can be combined into one cheque in multiple applications). Cheques should be made payable to the Town of Bracebridge.
- A cheque made payable to the Town of Bracebridge for a septic approval review (refer to fees outlined above). This fee can be combined with the application fee.
- Written authorization from the owner, if the application is submitted by anyone other than the registered owner.
- Written directions to help locate the site for all agencies conducting site inspections.
- A parking and docking letter from a marina, if your lot is accessible by water only.
- A copy of your Deed showing ownership and any registered rights of way. Please provide the PIN Number assigned to the property by the Land Registry Office.
- Please ensure the proposed parcel(s) is flagged for identification purposes for those conducting site inspections.

Mail the application to: **Secretary-Treasurer
Town of Bracebridge
1000 Taylor Court
BRACEBRIDGE, Ontario, P1L 1R6**

Or deliver the application to the Development Services Department staff at the Town of Bracebridge office, 1000 Taylor Court, Bracebridge, Ontario.

This guide is intended to provide general information on land severance procedures and the costs involved in dividing your land.

ANY FURTHER QUESTIONS MAY BE DIRECTED TO THE SECRETARY-TREASURER AT THE TOWN OF BRACEBRIDGE OFFICE OR BY TELEPHONING (705) 645-5264.

Note: The information contained in this brochure is accurate as of January 2009. It is the responsibility of the applicant to ensure that they have the most current information.