

Note: As of December 2, 2020, the Committee of Adjustment will act as the consent-granting authority for consents related to lot creation and/or in conjunction with variances to zoning regulations. Please be advised that a public hearing will be required for all Consent applications considered by the Committee of Adjustment.



Instructions for APPLICATION FOR CONSENT

THE CORPORATION OF THE CITY OF LONDON
PLANNING AND DEVELOPMENT,
6TH FLOOR, CITY HALL, 300 DUFFERIN AVENUE, LONDON, ONTARIO N6A 4L9
Telephone: (519) 930-3500

DETACH THE FIRST TWO PAGES AND RETAIN FOR FUTURE REFERENCE

1. This process pertains to an Application for Consent.
2. There are different fees for each type of application (See Schedule APP-2 attached for a fee schedule).
3. If the application requires a Minor Variance application, the Minor Variance application may be filed first.

GENERAL INFORMATION

A Consent is required for the following:

- to divide land (or sever it) for the purpose of sale (note: no more than five abutting parcels can be created if no public road is being created. Any application creating more than 5 parcels or requires a public road to be created or extended requires approval as a "plan of subdivision");
- to register a mortgage or discharge a mortgage over part of a parcel of land;
- to register a lease over part of a parcel of land when the term of the lease is 21 years or more (inclusive of renewal options);
- to register easements for rights-of-way; and,
- to adjust boundaries of existing land parcels to enlarge or decrease the size of a property.

STEPS IN THE PROCESS

Step 1 Consult with Planning and Development (6th floor, City Hall, 519-930-3500) to discuss your plans before completing an application. In the City of London, Consents are dealt with by an appointed Official, not by the Committee of Adjustment or Land Division Committee. Planning and Development will provide you with the application form.

Step 2 You may also need to consult the following agencies, as necessary: **Upper Thames River Conservation Authority (UTRCA)** if the site is identified through mapping – tel: 519-451-2800) and the **Ministry of Transportation, Planning and Design** if the application involves a site which is adjacent to a provincial highway - tel: 519-873-4100).

These steps are necessary to determine:

- the need for consent;
- the type of consent involved;
- whether or not a minor variance application to the London Committee of Adjustment is necessary;
- whether or not there might be servicing requirements/ limitations or land dedications involved with a given proposal, or
- whether or not the proposal is beyond the scope of the consent process and, for example, requires the applicant to submit a draft plan of subdivision application.

Step 3 Complete the application form. In addition to completing the application form, you must also provide the following:

- two copies of a survey of the proposal, dimensioned and drawn to scale; showing all of the information and features that are prescribed in the attached application;
- a cheque made payable to the City Treasurer to cover the application fee (refer to Schedule APP-2);
- if you are using an agent or solicitor, your written authorization (with dated, original signature) identifying, by name, the individual who will act as your agent or solicitor for filing your Application for Consent;
- a **Zoning Referral Record** (attached as Schedule APP-1 to this Application Form) as completed by a Municipal Law Enforcement Officer located on the 7th floor of City Hall;
- In some cases additional information could be helpful in assessing an application. To expedite the process, you are encouraged to submit, photographs or other relevant documentation that will assist in evaluating your application. To avoid delays, please ensure that your application is complete, that all drawings are neat and legible and that all dimensions are accurate.

STEPS IN THE PROCESS

Step 4 Complete application accepted.

Step 5 Circulation of the application. After the application has been received, and at least 14 days before a decision is made, **Planning and Development** will send notice of the application to every person assessed within 60 metres of the subject property and to every person and public body that has provided a written request for such notice. 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.

Step 6 Decision-making process. The Consent Authority will carefully consider all aspects of the application pursuant to the requirements of the *Planning Act*, Provincial Policy Statements, the policies in the Official Plan, agency and departmental comments as well as submissions from the public. When dealing with an application to sever land, the Consent Authority must consider:

- 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;
- whether the application conforms to the Official Plan and is compatible with adjacent land uses.

If the application is approved, the Consent Authority 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 servicing agreement with the City, or approval of a lot grading plan. **There is no hearing associated with a decision of the Consent Authority.** Copies of departmental comments and comments from the public are available a week prior to the date of the decision of the Consent Authority.

Step 7 Notice of Decision. Within 15 days of the date on which the Consent Authority makes a decision, one copy of the decision will be mailed to the applicant, anyone who filed a written request for notice of the decision, everyone who provided written comments or written submissions, and to anyone else prescribed by Ontario Regulation 547/06.

Step 8 A final and binding decision. If no appeal is made by the end of the 20-day appeal period, the decision is final and binding. You will be notified by mail, and, if the application has been approved, you should be in a position to prepare and submit to the Consent Authority the appropriate documents such as **evidence that all conditions have been met** and a **deed or a mortgage** for certification by the City Clerk.

NOTE: SECTION 53 OF THE PLANNING ACT PROVIDES THAT:

If an application is made for a consent and the council (*Consent Authority*) fails to make a decision under subsection 53(1) on the application within 90 days after the day the application is deemed complete by the London Consent Authority, the applicant may appeal to the Ontario Land Tribunal (OLT) with respect to the consent application.

Anyone may appeal a decision of the London Consent Authority to the OLT within 20 days of the date of the Notice of the Decision of the Consent Authority by personally delivering or sending a Notice of Appeal to the Consent Authority and the required forms, downloadable from the OLT website <https://olt.gov.on.ca/appeals-process/forms/>

The appeal must set out the reasons for appeal, and must include a cheque in the amount of \$300.00, made payable to the Minister of Finance of Ontario. The Consent Authority will then prepare an appeal package and forward it to the OLT. OLT will schedule a hearing and give written notice of the time and date in advance of the hearing.

Where a consent is granted without conditions it is valid for 6 months from the date on the "certification stamp" provided the transaction has been completed;

Where a consent is granted with conditions, the conditions must be fulfilled within one year of the "final decision date" or the consent is deemed to be "refused"; and,

Where a conditional consent has been certified as to the fulfillment of the conditions, the consent itself is then valid for six months from the date of the certificate provided the transaction has been completed. (Note: Certification stamping fee is \$100.00 for the initial Certificate and \$200 for each additional Certificate.)



London
CANADA

THE CITY OF LONDON APPLICATION FOR CONSENT

FOR APPLYING FOR APPROVAL UNDER SECTION 53 OF THE PLANNING ACT

OFFICE USE ONLY

File Number: B.

Date Received:

(Place Date Stamp Here)

CONCURRENT APPLICATIONS FILED

Note to Applicant: For each application that is filed concurrently, complete and attach the appropriate application form and fees

Official Plan Amendment	Minor Variance
Zoning By-law Amendment	Site Plan
Other (Specify)	

REQUIREMENTS FOR A COMPLETE APPLICATION INCLUDE:

Note: If the information below is not received together with the fees required under subsection 69(1) of the *Planning Act* and the information and material required under subsections 53(2) and 53(3) of the Act, the application **will be deemed incomplete, the time period referred to in subsection 53(14) of the Act will not begin and the application will be returned to the applicant.**

2 copies of the completed application form and declarations, completed as required under subsection 53(2) of the <i>Planning Act</i> ;
2 copies of a draft survey of the proposal, dimensioned and drawn to scale; showing all of the information and features, as required under subsection 53(2) of the <i>Planning Act</i> ;
Application Fee(s) made payable to the City Treasurer;
A Letter of Authorization from the owner (with dated, original signature) OR completion of the Owner's Authorization on page 6 (item 30), if the owner is not filing the application ; and
A completed Zoning Referral Record (see Schedule APP-1)

PLEASE LIST THE REPORTS OR STUDIES THAT ACCOMPANY THIS APPLICATION (supply 3 copies of each):

Note: This section applies to all reports that were identified at a pre-consultation meeting as studies that are required at the time of submitting the application.

THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

City of London, Planning and Development,
300 Dufferin Ave., 6th Floor, P.O. Box 5035, London, Ontario N6A 4L9

Telephone: 519-930-3500

PLEASE REFER TO ONTARIO REGULATION 547/06 FOR ITEM REFERENCES 1 THROUGH 17

1a) Applicant Information

Complete the information below. All communications will be directed to the **Prime Contact** with a copy to the owner.

Note: If additional space is required for owner(s) information, please attach a separate sheet containing said information.

Registered Owner(s)

Name:

Address:

City:

Postal Code:

Phone:

Fax:

Email:

Agent Authorized by the Owner to file the Application (if applicable)

Name:

Address:

City:

Postal Code:

Phone:

Fax:

Email:

Ontario Land Surveyor (if applicable)

Name:

Address:

City:

Postal Code:

Phone:

Fax:

Email:

1b) Which of the above is the Prime Contact?

2) Date Application Submitted to the City of London:

3) Type and Purpose of Proposed Transaction

Lot Creation

Number new lots created: _____

Mortgage

Lease

Easement

Right-of-way

Power of Sale

Validation of Title

4) Name of Person(s) to whom the land, or interest in the land, is intended to be conveyed, leased or mortgaged

Name of Person(s): _____

Specify Nature of Relationship with Owner: _____

5) Description of Land

5a) Geographic Township:

5b) Lot(s):

Part Lot(s):

Concession(s):

Registered Plan No.:

5c) Street Address (if applicable):

5d) Assessment Roll Number:

6) Are there any easements or restrictive covenants affecting the subject lands? Yes No

7) If Yes, describe each easement and/or covenant and its effect:

Reference Plan No.	Instrument No.	Purpose of Easement and/or Covenant (e.g. hydro, sewer, pipeline, etc.)

8a) Description of Land
Note: If additional space is required, please attach a separate sheet containing the required information.

Land Intended to be Severed:

Frontage (m)	Depth (m)	Area (m ²)	Existing Use	Proposed Use

No. Existing Buildings/Structures: _____ No. Proposed Buildings/Structures: _____
 Use of Existing Buildings/Structures (specify): _____ Proposed Use of Buildings/Structures (specify): _____

Land Intended to be Retained:

Frontage (m)	Depth (m)	Area (m ²)	Existing Use	Proposed Use

No. Existing Buildings/Structures: _____ No. Proposed Buildings/Structures: _____
 Use of Existing Buildings/Structures (specify): _____ Proposed Use of Buildings/Structures (specify): _____

8b) Access

Access to the Severed Land will be by:

Private Street (not usually permitted)	Provincial Highway	Other (Specify)
Right of Way (not permitted)	Assumed Municipal Street	

Access to the Retained Land will be by:

Private Street (not usually permitted)	Provincial Highway	Other (Specify)
Right of Way (not permitted)	Assumed Municipal Street	

8c) Water Supply

Water Supply will be Provided to the Severed Land by:

Municipal piped water	Privately owned and operated individual wells for each lot
Privately owned an operated communal well	Other (specify)

Water Supply will be Provided to the Retained Land by:

Municipal piped water	Privately owned and operated individual wells for each lot
Privately owned an operated communal well	Other (specify)

8d) Sewage Disposal

Sewage Disposal will be Provided to the Severed Land by:

Municipal sanitary sewers	Privately owned individual septic system for each lot
Privately owned communal collection	Other (specify)

Sewage Disposal will be Provided to the Retained Land by:

Municipal sanitary sewers	Privately owned individual septic system for each lot
Privately owned communal collection	Other (specify)

9) Official Plan Information

- a) What is the land use designation of the site in the Official Plan?
- b) Does the proposal conform? Yes No
- c) If No, has a separate application for an Official Plan Amendment been made?
 Yes No FILE No.: Status:

Zoning Information

- a) What is the current zoning of the subject lands?
- b) Does the proposed plan conform to the existing zoning? Yes No
- c) If No, have you made a concurrent application for rezoning?
 Yes No FILE No.: Status:

10) Has the subject land ever been the subject of:

An application for approval of a Plan of Subdivision under section 51 of the *Planning Act*? Yes No
 If yes, provide the following:

FILE No.: Status:

An application for Consent under section 53 of the *Planning Act*? Yes No
 If yes, provide the following:

FILE No.: Status:

11) Land Previously Severed from Subject Land

Has any land been severed from the parcel originally acquired by the Owner of the subject land?

Yes No

12) If the answer to section 11 is yes, provide:

Date of Transfer:

Name of Transferee:

Use(s) of Severed Land:

13) Other Applications Under Planning Act

Is the subject land the subject of any other application under the *Planning Act*?

YES NO Unknown

	Draft Plan of Subdivision	File No.:	Status:
	Draft Plan of Condominium	File No.:	Status:
	Official Plan Amendment	File No.:	Status:
	Zoning By-law Amendment	File No.:	Status:
	Minor Variance	File No.:	Status:
	Site Plan	File No.:	Status:
	Part Lot Control	File No.:	Status:
	Other (Specify)	File No.:	Status:

14) A draft survey or the following, in metric units, is required:

- (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;
- (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,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, 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.

15) Is the application consistent with policy statements issued under subsection 3(1) of the *Planning Act*?

Identify policies from the 2014 Provincial Policy Statement (PPS) that you intend to use to support your application. *Note: If additional space is required, please attach a separate sheet containing this information.*

Items 16 and 17 to the Schedule of Ontario Regulation 547/06 do not apply to the City of London.

18) Owner's Authorization

This must be completed by the owner if the OWNER IS NOT FILING THE APPLICATION

Note: If there are multiple owners, an authorization letter from each owner (with dated, original signature) is required OR each owner must sign the following authorization.

I, (we) _____, being the
Print (name(s) of owner, individuals or company)

registered owner(s) of the subject lands, hereby authorize _____
Print (name of agent and/or company (if applicable))

To prepare and submit an Application for Consent for approval.

 Signature

 Day Month Year

IMPORTANT:

- If the Owner is an incorporated company, the company seal shall be applied in the authorization block above (if there is one).

19) Applicant's Declaration

This must be completed by the Person filing the Application for the proposed development site.

I, _____ of the _____
Print (name of applicant) Print (Name of City, Town, Township, etc.)

in the Region/County/District of _____ solemnly declare that all of the statements

contained in this Application for Consent at _____
(Municipal Address or Legal Description)

and all supporting documents and plans are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me at:

Region/County/District of Middlesex

in the Municipality of The City of London, this

_____ day of _____, _____
(Day) (Month) (Year)

 Signature

 Please Print name of Applicant

 Commissioner of Oaths

Owner's or Applicant's Consent Declaration

In accordance with the provisions of the Planning Act, it is the policy of the City Planning and Development Department to provide public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I _____ the owner/the authorized applicant/the authorized agent, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the City of London to post a Change of Use sign and municipal staff to access the subject site for purposes of evaluation of the subject application.

Signature

Day

Month

Year

OWNER/APPLICANT'S INFORMATION (Mandatory)

ZONING REFERRAL RECORD

To be completed by a Municipal Law Enforcement Officer, 7th Floor, City Hall

Schedule APP-1

**File No.
B.**

DESCRIPTION OF LAND
Geographic Township:
Lot(s):
Part Lot(s):
Concession(s):
Registered Plan No.:
Street Address (if applicable):
Assessment Roll Number:

Existing Zone(s) in Z.-1 Zoning By-law:

BY-LAW RESTRICTIONS	REQUIRED	AS SHOWN ON PLAN
(a) Use		
(b) Lot Area (m ²)		
(c) Lot Frontage (m)		
(d) Front Yard (m)		
(e) Rear Yard (m)		
(f) Interior Yard (m)		
(g) Exterior Yard (m)		
(h) Landscaped Open Space		
(i) Lot Coverage		
(j) Height (m)		
(k) Off-street Parking		
(l) Floor Area Ratio		
(m) Special Provisions		
(n) Other		

VARIANCE REQUIRED? **Yes** **No**

ZONING COMMENTS

While every effort has been made to ensure that the information contained herein is correct, the information is not warranted or certified to its accuracy. The information **MUST** be verified before filing for your Consent Application

Municipal Law Enforcement Officer's Signature	Year	Month	Day	

SCHEDULE OF FEES***Schedule APP-2**

All cheques must be made payable to the **City Treasurer**.

Effective JANUARY 1, 2023 (as per the Planning Fees By-law A-53)

LOT CREATION	
Application Fee = Base Fee + Variable Fee	
Base Fee	\$2,089.00 for the creation of one lot
Variable Fee	\$209.00/each additional lot created
LOT ADJUSTMENT, MORTGAGE, LEASE, POWER OF SALE, VALIDATION OF TITLE, EASEMENT, RIGHT-OF-WAY	
Application Fee	\$1,393.00
CERTIFICATION OF DEEDS	
Fee	\$100 for first certificate; \$200 for each additional certificate

*Should discrepancies in fees exist, the Planning Fees By-law A-53 shall be considered correct.

Revised: December 2022