

WHAT IS CONSENT

Consent is a term used in provincial planning legislation to describe the approval required to subdivide land, without the requirement of a plan of subdivision. Consent is most commonly used to sever an existing lot or parcel into more than one lot but less than 3 lots. The Consent process follows the rules and regulations of the Ontario Planning Act Section 53 and O. REG 197/96. Consent is needed when an applicant wants to add or change a right-of-way, sever a single parcel of land into two to three parcels of and, or for the addition of land to a lot.

HOW DOES ONE OBTAIN CONSENT

A consent application form must be completed and submitted for consideration to the consent granting authority, which is the Committee of Adjustment.

WHERE DOES ONE GET A CONSENT APPLICATION

Applications are available at the Municipal Office and on the Municipal Home Page. It is recommended that you discuss the proposal with staff prior to submitting the application in a pre consultation session

WHAT IS INCLUDED IN A CONSENT APPLICATION

- A scaled sketch illustrating; the entire property before it is divided, the proposed severance lines, all property dimensions, all building locations including distances, driveway, septic locations, and dock and shoreline activity area locations.
- Details about ownership, property description, dimensions, etc
- Application fees in the form of a cheque
- Completed application
- Any applicable agency information i.e. Temiskaming Health Unit Septic Certificate.

IS THE USE OF AN AGENT OR CONSULTANT NECESSARY

There is no legal requirement for the use of consultants or agents in the making of a consent application. However the more complex an application is, the greater the need for professional assistance to clarify and expedite a proposal. Also special studies may be required to justify the proposed development and answer any technical questions.

WHAT HAPPENS ONCE MY APPLICATION IS SUBMITTED

The application is circulated to a number of regional departments, and various agencies for their comments. Notice of the application will also be sent, by mail, to all property owners within 60.0 meters of the subject property. Following the circulation period, all correspondence will be reviewed and the Planning Clerk and the Committee of Adjustment will determine if the proposal meets all requirements and approve, approve with conditions, or not approve the application.

WHAT COULD EFFECT THE OUTCOME OF AN APPLICATION

- Concerns expressed by any of the circulated departments or agencies or valid objections from the neighbours.

- If someone objects to an application it does not necessarily mean that the application is rejected. All evidence must be presented and weighed.
- Conformity with the Official Plan and the Zoning By-law as well as the Provincial Policy Statements are necessary.

WHAT TO DO NEXT

Once the initial approval has been obtained, a series of steps must be undertaken by the applicant leading to the registration of the transaction at the Land Registry Office. A plan or survey by an Ontario Land Surveyor will be required and any conditions of approval must be met. The time limit on meeting all conditions is one year as dictated by provincial legislation.

WHAT TO DO IF AN APPLICATION IS TURNED DOWN

An appeal can be filed to the Ontario Municipal Board if an application is rejected. Following the final decision by the Consent granting authority a person has 20 days to file an appeal with the Regional Clerk.

HOW LONG DOES THE PROCESS TAKE

Once all required information is received and the application is complete a decision should be rendered within approximately 20 days of the application being accepted. The approval of the application is not in effect until the twenty-day appeal period following the mailing of the decision has ended. In the cases where an appeal is logged the decision is not final until the application has been dealt with by the Ontario Municipal Board.

SUMMARY OF THE CONSENT PROCESS

1. Discuss your idea with the Planning Officer
2. Pick-up and complete the Consent Application form
3. Gather all necessary information
4. Submit completed application to the Planning Officer
5. Application will be reviewed
6. Answer any questions derived from the application review
7. Circulation of the application for a minimum of 15 days prior to application going to the Committee of Adjustment
8. Gathering of feed back from the circulation
9. Committee of Adjustment Hearing
10. Approval, Approval with conditions, or Not Approved
11. Circulation of Committee of Adjustment Decision
12. 20 day appeal period following the mailing of the decision
13. 1 year to;
 - Sign papers
 - Complete conditions
14. Register papers

For more information please contact Lisa Beaulieu, Planning Officer, at:

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