

Applying for a **Consent** To Create a New Lot?

Tips that can help.

These tips are intended as a guide to help you decide if your proposed lot might qualify for a severance through the consent process. There are other factors which may be considered in assessing your application for consent.

Is there an official plan for your area?

Official plans are local land use planning documents adopted by a local municipality and approved by the Province. They reflect provincial and local planning issues and, among other things, establish policies for lot creation.

Your proposed lot must conform to the requirements of the official plan, if any, and 'shall be consistent with' the Provincial Policy Statement under Section 3 of the *Planning Act*.

Is there a zoning order or zoning by-law for your area?

Local zoning by-laws or Minister's zoning orders may exist in your area. They set out specific requirements for new development (eg. minimum lot size, frontage, acceptable access, etc.)

Your proposed new lot **must conform** to any zoning control requirements.

Your municipal clerk, planning administrator or staff at the Lanark County Land Division Office can help you interpret your local official plan and zoning by-law or zoning order.

Is consent the way to go?

Generally, the creation of new lots by consent may be considered where:

- Only a few lots are proposed;

- the total number of lots proposed and created previously are within the limitations provided in the Official Plan;
- the new lot and the remaining lot will have direct access to an existing publicly-owned and maintained road.
- extensions of municipal or communal sewer or water services are minor and can be done at no cost to your local municipality.

Where can new lots be created?

Generally, only limited development is permitted in rural areas. This helps protect the natural environment, the natural resources and the character of rural areas and also discourages the inefficient provision of services.

New lots created for permanent, year-round use should be located in existing, built-up areas, such as villages, hamlets or settlement areas.

All new lots must be suitable for their intended use. For example, new lots must be large enough to accommodate the proposed building and all servicing requirements (well and septic).

Where new lots can't be created?

Generally, lots cannot be created on provincially significant wetlands, prime agricultural lands, lands containing mineral aggregate resources, hazardous lands such as steep slopes and areas susceptible to flooding or where fish or wildlife habitats will be disturbed.

New lots will not be created where they are not compatible with surrounding land uses. For example, a new lot for a house probably would not be permitted next door to a factory, a waste disposal site or a railway mainline.

What kind of access do new lots need?

Any new lot must have safe, long-term access for all vehicles, including service and emergency vehicles.

Generally, this means:

- lots should be located on publicly-owned road(s) which are maintained year round;
- a limited number of seasonal residential lots on private roads may be considered, on an in-fill basis, provided they won't be converted to permanent residential use and they have registered rights-of-way with direct access to a public road;
- water access may be acceptable for cottage lots if the lots are on an island or in a remote location, where future demand for road access is not anticipated; lots should be located within a reasonable distance to publicly-owned and maintained parking, docking and boat launching facilities.

What kind of services do new lots need?

In general:

- where municipal sewer and water services exist, lots should hook into that service;
- where municipal services cannot be provided, municipally-owned services are preferred;
- in other areas, a new lot must be acceptable for the installation of a septic tank and tile bed system and wells;
- lake water for cottage lots may be permitted, subject to the approval of the Ministry of the Environment and Energy and/or local Health Unit.

What happens to my application after I submit it to the Land Division Office?

The Land Division Committee is required to give notice of a complete application to persons and agencies that may have an interest in the proposed consent. This can occur in one of three ways: (1) by mail or personal service to all landowners and any condominium corporation within 60 metres of the subject land and posting a notice on the property; (2) by mail or personal service to every person assessed within 60 metres of the subject land; or (3) by publishing a notice in a local newspaper.

If the Land Division Committee decides to approve the application, in most cases there will be conditions stipulated and these conditions must be fulfilled prior to granting the consent. The applicant has one year to fulfill conditions, otherwise the application is deemed to be refused. The applicant, or any person or public body can appeal the decision and any or all of the conditions to the Ontario Municipal Board within 20 days of the giving of the notice of decision.

If the Land Division Committee decides not to approve the application, the Committee will send a notice, giving the reasons for the proposed refusal. The applicant, or any person or public body has up to 20 days from the giving of the notice to appeal the decision to the Ontario Municipal Board. If at the end of 20 days there is no appeal, the decision to refuse becomes final.

The applicant can appeal the application to the Ontario Municipal Board if a decision has not been reached on the consent request within 90 days of the Land Division Committee's receipt of a complete application that contains all of the prescribed or mandatory information. Before filing a notice of appeal, the applicant should determine the status of the file since it might be possible for the Land Division Committee to make a decision on the application within a reasonable time. If all the necessary information is submitted at the time of application, delays in processing the application can be avoided.