



A Guide to the Land Severance Process

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What is a land severance and why do I need approval?

A land severance is the authorized separation of a piece of land to form two new adjoining properties. This is commonly known as a **consent**. It is required if you want to sell, mortgage, charge or enter into any agreement for (at least 21 years) a portion of your land. If the two parts are split readily, by road or railway for example, consent is not needed.

The City of Kawartha Lakes has an approved official plan with specific policies and requirements for land severance. In addition to the division of land, rights-of-way, easements and any change of your existing property boundaries also require land severance approval.

If several severances are intended in the same area, a plan of subdivision may be more appropriate. It is up to the Committee of Adjustment to decide whether a consent is the best approach or if a plan of subdivision is necessary for the proper and orderly development of the City.

The indiscriminate division of land without anyone's approval could have a long-term, negative impact on the City. For example, it could result in over-extension of municipal services, such as snow plowing, school busing and garbage collection. Or it might result in damage to the natural environment, because lots are too small to accommodate adequate sewage disposal systems.

The approval of severances rests with the City's Committee of Adjustment. The Committee of Adjustment currently consists of one appointed member of Council and six members of the public as appointed by Council.

Official approval from the Committee of Adjustment is required to ensure that:

- Land severances are considered within the established City of Kawartha Lakes planning framework;
- New lots and new land uses do not conflict with the overall future planning goals and policies of the City; and
- Consideration is given to the effects of the division of land on the site, on the neighbours and on the City as a whole.

Once a severance has been approved, the new land parcels may be sold or resold without further approval. The only exception is if the Committee of Adjustment has specified otherwise at the time of approval.

Where do I obtain a land severance application form?

The application form is available at each Service Centre or on the City's website along with application fees. Before you apply for a land severance you should consult with municipal staff of the Development Services Department - Planning Division. They will explain the process, how to apply, what supporting material you must submit (e.g. sketches, plans), if there are any requirements for special studies set out in the official plan, and what other permits and approvals (e.g. septic system permit) may be required.

What is the process for a land severance application?

(Please see attached Figure 1)

When applying for a land severance, there is a fee for processing the application. Staff will advise you of the amount of the processing fee. As an applicant, you will be required to fill out an application form, with which staff can assist you. The more accurate the information provided, the less likely that delays will occur in the review.

If your application is incomplete or you do not provide all the information required, your application will not be accepted until it is complete. Also, the 60 day time frame for making a decision does not begin until all the prescribed information is received. The Committee, through local newspapers and by mail, must give notice of an application at least 14 days in advance of a public meeting to all property owners within 60 metres of the subject property. Any person or public body may submit opinions/concerns to the Committee of Adjustment.

When the Committee of Adjustment has reached a decision on your application, it is required to send a Notice of Decision within 15 days of the decision being sent, to any person or public body that requested, in writing, to be notified. When a Notice of Decision is given, a 20 day appeal period follows. Any appeal is forwarded to the OMB within 15 days of receipt.

On occasion, background studies, such as traffic and hydrogeological studies, submitted

by an applicant will require peer review. Applicants are responsible for all costs associated with municipal peer reviews of background reports. Deposits are required for peer review in accordance with the City's Tarff of Fees By-law.

How is the land severance application evaluated?

In considering each application for land severance, the Committee of Adjustment evaluates the merits of each proposal against criteria such as:

- Conformity with the 2005 Provincial Policy Statement and 2006 Growth Plan;
- Conformity with the official plan and compatibility with adjacent uses of land;
- Compliance with local zoning by-laws;
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- Adequacy of vehicular access, water supply, sewage disposal; and
- Ensure protection from potential flooding.

In considering a consent application, the Committee of Adjustment shall have regard to the Provincial Policy Statement and the Growth Plan.

The Provincial Policy Statement and Growth Plan contain clear, overall policy directions on matters of provincial interest related to land use planning and development. The "shall be consistent with" rule means that the Committee of Adjustment is obligated to consider the application of all relevant and specific policies when carrying out its planning responsibility.

What about conditions of approval?

A severance approval may have certain conditions attached to it including requirements for road widening, parkland dedication, or a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the City to provide future services or facilities. The conditions of severance must be satisfied within one year of the Committee's decision. If all conditions are not satisfied within this time period, the application is deemed to be refused and the approval will lapse.

When the applicant has satisfied or fulfilled all the conditions, the Secretary of the Committee of Adjustment issues a certificate for the new lot and the severance goes into effect.

If the transaction originally applied for – sale of property, for example – is not carried out within two years of the date of the certificate, the severance is considered lapsed. The Committee of Adjustment can specify an earlier lapsing date at the time of the severance decision.

Rights of appeal

Appeals to the Ontario Municipal Board (OMB) can be made in three different ways:

1. The applicant may appeal if the Committee makes no decision within 90 days from the date of receipt of a completed application;
2. Any person or public body may appeal the Committee's decision and any condition within 20 days of the notice of decision being sent; and
3. Any person or public body may appeal any changed conditions imposed by the Committee within 20 days after the notice of the changed conditions being sent.

Appeals must be filed with the Secretary of the Committee of Adjustment, accompanied by reasons for the appeal and the fee required by the OMB. The OMB is an independent administrative tribunal responsible for hearing land use planning appeals.

Applicants are responsible for all costs associated with third party OMB appeals. Deposits are required upon receipt of an appeal in accordance with the City's Tarff of Fees By-law.

What other approvals may be required?

In addition to the planning approvals and building permit, which are needed for a building project, there are other permits and approvals required in particular circumstances. For example, an approval permit is required from the Building Division for a new septic system. In water/riverfront areas, a permit may be required from the appropriate Conservation Authority having jurisdiction, the Ministry of Natural Resources, and/or the Trent-Severn Waterway before you begin any construction in the water (for example, a retaining wall, a dock or boathouse). Staff will assist you in determining which Conservation Authority is

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involved together with the appropriate fee.

The Building Division will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic systems not subject to Ministry of Environment approval.

Please note that the Conservation Authority and Building Division may also charge additional review fees beyond the application fees.

What types of fees and costs may be required?

- City Application fee
- Conservation Authority fee –Kawartha; Lake Simcoe; Otonabee; or Ganaraska
- Building Division review fee
- Trent-Severn Waterway fee
- Cost of maps, preliminary survey and/or special studies etc. in support of the application
- Cost of consultant(s) or specialist(s) to speak to the Committee of Adjustment
- Costs for fulfilling conditions of provisional consent:
 - entrance approval – drainage work, culvert, road improvements, signs (contractor)
 - fencing, tree planting, buffer or screening (contractor)
 - septic system approval (contractor)
 - parkland dedication or payment of cash-in-lieu of the dedication of land (plus appraiser fees)
 - removal of a building (contractor)
 - drilled well (well driller)

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- reference plan of survey (surveyor) plus registration of plan
 - deed(s) for lot to be created, easement or right-of-way plus registration of deeds (lawyer)
- Fee for the review and clearance of conditions and stamping the deed(s)
- Real Estate Fees
- Possible costs after the deed is registered could include the following:
 - Education and municipal development charges
 - Building Permit - based on gross floor area
 - Entrance permit; sewage disposal; water supply; electrical/telephone/cable supply; excavation and fill material

Required information and application fee refunds

The information required for a complete application is outlined on the attached Consent Application form. All necessary application fees must be included with the application.

Should the applicant decide not to proceed with the application, a portion of the City's fees may be refunded in accordance with the City's Tariff of Fees By-law.

Further information

This brochure is intended to provide general guidance only to the land severance process. For more specific information related to individual applications please contact the Development Services Department - Planning Division at (705) 324-9411 Ext. 1231.

Hours of operation:

8:30 am to 4:30 pm, Monday to Friday, except statutory holidays.

Appointment with staff:

Appointments with staff may be made by contacting the Development Services

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Department – Planning Division between 8:30 a.m. and 4:30 p.m. at (705) 324-9460 Ext. 1231. The offices are located at 180 Kent Street West, 2nd Floor, Lindsay, Ontario, K9V 2Y6.

Please Note: This brochure is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, and other by-laws for definitive requirements and procedures.

FIGURE 1
CONSENT (SEVERANCE) APPROVAL PROCESS

