



# CONSENT APPLICATION

**MUNICIPALITY OF LEAMINGTON**  
 111 Erie Street North  
 Leamington, Ontario  
 N8H 2Z9

**Attn:** Danielle Truax, Manager of Planning Services (Ext. 1405)  
 Lucy Jackson, Secretary-Treasurer,  
 Committee of Adjustment (Ext. 1106)

**Phone:** (519) 326-5761  
**Fax:** (519) 326-2481

Personal information on this form is collected under the authority of *The Planning Act*, R.S.O. 1990, Chapter P. 13, Section 45 and will be used for contacting the applicant(s) and for processing of the Application. Questions about this collection should be directed to the Secretary Treasurer for the Committee of Adjustment for the Municipality of Leamington.

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## 2012 MEETING SCHEDULE

MEETING DATE	APPLICATION SUBMISSION DEADLINE
Tuesday, January 31, 2012 at 5:00 p.m.	Monday, December 19, 2011
Tuesday, February 28, 2012 at 5:00 p.m.	Monday, January 23, 2012
Tuesday, March 27, 2012 at 5:00 p.m.	Tuesday, February 21, 2012
Tuesday, April 24, 2012 at 5:00 p.m.	Monday, March 19, 2012
Tuesday, May 29, 2012 at 5:00 p.m.	Monday, April 23, 2012
Tuesday, June 26, 2012 at 5:00 p.m.	Tuesday, May 22, 2012
Tuesday, July 31, 2012 at 5:00 p.m.	Monday, June 18, 2012
Tuesday, August 28, 2012 at 5:00 p.m.	Monday, July 23, 2012
Tuesday, September 25, 2012 at 5:00 p.m.	Monday, August 20, 2012
Tuesday, October 30, 2012 at 5:00 p.m.	Monday, September 17, 2012
Tuesday, November 27, 2012 at 5:00 p.m.	Monday, October 22, 2012
NO DECEMBER MEETING	

**Note: Office Hours are Monday - Friday from 8:30 am to 4:30 pm. Applications are to be received by 4:30 p.m. on deadline date**

**GENERAL INFORMATION SHEET  
FOR CONSENT APPLICATIONS  
MUNICIPALITY OF LEAMINGTON COMMITTEE OF ADJUSTMENT**

1. **MANDATORY PRE-CONSULTATION (ADDITIONAL \$50.00 FEE APPLICABLE)**

At any time when an application for Consent is being considered, the applicant must approach the Planner of the Committee of Adjustment of the Municipality to engage in a pre-consultation meeting to explain the proposed application being contemplated. This formal discussion should provide the applicant with procedural direction as to processing the application as well as determining planning policies under which the application can be considered for approval. At this time, the applicant may also wish to obtain a copy of the Consent Application Form.

2. **COMPLETION OF APPLICATION**

Applicants or agents will be required to file an application together with the pre-consultation fee of \$50.00. The application must include a sketch of the subject property sufficient to illustrate the requested severance. At the pre-consultation stage, the application does not have to be signed by the applicant. The applicant or agent, will be required to attend a pre-consultation meeting with municipal staff.

Following the pre-consultation meeting, if the applicant decides to proceed, then a complete application will be required which will include:

- the signature of the applicant/owner;
- the application fee, and;
- a surveyor's sketch satisfactory to the Municipality.

The surveyor's sketch is a new requirement for a completed application. The sketch must be up to date and prepared by a licensed Ontario land surveyor.

A completed application must be submitted approximately 5 weeks before the scheduled hearing date. The meeting schedule, including application deadlines, is available on our website.

3. **SUBMISSION OF APPLICATION**

The Applicant should submit **one (1) original application**, together with a detailed sketch and the necessary Application Fee made payable to the "Municipality of Leamington" in accordance with the following:

a)	Application to Create a New Lot	\$700.00 *
b)	Application for a Lot Addition or Boundary Adjustment	\$700.00 *
c)	Creation of Easement or Right-of-Way	\$450.00 *

\* **An additional \$50.00 Pre-Consultation fee is also applicable.**

Please note that a re-circulation fee of \$75.00 will be charged should an application need to be re-circulated.

Please note that the application must be signed in front of a Commissioner and if signed by a Corporation, must have the Corporate Seal affixed. If signed by an agent, a written authorization, attached, from the owner must also be submitted. **ALL REGISTERED OWNERS MUST SIGN.**

4. **NOTICE OF HEARING, POSTING CARD AND PROPERTY STAKES**

A Notice of the Hearing will be mailed by prepaid First Class Mail to the applicant and to every owner of land within 60 metres of the subject site not less than ten (10) days prior to the date the application is to be heard. A sign will be sent to the applicant not less than ten (10) days prior to the date the application is to be heard. The sign is to be placed on the land subject to the application at least ten (10) days prior to the hearing date and is to remain in place until the hearing has been held. The sign is to be placed at the centre of the subject parcel, facing the public road and as close as possible to the property line.

The Applicant is also required to place property stakes approximately three feet high to locate the boundaries along the frontage of the subject lands in accordance with the Committee's instructions.

**\*\* IMPORTANT - A DECISION WILL NOT BE MADE ON THE  
SUBJECT APPLICATION UNLESS THE PROPERTY IS POSTED  
AND THE PROPERTY STAKES PLACED AS REQUIRED.**

5. **HEARING AND DECISION**

The Applicant or an agent should attend the hearing at the designated time and location and speak on behalf of the application answering any questions, which the members of the Committee of Adjustments may have. A written decision will be forwarded to the applicant within ten (10) days of the Hearing Decision. Any conditions imposed by the Committee form part of the Decision and must be met in a manner acceptable to the Committee before final certification can be issued. Within twenty (20) days after the giving of the Notice of decision, the applicant may appeal the decision to the Ontario Municipal Board by filing the Notice of Appeal and the necessary \$125.00 fee with the Secretary-Treasurer for the Committee of Adjustment.

**CONSENT APPLICATION  
CORPORATION OF THE MUNICIPALITY OF LEAMINGTON**

**PART A (to be completed by all applicants)**

1. Name of approval authority Municipality of Leamington Committee of Adjustment

2. Name of Registered Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone & Fax No. \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell No. \_\_\_\_\_

Name of Owner's Solicitor  
or Authorized Agent (If any) \_\_\_\_\_

Address \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone & Fax No. \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell No. \_\_\_\_\_

**Please specify to whom all communications should be sent:**

Registered Owner  Solicitor  Agent

**Indicate to whom signs are to be sent for posting:**

Registered Owner  Solicitor  Agent

3. Location and description of subject land:

Former Municipality \_\_\_\_\_

Concession No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Registered Plan No. \_\_\_\_\_ Lot (s) No. \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address \_\_\_\_\_

Assessment Roll No. 37-06- \_\_\_\_\_

4. Current Size of subject Parcel:

Frontage (m) \_\_\_\_\_ Depth (m) \_\_\_\_\_ Area (ha) \_\_\_\_\_

Frontage (ft) \_\_\_\_\_ Depth (ft) \_\_\_\_\_ Area (ac) \_\_\_\_\_

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

yes  no  N/A

If yes, please provide a description of each easement or covenant and its effects:

\_\_\_\_\_  
\_\_\_\_\_

6. a) Type and purpose of proposed transaction:

**Conveyance**

- creation of a new lot                       farm split
- surplus dwelling                               addition to lot
- technical severance

**Other**

- mortgage or charge                       partial discharge of mortgage
- easement/right-of-way                       agreement of sale and purchase
- correction of title                       other (specify) \_\_\_\_\_

b) If addition to lot, name of person(s) and address [purchaser, leasee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged

\_\_\_\_\_

7. Description and use of land intended to be **severed**:

Frontage (m) \_\_\_\_\_ Depth (m) \_\_\_\_\_ Area (ha) \_\_\_\_\_  
 Frontage (ft) \_\_\_\_\_ Depth (ft) \_\_\_\_\_ Area (ac) \_\_\_\_\_

Existing Use \_\_\_\_\_

Proposed Use \_\_\_\_\_

Number and use of buildings and structures (both existing and proposed) on the land to be **severed**:

Existing \_\_\_\_\_

Proposed \_\_\_\_\_

Is there an existing access bridge on this parcel?

- yes (locate on sketch)                       no

Is there a water service connection on this parcel?

- yes (locate on sketch)                       no

Is there a sanitary sewer connection on this parcel?

- yes (locate on sketch)                       no

8. Access to proposed **severed** lot:

- Municipal Road                       County Road                       Provincial Highway
- Private                                       Water

If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road

\_\_\_\_\_

9. Description of land intended to be **retained**:

Frontage (m) \_\_\_\_\_ Depth (m) \_\_\_\_\_ Area (ha) \_\_\_\_\_  
 Frontage (ft) \_\_\_\_\_ Depth (ft) \_\_\_\_\_ Area (ac) \_\_\_\_\_

Existing Use \_\_\_\_\_

Proposed Use \_\_\_\_\_

Number and use of buildings and structures on the land to be retained:

Existing Use \_\_\_\_\_

Proposed Use \_\_\_\_\_

Is there an existing access bridge on this parcel?

yes (locate on sketch)  no

Is there a water service connection on this parcel?

yes (locate on sketch)  no

Is there a sanitary sewer connection on this parcel?

yes (locate on sketch)  no

10. Number of new lots (not including retained lots) proposed \_\_\_\_\_

11. Access to the proposed **retained** lot:

Municipal Road  County Road  Provincial Highway  
 Private  Water

If access to the subject land is by water only, indicate the parking and docking facilities to be used and approximate distance between these facilities and the nearest public road

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12. Type of water supply:

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Municipally owned and operated piped water supply	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)		

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11. Type of sanitary sewage disposal:

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Municipally owned and operated	<input type="checkbox"/>	<input type="checkbox"/>
Septic	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____		

12. When will water supply and sewage disposal services be available?

\_\_\_\_\_

13. (a) Have there been any previous severances of land from this holding?

Yes  No

(b) If the answer to (a) is "yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Previous Applicant's Name \_\_\_\_\_  
Use of Parcel \_\_\_\_\_  
Date Parcel Created \_\_\_\_\_

14. Has the parcel ever been the subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of The Planning Act, as amended, or its predecessors:

Yes  No

If "Yes" please indicate the file number and decision

\_\_\_\_\_

15. Please indicate whether the property is also the subject of a current application for one of the following:

- Official Plan or Official Plan Amendment approval
- Zoning By-law Amendment
- Minor Variance
- Consent or approval of a Plan of Subdivision

If known, indicate the file number and status of the foregoing application(s):

\_\_\_\_\_

16. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?

Yes  No

17. Is the owner, solicitor or agent applying for any minor variance or permission to extend or enlarge under Section 45 of The Planning Act, R.S.O. 1990, as amended, in relation to any land that is the subject of this Application?

Yes  No

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## **PART B**

(To be completed by applicants applying to create a lot in an area designated **AGRICULTURAL ONLY** from Official Plan Policies as approved by Council on February 5, 2008).

**NOTE: No more than one (1) consent shall be allowed for every complete 10 hectares of lot area on any farm lot as it existed on May 7, 1985 (date of original 'cap' policy) regardless of changes in property ownership.**

PLEASE COMPLETE ONLY THE APPLICABLE SECTION BELOW, WHICH PERTAINS TO YOUR APPLICATION:

### **19. FARM LOT DIVISIONS**

a) Is the consent intended to divide a farm lot into two farm lots each having a minimum lot area of 10 hectares except in the case of an existing 0.5 hectare greenhouse operation where a minimum lot area shall be 2 hectares?

Yes  No

If no, please explain \_\_\_\_\_

\_\_\_\_\_

b) Is any residential building proposed in compliance with the setbacks provided by the Minimum Distance Separation Formula, or at least 300 metres from any Mushroom Operation?

Yes  No

If no, please explain \_\_\_\_\_

\_\_\_\_\_

20. **SURPLUS DWELLINGS**

- a) Is the consent intended to sever a “surplus dwelling” that is considered surplus in accordance with the Official Plan policies for the municipality as a result of the ownership or acquisition of additional farm property, which has a minimum lot area of 10 hectares or 2 hectares if an existing 0.5 hectare greenhouse operation?

Yes  No

If yes, please provide:

Date of Purchase (Surplus Dwelling Property) \_\_\_\_\_

Date Surplus Dwelling was Constructed \_\_\_\_\_

Date of Purchase (Home Farm Property) \_\_\_\_\_

Property Location of Home Farm Property \_\_\_\_\_ (hectares) \_\_\_\_\_

- b) Is the consent for a “surplus dwelling” located on a farm lot less than 10 hectares or 2 hectares as required by 20 a) but abuts farm land owned by the applicant/owner and it is intended that the two farm parcels be joined pursuant to subsection 3 of Section 50 of The Planning Act 1990?

Yes  No

- c) Is the applicant/owner willing to enter into an Agreement with the municipality to be registered on title that “no more consents” and “no more residential dwellings” are to be allowed on the lands being retained?

Yes  No

21. **MINOR LOT ADJUSTMENT OR BOUNDARY CHANGE**

- a) Is the consent being requested to permit a minor lot adjustment or minor boundary change conditional to Subsection 50 (3) or (5) of The Planning Act, R.S.O. 1990?

Yes  No

- b) Name of person(s) to whom land will be joined with: \_\_\_\_\_  
\_\_\_\_\_

- c) Address of person(s) to whom land will be joined with: \_\_\_\_\_  
\_\_\_\_\_

- c) Roll Number and size or parcel to be joined with: \_\_\_\_\_

- d) Does the lot adjustment propose to convey land to the abutting farm and retain a building lot?

Yes  No

DECLARATION

I/We \_\_\_\_\_

of the \_\_\_\_\_ of \_\_\_\_\_

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

DO SOLEMNLY DECLARE:

- 1. THAT all the statements contained in this application are true 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; and
- 2. THAT it is my understanding that this CONSENT APPLICATION must have "regard for" the Provincial Policy Statement which pertains to three (3) general areas of Provincial concern including a) the efficient cost of effective development and land use patterns, b) resources and c) public health and safety and accordingly, I request the municipality to receive the Application as a "Completed Consent Application", pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended; and
- 3. THAT it is my understanding that in those areas where there are no municipal sanitary sewers, approved Class IV septic systems are required for the purposes of new lot development and accordingly the Leamington Building Services Department should be contacted to determine calculation requirements for this development proposal; and
- 4. THAT I have reviewed the "MTO Notice of Concern" on the following page regarding properties which may require access to a Provincial Highway controlled by the Ontario Ministry of Transportation (MTO) and accordingly am submitting herewith copies of necessary MTO permits and Approvals required for my Application approval.

Declared before me at the Municipality )  
of Leamington in the County of Essex )  
this \_\_\_\_\_ day of \_\_\_\_\_ )  
A.D., 20\_\_\_\_. ) Applicant - Registered Owner

\_\_\_\_\_  
Applicant - Registered Owner

\_\_\_\_\_  
Applicant - Registered Owner

\_\_\_\_\_  
A Commissioner, etc.

### **IF YOU PROPERTY IS ADJACENT TO PROVINCIAL HIGHWAY 77 OR HIGHWAY 3**

“The provincial highways are controlled by the Ministry of Transportation (MTO). In order to maintain the efficiency and safety of the provincial highway system, all development adjacent to the highways must also comply with the standards and requirements of the Ministry of Transportation (MTO). These standards affect many aspects of development including highway access, building setback (including wells and septic systems), the location and size of signs, drainage, etc.

Therefore, in addition to all the necessary municipal approvals, all development near the highways must also be reviewed by MTO and, in accordance with the Public Transportation and Highway Improvement Act, must obtain MTO's permits for access to the highway and for all buildings, structures and signs.

In order to determine MTO's requirements and to avoid unnecessary delays, please contact the Corridor Management Officer (CMO) at MTO's Southwestern Regional Office prior to submitting your application. They are located at 659 Exeter Road, London, Ontario N6E 1L3.  
Telephone: (519) 681-1441.

**AUTHORIZATION**

(Please see note below)

To: Secretary - Treasurer  
Committee of Adjustment  
Municipality of Leamington

Description and Location of Subject Lands:

\_\_\_\_\_  
\_\_\_\_\_

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ to:

- (1) make an application on my/our behalf to the Committee of Adjustment for the Municipality of Leamington;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Committee of Adjustment relevant to the application.

Dated at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Registered Owner

**\* Note:** *This form is only to be used for applications, authorizing someone else, other than the Registered Owner, to process the application and attend the hearing.*