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## Applying for a Consent To Create a New Lot?

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### Tips that can help.

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**These tips are intended as a guide to help you decide if your proposed lot might qualify for a severance through the consent application process. There are other factors which may be considered in assessing your application for consent.**

#### What is an official plan?

Official plans are local land use planning documents adopted by a local municipality and planning board and approved by the province. They reflect provincial and local planning issues and among other things, establish policies for lot creation.

Your proposed lot must conform to the requirements of the Official Plan, all Provincial Policy Statements and be consistent with the Comprehensive Set of Policy Statements under section 3 of the **Planning Act**.

#### What is a Zoning By-law?

Local zoning by-laws exist in your area. They set out specific requirements for new development (e.g. minimum lot size, frontage, access, etc.).

Your proposed new lot must conform to any zoning controls. Your municipal Clerk or Planning Board Staff can help you interpret your local official plan and zoning by-law.

#### Is consent the way to go?

Generally, the creation of new lots by consent may be considered where:

- only one or two are proposed;
- no more than two lots have been severed from the parcel since 1979, when the Manitoulin Official Plan was adopted.
- the new and remaining lot will have direct access to an existing publicly-owned and maintained road;
- extensions of municipal or communal sewer or water services are minor and can be done at no cost to your local municipality.

#### Where can new lots be created?

Generally, only limited development is permitted in rural areas. This helps protect the natural environment, the natural resources and the character of rural areas and also discourages the inefficient provision of services.

New lots created for permanent, year-round use should be located in existing built-up areas and front on public roads maintained year round.

In unincorporated areas, industrial or commercial lots can only be created on or near a natural resource if they are dependant on that natural resource. For example, a small resort or campground next to a lake might be permitted. All new lots must be suitable for their intended use. For example, new lots must be large enough to accommodate the proposed building and all servicing requirements.

#### Where can't new lots be created?

Generally, lots cannot be created on provincially significant wetlands, agricultural lands, hazardous lands such as steep slopes and areas susceptible to flooding or where fish or wildlife habitats will be disturbed.

In areas without municipal organization new permanent residential lots cannot be created where they are in close proximity to municipalities or settlement areas. Seasonal lots usually cannot be created in areas where there is potential for conversion to year-round use.

New lots cannot be created where they are not compatible with surrounding land uses. For example, a new lot for a residential use must meet minimum separation distances from uses such as waste disposal, agricultural and aggregate.

#### What kind of access do new lots need?

Any new lot must provide safe, long term access for all vehicles, including service and emergency vehicles.

Generally, this means:

- lots should be located on publicly-owned roads which are maintained year round;
- a limited number of seasonal residential lots on private roads may be considered, provided they won't be converted to permanent residential use and they have registered right-of-way with direct access to a public road;
- water access may be acceptable for cottage lots if the lots are on an island, where future demand for road access is not anticipated; lots should be located within a reasonable distance to publicly-owned and maintained parking and boat launching facilities.

#### What kind of services do new lots need?

In general:

- where municipal sewer and water services exist, lots should hook into that service;
- in other areas, a new lot must be acceptable for the installation of a septic tank and tile bed system and wells;
- lake water for cottage lots may be permitted.

#### What happens to my application after I submit it to the Manitoulin Planning Board?

When the application form is complete, the applicant may be required to obtain certain preconsultation reports, i.e. the Ministry of Transportation/the Sudbury and District Health Unit. The required Circulation and Public Notice will then be given as required by Ontario Regulation 197/96. The applicant may assist in this process by providing the names and addresses of all owners within 60 metres.

In accordance with Sec. 53(14) of the Planning Act, a decision to approve or refuse an application must be made within 90 days. If the Planning Board decides to approve the application, there will be conditions stipulated and these conditions must be fulfilled prior to granting the consent (Certification of Transfers). The applicant has one year to fulfil conditions, otherwise the application is deemed to be refused. The applicant, or any person or public body can appeal the decision and any or all of the conditions to the Ontario Municipal Board within 20 days after the giving of notice of decision.

If the Planning Board refuses the application, the Planning Board will send a notice, giving the reasons for the proposed refusal. The applicant, or any person or public body has up to 20 days after the giving of notice to appeal the decision to the Ontario Municipal Board.

If at the end of the 20 day appeal period there is no appeal, the decision becomes final.

The applicant can appeal the application to the Ontario Municipal Board if a decision has not been reached on the consent request within 90 days of the Planning Board's receipt of an application that contains all of the prescribed or mandatory information.

Before filing a notice of appeal, the applicant should determine the status of the file since it might be possible for the Planning Board to make a decision on the application within a reasonable time. If all the needed information is submitted at the time of application, delays in processing the application can be avoided.

APPLICATION FOR CONSENT UNDER SECTION 53 OF THE PLANNING ACT

**Note to Applicants:** This application form is to be used if the Manitoulin Planning Board is the consent granting authority. In this form the term "subject" land means the land to be severed and the land to be retained.

**Completeness of the Application**

The information in this form that **must** be provided by the applicant is indicated by **black arrows** on the left side of the section numbers. This information is prescribed by the Planning Act, Schedule to Ontario Regulation 197/96, as amended. The mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the Manitoulin Planning Board will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Manitoulin Planning Board and others in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

**Submission of the Application**

- A fee of \$650.00 for each parcel/consent proposed must accompany the application.
- A certification fee of \$100.00 to be submitted prior to the Certificate of the Secretary-Treasurer.
- The original and 3 copies of the completed application form and 3 copies of the sketch are required by the Manitoulin Planning Board. The copies will be used to consult with other ministries or agencies that may have an interest in the application.

Measurements are preferred in metric units.

**For Help**

To help you understand the consent process and information needed to make a planning decision on the application, refer to the "Application Guide Q & A" or contact the Manitoulin Planning Board Office at 705-282-2237 or e-mail [mpbcarter@bellnet.ca](mailto:mpbcarter@bellnet.ca)

**WHO MUST SIGN THE APPLICATION**

- 1) All registered owners, or an owner with written authorization of all of the owner(s); or
- 2) An agent or solicitor appointed by all registered owners of the property with the submission of written authorization of all registered owners; or
- 3) If the registered owner is a corporation, an officer who has the authority to bind the corporation.

Please Print and Complete or (✓) Appropriate Box(es)

**1. Applicant Information**

An owner's authorization is required in Section 11.1, if the applicant/agent is not the owner.

1.1 Name of Owner(s)	Home Telephone No.	Business Telephone No.
Address		E-mail &/or Fax
1.2 Name of Agent/Applicant	Home Telephone No.	Business Telephone No.
Address		E-mail &/or Fax
1.3 Name of Contact Person		

**2. Location of the Subject Land (Complete applicable boxes in 2.1)**

2.1 Municipality/Township			Property Identification No.
Concession Number(s)	Geographic Lot Number(s)	Name of Street/Road	House No./911 No.
Survey Plan No.	Survey Part/Lot Number(s)	Island No./Name	Section/Mining Loc. No.

2.2 Are there any easements or restrictive covenants affecting the subject land?

- No  Yes If **Yes**, describe the easement or covenant and its effect.

**3. Purpose of this Application**

3.1 Type and Purpose of proposed transaction (check appropriate box)

- Transfer:**     Creation of a new lot     Addition to a lot     Easement/Right-of-way
- Other:**         A charge                       A lease                       A correction of title

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged

3.3 If a lot addition, describe the lands to which the parcel will be consolidated with and the current land use.  
(Also to be identified on sketch)

**4. Description of Subject Land and Servicing Information (Complete each subsection.)**

4.1 Description		Severed #1	Severed #2	Retained
	Frontage (m.)			
	Depth (m.)			
	Area (ha.)			
4.2 Use of Property				
	Existing			
	Proposed			
4.3 Buildings or Structures				
	Existing			
	Proposed			
4.4 Access				
(Check appropriate space)	Provincial Highway			
	Municipal Road, Maintained All Year			
	Municipal Road, Seasonally Maintained			
	Other Public Road			
	Right of way			
	Water Access			
	Describe in section 9, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.			
4.5 Water Supply				
(Check appropriate space)	Publicly owned/operated piped water system			
	Privately owned/operated individual well			
	Privately owned/operated communal well			
	Lake or other water body			
	Other means			
4.6 Sewage Disposal				
(Check appropriate space)	Publicly owned & operated sanitary sewage system			
	Privately owned & operated individual septic tank <sup>1</sup>			
	Privately owned & operated communal septic system			
	Privy			
	Other means			
<sup>1</sup> A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.				
4.7 Other Services				
	Electricity			
	School Bussing			
	Waste Collection/Disposal			
4.8 If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is publicly maintained seasonally or all year.				

**5. Land Use**

5.1 What is the existing official plan designation(s) of the subject land?

5.2 What is the zoning of the subject land?

**5.3** Are any of the following uses or features on the subject land or within 500 metres of the subject land?  
Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard.		
Utility Corridor		
A landfill, closed or active		
A sewage treatment plant or waste stabilization plant (lagoon)		
A provincially significant wetland or significant coastal wetland		
A significant wildlife habitat and/or habitat of endangered species and threatened species		
Fish Habitat		
Flood plain		
An active or rehabilitated or abandoned mine site or mine hazards		
An active mine site or aggregates operation site within 1 km of the subject land		
A contaminated site or a gas station or petroleum/fuel storage		
An industrial or commercial use, and specify the use(s)		
Known archaeological resources or areas of archaeological potential		
A municipal or federal airport		

**6. Is the application consistent with Provincial Policy Statements issued under subsection 3(1) of The Planning Act?**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. History of the Subject Land**

**7.1** Has the subject land ever been the subject of any other planning applications, i.e. Official Plan or Zoning By-law Amendment, Plan of Subdivision, Consent, Site Plan, under the Planning Act?

Yes  No If **Yes** and **if known**, provide the application file number and the decision made on the application.

\_\_\_\_\_

\_\_\_\_\_

**7.2 Former Uses of Subject Land and Adjacent Land (History)**

- a) Has there been an industrial or commercial use on the subject land or adjacent land?  Yes  No
- b) Has the grading of the subject land been changed by adding earth or other material?  Yes  No
- c) Has a gas station or the storage of petroleum been located on the subject land or adjacent land?  Yes  No
- d) Is there reason to believe the subject land or adjacent land may have been contaminated by former uses?  Yes  No

If yes to a, b, c or d, was an Environmental Site Assessment (ESA) conducted under the Environmental Assessment Act or has a Record of Site Condition (RSC) been filed?  Yes  No If yes, provide a copy. If No, why not? Explain on a separate page if necessary.

\_\_\_\_\_

\_\_\_\_\_

**8. Current Applications**

Is the subject land currently the subject of an application for an Official Plan and/or Zoning By-law amendment minor variance, consent or a plan of subdivision that has been submitted for approval?

Yes  No  Unknown If **Yes**, and **if Known**, specify the appropriate file number and status of the application

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**9. Other Information**

Is there any other information that you think may be useful to the Planning Board or other agencies in reviewing this application?

If so, explain below or attach on a separate page.

\_\_\_\_\_

\_\_\_\_\_

**10. AFFIDAVIT OR SWORN DECLARATION**

I/We, \_\_\_\_\_ of the \_\_\_\_\_

in the \_\_\_\_\_ make oath and say (or solemnly declare) that the information contained

in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me

at the \_\_\_\_\_

in the \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Commissioner of Oaths

\_\_\_\_\_  
Owner(s) or Authorized Agent/Applicant

**11. AUTHORIZED AGENT**

**Authorization of Owner for Agent to Make the Application**

I/We, \_\_\_\_\_, am/are the registered owner(s) of the subject lands for which this application is to apply. I/We do hereby grant authorization to \_\_\_\_\_ to act on my/our behalf in regard to this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner(s)

**12. PERMISSION TO ENTER**

I/We hereby authorize the members of the staff of the Manitoulin Planning Board to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the Owner(s)

The Planning Board will assign a File Number for complete applications and this should be used in all communications.

<b>Applicant's Checklist:</b>	Have you remembered to attach:	Yes
	- 3 copies of the completed application form?	<input type="checkbox"/>
	- 3 copies of the sketch?	<input type="checkbox"/>
	- The required fee, payable to the Manitoulin Planning Board?	<input type="checkbox"/>

**Forward to: The Manitoulin Planning Board  
40 Water Street, Unit 1, P. O. Box 240  
GORE BAY, Ontario POP 1H0**

**Sketch Required**

The Application shall be accompanied by a sketch showing the following, in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained and, in the case of a lot addition, the lands the addition is to be consolidated with;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it that may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

The preferred size is on paper no larger than 8.5" by 14", larger plans will be accepted provided a reduction for circulation purposes is provided.

Please Use Metric Units

To Convert	Multiply by	To Find
Feet	0.3048	Metres
Acres	0.4046	Hectares

**SAMPLE SKETCH**

