

What is land severance/consent?

A severance (or consent) is a land division process followed to create one or more new lots from an existing property; it is the authorized separation of a piece of land to form two new properties. Severance is required if you want to separately convey any one part of your land to a different ownership – this includes making an adjustment to an existing lot line, or allowing legal access over your property by means of a right-of-way or easement.

Why do I need approval to sever my land?

Approval for severance is a provincial legislative requirement, regulated by the *Planning Act*. All land in Ontario has been subject to subdivision control since 1970, which essentially means that land cannot be divided into smaller parcels except with government approval. Land division without approval could have long-term, negative impacts on our Township. For example, it could result in an over-extension of municipal services such as snow plowing or school busing. Or it may result in damage to our natural environment.

Township approval is required to ensure that a land division follows the provisions set out by our Official Plan as well as the provisions set out by the Provincial Government. It must be ensured that new lots and new land uses do not conflict with the overall future planning goals and policies of the community, and ensure we preserve our natural heritage.

How do I begin the severance process?

The first thing you can do is ask questions! The Ramara Township Planning Department can give you the zoning requirements for your property which will outline the requirements for size and location of your newly proposed lot. This is to ensure what you are proposing conforms to the applicable policies including our Official Plan, Zoning Bylaw, County of Simcoe Official Plan and the Provincial Policy Statement.

We will also advise you which agencies you may need to contact. For example if you are on a County Road you will want to ensure you can get an entrance permit from them prior to applying for a severance. Lake Simcoe Conservation Authority is also an applicable agency if you are in a regulated area. We can help assist you with who to contact. *By contacting these agencies before you begin the formal severance process you can find out if they will have any concerns with the proposal and what can be done to remedy these concerns if possible.*

After you have received all applicable information you can fill out the Consent Application and submit it to the Township with the required fee. Please note a detailed sketch showing the dimensions of the retained and severed lots are required with the application. We also need to know the location and size of all buildings and structures on the retained and severed lots. If you have any questions with regards to the application we can assist you with it by either coming into the office or making an appointment with our Planning Administrator or Planning Secretary.

The consent application can be picked up in our office, or you can find it online at www.ramara.ca.

What if my proposal does not conform to the Zoning Bylaw or Official Plan?

If your proposal does not conform to the Zoning Bylaw you may be able to apply for a Minor Variance in order to address any conflicts or deficiencies in requirements. If your proposal does not conform to the Official Plan or Provincial Policy Statement – very little can be done. You can always look for ways to change your proposal to make it comply with the documents.

How long does the severance process take?

The length of time the formal severance process may take can vary. If it is a straight-forward application, no agency/individual/group has submitted an objection and the application conforms to the relevant policies in the respective Official Plans, the expected time is about three to six months and upon fulfillment of the conditions attached to the approved consent.

This time is required to give notice of application through mail, and to receive comments from all pertinent agencies and have the application heard by the Committee of Adjustment. With provisional approval, the applicant then has up to two years from the date of decision to fulfill all of the conditions of severance (e.g. a re-zoning/minor variance, cash in lieu of parkland fee, survey, etc.) before the consent is final and binding.

An application can take significantly longer if objections are raised, issues with the Official Plan require further attention, or if additional studies are required (such as an Environmental Impact Study).

If there are objections to an application from any commenting agency or neighbouring landowner, these will be considered at the meeting in front of the Committee of Adjustment. The Committee meets once a month (typically on the first or second Tuesday) and gives both the applicant and the objector an opportunity to present their case. Cut off dates for the applications are available from the Planning Department.

What is the process for a Severance Application?

The applicant will be required to fill out the Severance Application and pay the application processing fee. (Please note the application fee is NON-REFUNDABLE even if the application is not approved) Upon receipt of the completed severance application, it will be assigned a file number and a sign will be created. This sign is to be posted on the subject property within a viewable distance from the road no less than 14 days from the date of the meeting. It is the landowners/applicants responsibility to ensure the sign is posted in due time. The Secretary-Treasurer will then circulate a Notice of Hearing to landowners within 60 meters of the subject property and any relevant commenting agencies. This notice will also advise of the date, time and location of the meeting.

A report is then written by the Planning Administrator and given to all Committee members along with copies of the application and location of the property for site visits. This report is then available for you to retain a copy by request the Friday before the meeting. This enables you as the applicant to possibly address any concerns prior to appearing before the Committee.

The meeting is then held with the Committee of Adjustment and the applicant's presence or a representative is required. If the application is approved there is then a 20 day appeal period where nothing can transpire on the property. Once the appeal period has ended; a Notice of No Appeal is sent out, and the conditions of the severance may be fulfilled and finalized within the two years time frame under the Planning Act.

The application may be deferred for more information in some instances. This would result in the applicant resolving any questions the committee may have and returning to another meeting in the future.

What rights of appeal do I have?

If you do not agree with the decision of the Committee of Adjustment, you may appeal the decision. Appeals can be made to the Local Planning Approvals Tribunal (LPAT) by the applicant or by any person who has asked, in writing, to be notified of decision and has submitted correspondence identifying their objection.

The appeal must be filed within 20 days of the date of mailing of decision with the Secretary- Treasurer of the Committee of Adjustment. Written reasons supporting your objection and payment of the LPAT fee (\$300) for an appeal must be included. Appeal forms are available on the Environment & Land Tribunals Ontario Website at www.elto.gov.on.ca

An appeal to the LPAT is a serious matter requiring considerable time, effort and, in some cases, expense on the part of everyone involved. A hearing can be as brief as a

couple of hours if it involves few witnesses and only one or two planning issues. But in more complex situations involving a number of adversaries, the hearing could stretch out over several days, sometimes even weeks.

NOTE: The LPAT is an administrative tribunal appointed by the Province. Its responsibilities include the settling of contentious planning matters which people were unable to resolve at the municipal level.

What are the “conditions of severance”?

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 or to recognize reductions in deficiencies in lot area or frontage to name a few. In addition, the property owner may be required to enter into an agreement with the Township to provide future services or facilities.

The conditions of severance must be satisfied within two years of the decision. It is the responsibility of the applicant to satisfy these conditions. If all conditions are not satisfied, the application will lapse and is deemed to be refused.

When the applicant has satisfied or fulfilled all the conditions, the Committee of Adjustment Secretary- Treasurer will issue a Certificate of Official for the new lot. It is then the applicant's responsibility, through their solicitor, to have the Certificate registered at the Land Registry Office.

What fees could I be required to pay?

There are a number of fees that could be required through the severance process. Such fees include:

- Application fee(s)
- A Lake Simcoe Region Conservation Authority Review fee (if applicable)
- Surveying fees
- Cost of an agent or solicitor
- Costs of meeting the conditions of consent (may include one or more of the following):
 - Satisfying the requirement of the Township of Ramara, Financial and otherwise, including payment of any outstanding taxes
 - Cash in lieu of Parkland (payable to Township)
 - Entrance permit(s) if required by either the Township, MTO or County
 - Reference plan of survey and plan registration
 - Deed(s) for new lot, boundary adjustment, easement, or right-of-way; registration of deed(s)
- Fees at building permit stage (under separate cover at your request)

What are the Minimum Distance Separation requirements?

Minimum Distance Separation (MDS) is a tool used to determine a recommended distance between a livestock facility and another sensitive land use. The objective is to prevent land use conflicts and minimize nuisance complaints from odour; MDS does not account for noise and dust.

When severing a new lot, MDS calculations are intended to protect existing agricultural operations. These calculations are a requirement in the County Official Plan, and most municipalities.

Where can I find more information?

For more information please visit our website at www.ramara.ca or contact the Township of Ramara Planning Department:

Phone: (705)-484-5374

Email: planning@ramara.ca

Mail: Township of Ramara

2297 Highway 12 PO Box 130

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