



## **RULES OF PROCEDURE**

### **Land Division Committee for The Corporation of the County of Elgin**

#### **GENERAL**

In addition to fulfilling the requirements of Section 53 of the Planning Act, the Land Division Committee shall observe the following rules and requirements:

#### **APPLICATION**

1. The Secretary-Treasurer shall note and acknowledge the date of receipt of the application.
2. The Land Division Committee will render their decision and the applicant or agent (if named) will be advised in writing, not later than 15 days from the date of the decision.
3. Pre-consultation with the Municipality involved and interested agencies is recommended before submitting the application. This will assist the applicant or agent to understand the by-laws and restrictions that affect the property and it will verify compliance to current regulations.

#### **NOTICE OF HEARING**

4. The Secretary-Treasurer, in the name of the Committee, shall by personal service or by regular or registered mail, give written notice of time and place of the hearing of each application, together with copies of the Application for Consent, comprising items 1 to 27, not less than 14 days prior to the date of the hearing to:
  - (a) Applicant or agent (if named)
  - (b) Clerk of the Municipality (ies) concerned
  - (c) County Engineer
  - (d) County Manager of Planning
  - (e) Ministry of Transportation
  - (f) Ministry of Culture
  - (g) Kettle Creek/Catfish Creek/Long Point/Lower Thames Valley Conservation Authority

- (h) Chief of First Nation Council (within 1 km of subject land)
- (i) Every person assessed within 60 metres of subject land (notice only).

### **CERTIFICATION**

- 5. Upon expiry of the 20-day appeal period and after the conditions have been met, the Secretary- Treasurer shall, on behalf of the Committee, affix a rubber stamp to the deeds or legal documents and sign it, signifying that the consent has been given pursuant to Subsection 42, of Section 53, of the Planning Act. The Secretary-Treasurer shall accept only original copies, accompanied by a fee of \$300.00, for affixing the consent stamp.

The applicant will have one year from the date the decision was given to fulfill conditions imposed by the Committee. One condition generally imposed is that a deed be presented within one year so that the consent stamp may be affixed.

### **IDENTIFICATION STAKES AND SIGNS**

- 6. Identification Signs will be sent to you by courier after your completed application has been filed. These signs are then to be posted immediately on stakes at each front corner of the proposed lot, and are to remain there until the Decision of the Committee becomes final and binding. Site inspections will be done by a Committee member prior to the hearing date. **Failure to post signs will result in a delay of a decision from the Land Division Committee. Check frequently to ensure that the signs are in place.**

### **DETAILED SKETCH**

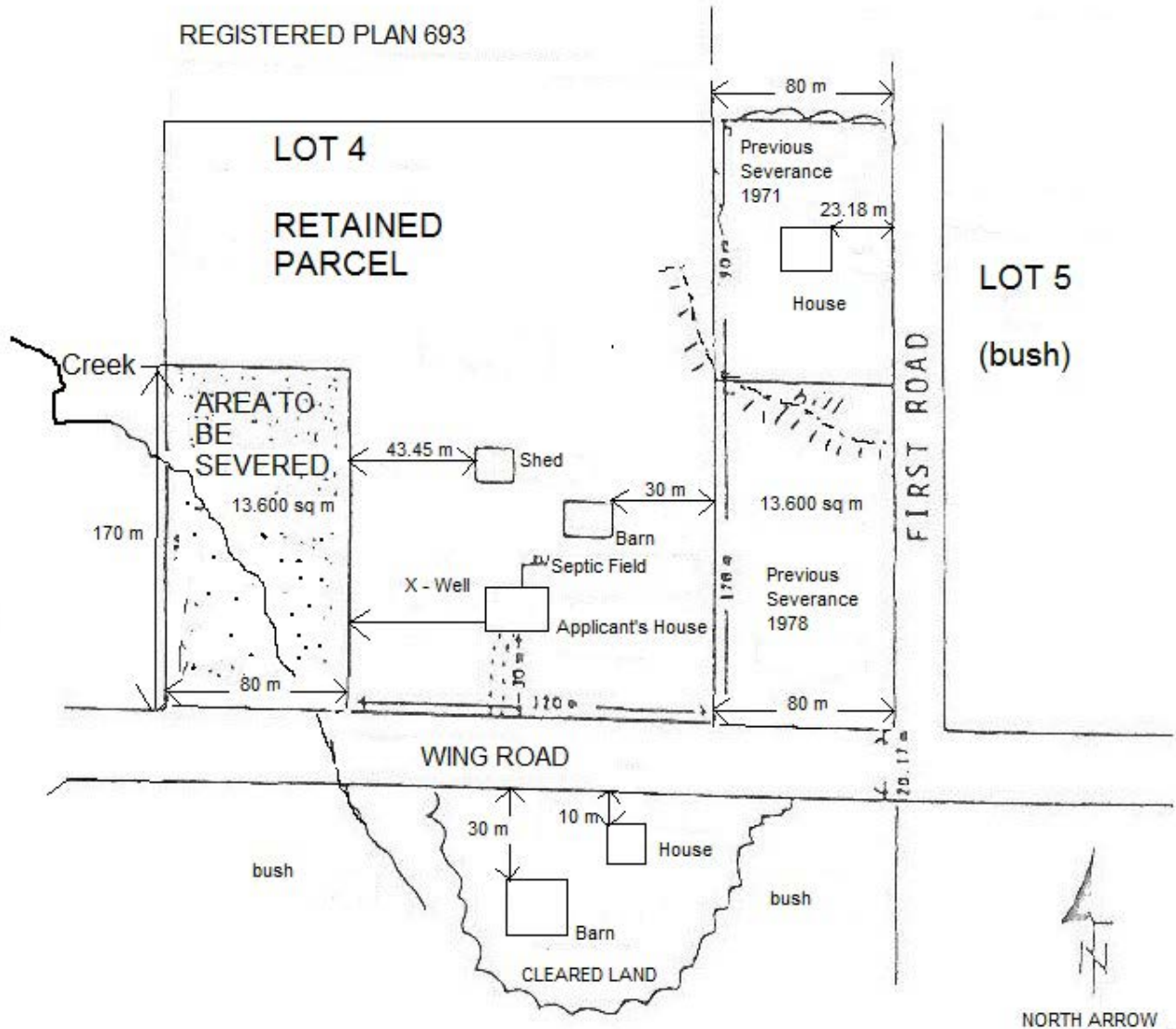
- 7. Must be no greater than 20 cm x 35 cm (8 1/2 x 14"). One copy of the sketch is required, done in black (e.g., ink, felt pen) no pencil or colours. A legend or key indicating severed and retained portions must be shown (e.g., cross-hatching or diagonal lines). Clearly indicate severed and retained portions, with all dimensions of both severed and retained lands on the sketch. **All measurements must be accurate, a variance of 3% on each dimension is acceptable for agricultural land and 1.52 metres on each dimension for non-agricultural land.** Dimensions of all existing buildings should be shown as well as dimensions for their location in relation to property lines and the proposed severance. All buildings and type of land **surrounding both severed and retained portions** must be shown within 300 metres radius for rural areas and 60 metres radius for urban areas. All existing and proposed accesses should be shown. PLEASE SEE SAMPLE BELOW

All existing and proposed accesses should be shown. It is strongly encouraged that a draft survey by a qualified professional prepare the severance sketch.

Please visit the County of Elgin's mapping system to assist you in the preparation of the severance sketch <https://www.elginmapping.ca/>

Using aerial photography will assist the committee in orienting the proposed severance.

### Application for Severance - Sample Sketch



### DIGITAL PHOTOGRAPHS

8. Digital photographs can be taken and submitted with the application. An excerpt from Google Maps with aerial photography will be useful to confirm existing buildings and/or features on the site. Photos and google map excerpts will be submitted on a memory stick with the completed application.

## **APPEAL**

9. Any person or public body may appeal the decision and/or condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, within 20 days from the giving of the Notice of decision, a Notice of Appeal, accompanied by the Tribunal's fee in the amount of \$300.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Certified Cheques or Money Orders are to be made payable to the Minister of Finance. If you wish to appeal, a copy of the appeal form is available from the LPAT website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca) or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

**RETURN TO:**     ***Acting Secretary-Treasurer  
Elgin County Land Division  
Committee Administration  
Building, 3<sup>rd</sup> Floor  
450 Sunset Drive, ST. THOMAS, Ontario N5R 5V1  
OFFICE HOURS: 8:30 a.m. to 4:30 p.m. Monday through Friday***

**NOTE:**           ***Applications may be left at the counter during normal business hours and will be dealt with during the Secretary-Treasurer's office hours.***



**APPLICATION FOR CONSENT**

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE

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

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

Name of owner's solicitor or authorized agent \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

Please specify to whom all communications should be sent:

Owners ( )      Solicitor ( )      Agent ( )

3. (a) Type and purpose of proposed transaction: (check appropriate space)

Transfer:	_____ creation of a new lot	Other:	_____ mortgage/charge
	_____ addition to a lot		_____ lease
	_____ surplus farm dwelling		_____ easement/R.O.W.
	_____ technical severance		_____ correction of title
	_____ other (specify) _____		

(b) Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:  
\_\_\_\_\_

(c) If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added:  
\_\_\_\_\_

4. (a) Location of land:

Municipality \_\_\_\_\_ Concession No. \_\_\_\_\_

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

Name of Street \_\_\_\_\_ Street No. and/or 911 No. \_\_\_\_\_

Assessment Roll No. \_\_\_\_\_

(b) Are there any easements or restrictive covenants affecting the subject land?

Yes ( )      No ( )      If Yes, describe the easement or covenant and its effect:  
\_\_\_\_\_

5. Description of land intended to be severed: (Accurate Measurements in Metric)

Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

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

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

Existing \_\_\_\_\_

Proposed \_\_\_\_\_

6. Description of land intended to be retained: (Accurate Measurements in Metric)

Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

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

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

Existing \_\_\_\_\_

Proposed \_\_\_\_\_

7. Number of new lots proposed (including retained lots) \_\_\_\_\_

8. Type of access for proposed and retained lot: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Provincial Highway	( )	( )
Municipal road, maintained all year	( )	( )
Municipal road, seasonally maintained	( )	( )
Other public road	( )	( )
Right Of Way	( )	( )
Water access	( )	( )

If proposed access is by water, what boat docking and parking facilities are available on the mainland? (specify) \_\_\_\_\_

9. (a) What type of water supply is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated piped water system	( )	( )
Privately owned and operated individual well	( )	( )
Privately owned and operated communal well	( )	( )
Lake or other water body	( )	( )
Other means (specify)	_____	_____

(b) If existing water supply is provided from a privately owned and operated individual/ communal well, **the owner shall be required to provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards. (Written confirmation to be attached to the Application)**

10. (a) What type of sewage disposal is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated sanitary sewage system	( )	( )
Privately owned and operated individual septic tank	( )	( )
Privately owned and operated communal septic system	( )	( )
Other means (specify)	_____	_____

(b) If existing sewage disposal is privately owned, **the owner shall be required to provide written confirmation from a licensed septic installer that the system is in satisfactory operating condition. (Written confirmation to be attached to the Application)**

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

\_\_\_\_\_

12. What is the existing Official Plan designation(s) of the subject land?

\_\_\_\_\_

13. What is the existing Zoning designation(s) of the subject land?

\_\_\_\_\_

14. Has the subject land ever been the subject of an application for approval of a plan of subdivision under the Planning Act? Yes ( ) No ( ) Unknown ( )

If Yes, and known, provide the application file number and the decision made on the application

\_\_\_\_\_

15. If this application is a re-submission of a previous consent application, describe how it has been changed from the original application

\_\_\_\_\_

16. (a) Has 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:

Grantee's name \_\_\_\_\_

Use of parcel \_\_\_\_\_

Date parcel created \_\_\_\_\_

17. If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?

Yes ( ) No ( )

If Yes, provide the previous severance File No.

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18. If the application involves the severance of a surplus farmhouse (through farm consolidation), please complete attached Appendix "C" – "Surplus Farm Dwelling Information Form". (Completed Appendix "C" to be attached to the Application)

19. (a) Are there any barns within 750 metres of the proposed severed lands?

Yes ( ) No ( )

- i) Now used for livestock? Yes ( ) No ( )
- ii) Capable of being used for livestock? Yes ( ) No ( )

(b) If there are livestock barns located within 750 metres of the dwelling on the retained lands a MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document -Implementation Guideline #6.

20. 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 ( )

21. Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?

Yes ( ) No ( )

If Yes, and known, specify the Ministry file number and status of the application

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22. Is the subject land currently the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, or approval of a plan of subdivision?

Yes ( ) No ( )

If Yes, and known, specify the appropriate file number and status of the application

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23. (a) Is the application consistent with the Provincial Policy Statement 2020 issued under subsection 3(1) of the Planning Act?

Yes ( )

No ( )

(b) If Yes, identify policies from the Provincial Policy Statement 2020 to support this application for consent

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24. Is the subject land within an area designated under any provincial plan or plans?

Yes ( )

No ( )

If Yes, does the application conform to or conflict with the applicable provincial plan or plans

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25. Did pre consultation occur with the local Municipality and other agencies (if applicable)?

Yes ( )

No ( )

Enter date of consultation and contact person

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26. The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.

27. The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

28. DETAILED SKETCH:

The application shall be accompanied by a detailed sketch showing the following:

- the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- the boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land;
- the distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas;
- the location of private wells and septic system must be located entirely within the boundaries of the lot to be created and shall comply with the Zoning By-Law setbacks;
- the location of private wells and septic system must be located entirely within the boundaries of the lot to be retained and shall comply with the Zoning By-Law setbacks;

- the existing use(s) on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- the location and nature of any easement affecting the subject land.

Dated at the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

**SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT**

**AFFIDAVIT OR SWORN DECLARATION**

I/We \_\_\_\_\_ of the \_\_\_\_\_

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

solemnly declare that all the information contained in this application is true, and I/We 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.

DECLARED before me at the

\_\_\_\_\_ of \_\_\_\_\_

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

this \_\_\_\_\_ day of \_\_\_\_\_

20 \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the seal, if any, must be affixed.

It is required that one copy of this application be filed, together with one copy of the detailed sketch described, with the responsible person, accompanied by a fee of – \$1,250.00 in cash or by cheque made payable to TREASURER, COUNTY OF ELGIN.

An additional fee of \$300.00 will be charged for affixing the consent stamp.

**AUTHORIZATION TO APPOINT AN AGENT**

**NOTE:** This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer  
Land Division Committee  
Corporation of the County of Elgin

Description and Location of Subject Lands:

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

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

\_\_\_\_\_ of \_\_\_\_\_ to:  
(Agents Name/Names) (Agents City/Town of Residence)

- (1) make an application on my behalf to the County of Elgin Land Division Committee;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Land Division Committee relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

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

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

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

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

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

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

## APPENDIX "A"

### PROCESS CHECKLIST

- Pre-consult with Municipalities and applicable agencies.
- Submit one copy of Completed Application with fee of \$1250.00 payable to TREASURER, COUNTY OF ELGIN.
- Identification Signs: Two yellow signs will be sent to you by courier for posting on the portion of the lot to be severed. Failure to post signs will result in a delay of a decision from the Land Division Committee. Check frequently to ensure that the signs are in place.
- Notice of Hearing: At least fourteen (14) days prior to the date of the hearing you will receive a "Notice of Application" with the date and time when the severance will be heard.
- Hearing: The Land Division Committee will consider the application(s) and submissions by all interested parties regarding the severance. The Committee will make a decision immediately following the hearing of the application.
- Decision: A Notice of Decision will be forwarded within fifteen (15) days after the date of the Hearing.
- Conditions: A one-year time limit after the date of decision to obtain the consent stamp on the deed(s) is generally imposed and other conditions may be imposed.
- Appeal Period: A twenty (20) day appeal period from the giving of the notice of Decision during which any person or public body may appeal the decision and/or conditions imposed by the Committee to the Local Planning Appeal Tribunal. After the appeal period, notice will be sent advising that either no appeals were received or that the application has been appealed.
- If Appealed: A notice of appeal setting out the reasons for the appeal is forwarded to the Secretary-Treasurer of the Land Division Committee, with a cheque payable to the Minister of Finance for \$300.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Notice of Appeal must be received within the twenty (20) day appeal period. A copy of an appeal form is available from the LPAT website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca) or for pick-up at the County Municipal Offices, 450 Sunset Drive, St Thomas.
- No Appeal: If no appeal is received, the decision is final and binding and the applicant is required to: a) Satisfy the conditions imposed by the Committee within one (1) year from the date of decision; b) Obtain the services of a land surveyor to survey the lands to be severed in accordance with the Decision; c) Obtain the services of a solicitor to prepare the necessary documents for certification; d) Submit the Transfer documents to the Secretary-Treasurer of the Land Division Committee for final certification; e) Register the documents at the Registry Office for the County of Elgin.
- Stamping of Deed: Signed Acknowledgement and Direction, Three (3) copies of the Transfer Document with Schedule Page for affixing the consent stamp, Two (2) copies of the Reference Plan (one (1) hardcopy and one (1) digital copy) and a fee of \$300.00.

**APPENDIX "B"**

**REQUEST FOR NAMES AND ADDRESSES OF ASSESSED PERSONS**

The County of Elgin Land Division Committee requires from the applicant the following information to be completed by the municipality, certified by the local clerk(s), and accompany any and all consent applications:

**REQUEST FOR NAMES AND ADDRESSES OF ASSESSED PERSONS**

**REGISTERED OWNERS NAME(S)** \_\_\_\_\_

**DESCRIPTION OF SUBJECT OF CONSENT APPLICATION (severed and retained)**

Municipality \_\_\_\_\_ Assessment Roll No. \_\_\_\_\_

Concession No. \_\_\_\_\_ Lot No. \_\_\_\_\_

Please list names, addresses, and postal codes of all persons assessed within 60 metres of the subject (severed and retained) of the above-noted consent application. Include First Nation Chief(s) if subject land is within 1 kilometre of a Reserve. Should additional forms be required, please photocopy prior to completion. **Note: Form must be signed by the Local Municipal Clerk or designate.**

**NAME(S)**

**ADDRESS (including Postal Code)**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**I HEREBY CERTIFY THAT ASSESSMENT INFORMATION CONTAINED IN THIS FORM IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

\_\_\_\_\_  
Signature of Local Clerk

\_\_\_\_\_  
Date

**APPENDIX “C”**

**Surplus Farm Dwelling Information Form**  
in Support of an Application for Consent  
under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

<b>1. Details of Subject Lands</b>			
Municipal Address			
Legal Description			
Lot Area (metric):	Lot Frontage (metric):	Lot Depth (metric):	Year the surplus dwelling was constructed:
Provide confirmation that the surplus dwelling is capable of human habitation, and that it is not a farm help house:			
<b>2. Proposed Transaction</b>			
Identify the proposed transaction (i.e. the proposed severance) – to whom will the severed lot and retained agricultural lands be sold or conveyed to? Please include details on purchaser/purchasee			
Identify how/why the dwelling is surplus to the needs of the owner/purchasing farmer due to farm consolidation?			
<b>3. Details of the Lands Farmed by the Person to whom the Dwelling is Surplus</b>			
To whom is the dwelling surplus?		<input type="checkbox"/> Owner	<input type="checkbox"/> Purchasing Farmer
Total area of land farmed (metric):		Total area of farm land owned (metric):	
Identify the locations of all lands farmed by the owner/purchasing farmer:			
<b>4. Principal Residence of the Owner/Purchasing Farmer</b>			
Identify the location of the owner’s/purchasing farmer’s principal residence:			
Does the owner/purchasing farmer own or rent their principal residence?		<input type="checkbox"/> Own	<input type="checkbox"/> Rent
Does the owner/purchasing farmer own any other dwellings?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, identify the location of all other dwellings owned by the owner/purchasing farmer:			