

What is a Severance?

Consent to sever is the authorized separation of a piece of land, to form two or more adjoining properties under the Planning Act. The terms “consent” and “sever” are commonly used interchangeably to describe the same legal separation of land.

Making changes to existing properties through rights-of-way, long term leases, easements, or boundary adjustments may also require consent through the Township of South Frontenac Committee of Adjustment.

The Township of South Frontenac Committee of Adjustment meets once a month to review and make decisions on severance applications.

A list of Committee meeting dates and submission deadlines is available at www.southfrontenac.net or through the Development Services Department.

Application:

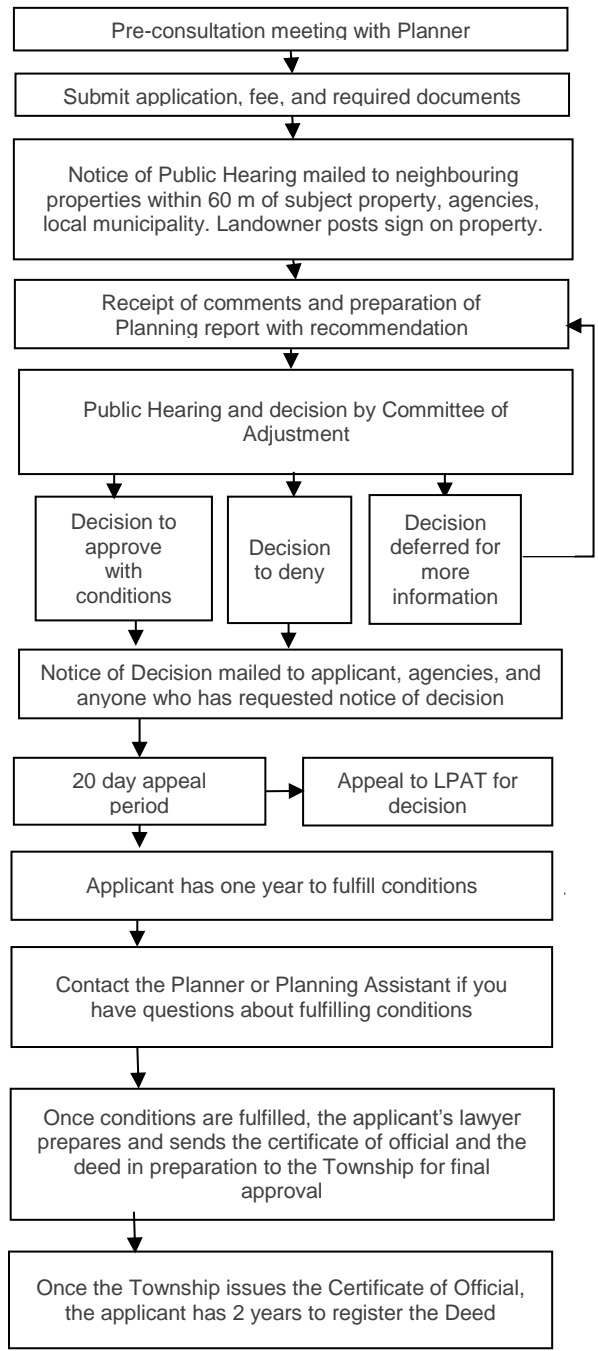
Forms are available online at www.southfrontenac.net or at the Township office. Completed applications and fee(s) are to be submitted to the Township of South Frontenac Development Services (Planning Department).

Fee*—Payable to the Township of South Frontenac
2019 fee: \$837.00

*Additional fees may apply such as a Minor Variance, Zoning By-law Amendment, Site Plan application, Conservation Authority and/or Public Health review, surveying and legal fees. Please refer to applications for current fees.

This pamphlet is intended to provide preliminary information only.
Last updated: 19 February 2019

Severance (Consent) Process



SEVERANCE APPLICATION PROCESS GUIDE



Township of South Frontenac
Development Services Department
4432 George Street, P.O. Box 100,
Sydenham, ON, K0H 2T0
613-376-3027 Extension 2224
planning@southfrontenac.net



Pamphlet is also available in an accessible format if requested.

Application Process

1. Pre-consultation

Contact the South Frontenac Development Services Department at 613-376-3027 x2224 to set up a meeting with the Planner. Applicants or Agents are strongly encouraged to meet with the Planner before they submit an application. During this meeting, details of the proposal will be discussed to determine if a severance is the best approach and how to apply. The Planner will help you understand the process (time and costs) and will determine what information is required to be submitted in order to make the application complete. The Planner may suggest agencies to pre-consult with (e.g. Conservation Authority or Public Health) and may recommend the applicant contact a lawyer before submitting an application.

2. Complete an Application

Ensure all questions in the application form are answered and detailed explanations are given. Ensure the application is accompanied with a detailed sketch or a survey sketch showing the property and building layout with the proposed severed and retained parcel boundaries. Planning application forms are available online at www.southfrontenac.net or at the Township office.

3. Submit Application

Submit the application, sketch, supporting studies/information and application fees to the Township of South Frontenac. Please call the Development Services Department in advance at 613-376-3027 x2224 to ensure staff are available to sign the application and ensure it is complete.

4. Notice of Application

If the information in the application form is complete, the applicant will be sent a letter to confirm the application is complete and requesting

enclosed signs displaying details of the application be posted on the property. The applicant may also be requested to dig test pits to assist Public Health staff in the review of the application.

Planning staff will prepare a Notice of Public Hearing that will be sent by mail to neighbouring property owners within 60 metres of the property.

Copies of the application are made available to members of the Committee of Adjustment, Township staff and agencies (Conservation Authority and Public Health) to obtain comments. The Planner will review the application against Provincial, County, and Township planning policies, consider all comments received, and visit the site before preparing a planning report.

5. Committee of Adjustment

The Planner will present a planning report to the Committee of Adjustment at the Public Hearing. The applicant is strongly encouraged to attend the Public Hearing to represent their interests on the application. Committee of Adjustment may make one of the following decisions at the Hearing:

1. approve the application with conditions;
2. refuse the application; or
3. defer the application for more information.

6. Notice of Decision

The applicant will receive a Notice of Decision within 15 days of the public hearing. The notice of decision is also sent to anyone requesting notice of the application and agencies who commented on the application. The notice of decision includes the decision of the Committee, and if the application was approved, conditions that must be fulfilled within **one year** of the issuance of the notice will be listed. It also includes information about how a decision can be appealed to the Local Planning Appeal Tribunal within 20 days from the date the notice of decision is issued.

7. Appeal

Any person who spoke at a public hearing or sent a written submission to the Committee of Adjustment can appeal the decision within the 20 day appeal period. Appeals are decided by the Local Planning Appeal Tribunal (LPAT). Those wishing to appeal must submit a completed Appellant Form to the Municipal Clerk along with the \$300 filing fee payable to the Minister of Finance.

<http://elto.gov.on.ca/tribunals/lpat/about-lpat/>

The applicant will be notified if an appeal is filed.

8. Decision is in Effect

If no appeal is filed, the Township will send a Notice of No Appeals. If the application was conditionally approved, the Notice of No Appeals will re-state the **one year** date in which the applicant must fulfill the conditions.

The Planning Act does not allow for extensions. If you do not meet conditions in one year the approval will lapse and a new application and fee must be submitted.

Fulfilling conditions are the **applicant's responsibility and cost**. Standard conditions include:

- Prepare a survey (contact the surveyor early);
- Transfer a road widening;
- Rezone or obtain a minor variance;
- Enter into a development agreement;
- Pay a cash-in-lieu of parkland fee & taxes; and
- Other site specific considerations

When conditions are fulfilled contact a lawyer to have the Certificate of Official and the new Deed Prepared. Have the lawyer forward the survey, certificate and deed to the Planning Assistant. The Planning Assistant will grant final approval and send the Certificate to the lawyer for registration.

The applicant has **two years** from the issuance of the certificate to register the deed for the severance application.