

Rules of Procedure

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 strongly encouraged 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 1km 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 the 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

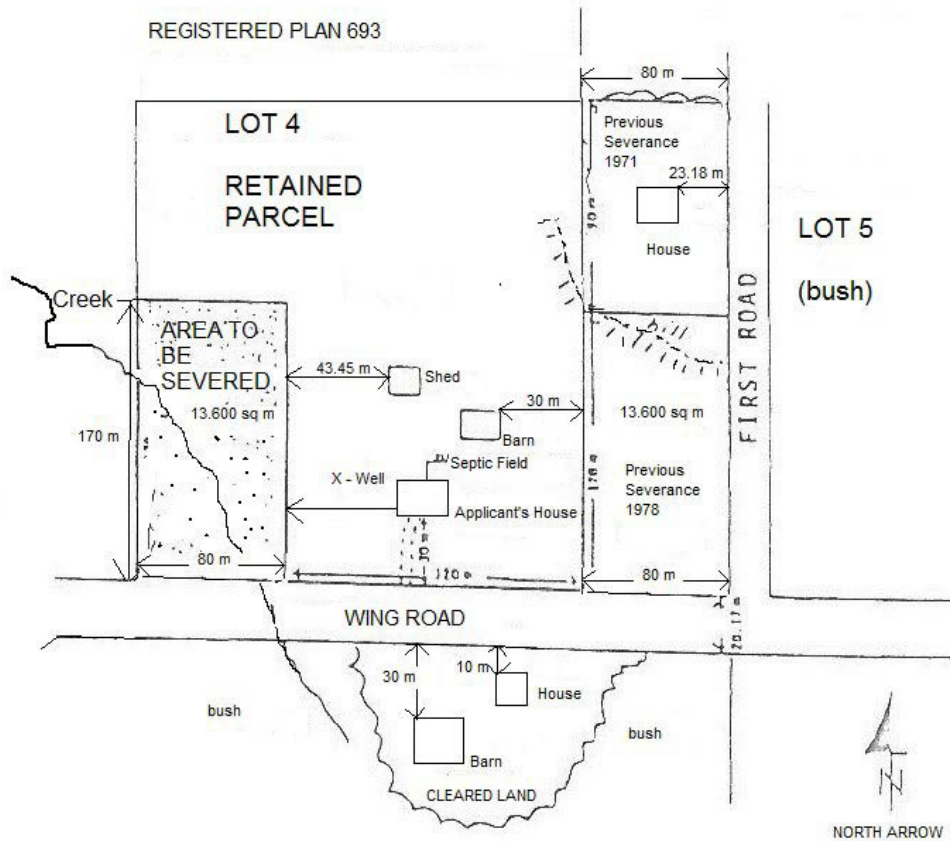
6. Identification Signs will be sent to you by courier after your completed application has been filed. These signs are then to be posted immediately on stakes at each front corner of the proposed lot, and are to remain there until the Decision of the Committee becomes final and binding. Site inspections will be done by a staff 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. It is the responsibility of the applicant to ensure signs remain posted and visible, if new signs are required be sure to contact the Secretary-Treasurer as soon as possible.

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

- 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

- The Minister, the Applicant, the approval authority and prescribed persons or public bodies may appeal the decision and/or any condition(s) imposed by the Committee to the Ontario Land Tribunal (the 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 \$400.00 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, it can be filed on the OLT website at <https://olt.gov.on.ca/e-file-service/> or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

RETURN TO: **Secretary-Treasurer**
Elgin County Land Division Committee
Administration Building,
3rd 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 emailed to the Secretary-Treasurer (payment to follow either dropped off in person or mailed).

Applications may be mailed to the abovementioned address, attention: Secretary Treasurer of the Land Division Committee.

Applications which are not complete, will not be accepted by the Secretary-Treasurer.

All deadlines for Land Division Committee meeting dates are at the end of the business day.

Section 1: Mandatory Submission Requirements for All Applications

- A completed Application Form – 1 copy
- A Sketch or Survey - 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.
- Proof of ownership, such as a recent municipal property tax bill
- Commissioners Stamp/Signature – must be signed in the presence of a Commissioner of Oaths
- Application Fee - \$2,675. If paying by cheque please make cheque payable to "Treasurer, County of Elgin"

Section 2: Mandatory Submission Requirements for Certain Applications

- | | | |
|--|--------------------------|--|
| For surplus farm dwellings only: | <input type="checkbox"/> | Completed Appendix 'A' – Surplus Farm Dwelling Information Form |
| If the application for consent is on a private or communal well: | <input type="checkbox"/> | A water test from the applicable health unit |
| | <input type="checkbox"/> | Written confirmation from a licenced well installer that the private well provides the quality and quantity of potable water required by Provincial standards. |
| If the application for consent is on private or communal septic service: | <input type="checkbox"/> | Written confirmation from a licenced septic installer that the system is in satisfactory operating condition. |

- If the application is within 750m of a livestock barn An MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document – Implementation Guideline #6
- If a previous consent has occurred on the site Provide previous severance file number
- Indicate previous severances on the provided sketch
- Provide grantee's name
- Provide use of parcel
- Provide date parcel created (year)

OFFICE USE ONLY

Application No:	Date Received:
Date fee paid:	

Section 3: Contact Details

1. Owner (all registered owner(s) or registered company names must be listed):

Name:

Address:

Postal Code:

Email:

Telephone Number:

Preferred Contact Method:

Phone Email

2. Name of owner's solicitor or authorized agent (if applicable):

Name:

Address:

Postal Code:

Email:

Telephone Number:

Preferred Contact Method:

Phone Email

3. Name of applicant (if different from owner):

Name:

Address:

Postal Code:

Email:

Telephone Number:

Preferred Contact Method:

Phone Email

AUTHORIZATION TO APPOINT AN AGENT must be provided if an agent or solicitor is acting on behalf of the land owner or applicant.

Specify to whom all communications should be sent (check all that apply):

Owner Solicitor Agent Applicant

Specify to whom notification signs should be sent* (select one):

Owner Solicitor Agent Applicant

*notice signs will be shipped to the mailing address provided on the application

Section 4: Consent Information

4. Type and purpose of proposed transaction:

- | | |
|--|--|
| <input type="checkbox"/> Creation of a new lot | <input type="checkbox"/> Mortgage/charge |
| <input type="checkbox"/> Addition to a lot | <input type="checkbox"/> Lease |
| <input type="checkbox"/> Surplus farm dwelling | <input type="checkbox"/> Easement / R.O.W. |
| <input type="checkbox"/> Technical severance | <input type="checkbox"/> Correction of title |
| <input type="checkbox"/> Other: _____ | |

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

If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added.

5. Location of Land:

Municipality:	Concession No:
Lot(s) No.:	Registered Plan No:
Name of Street:	Civic Number:
Assessment Roll No.:	

Are there any easements or restrictive covenants affecting the subject lands:

Yes No

If yes, describe the easement or covenant and its effect:

6. Description of land to be severed (all measurements must be in metric):

Frontage:	Depth:
Area:	Proposed Use:
Number and use of buildings and structures on the land to be severed:	
Existing	Proposed

7. Description of land to be retained (all measurements must be in metric):

Frontage:	Depth:
Area:	Proposed Use:
Number and use of buildings and structures on the land to be severed:	
Existing	Proposed

8. Number of new lots proposed, including retained lots: _____

9. Type of access for proposed and retained lot (check appropriate box):

<u>Type</u>	<u>Proposed Lot</u>	<u>Retained Lot</u>
Provincial highway	<input type="checkbox"/>	<input type="checkbox"/>
Municipal road, maintained all year	<input type="checkbox"/>	<input type="checkbox"/>
Municipal road, seasonally maintained	<input type="checkbox"/>	<input type="checkbox"/>
Other public road	<input type="checkbox"/>	<input type="checkbox"/>
Right-of-way	<input type="checkbox"/>	<input type="checkbox"/>
Water access	<input type="checkbox"/>	<input type="checkbox"/>

If proposed access is by water, what boat docking and parking facilities are available on the mainland? _____

10. 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	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated individual well**	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated communal well**	<input type="checkbox"/>	<input type="checkbox"/>
Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

(b) ** If an 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 licenced 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); and

(c) ** A water quality test by the applicable public health unit is required (written confirmation to be attached to the application)

11. 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 sewer system	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated individual septic system**	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated communal septic system**	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

(b) ** If an existing sewage system is privately owned, the owner shall be required to provide written confirmation from a licenced septic installer that the system is in satisfactory operating condition (written confirmation to be attached to the application)

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

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

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

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

16. 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:

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

18. Has there been any previous severances of land from this holding?

Yes No

(b) If the answer above is 'yes', please indicate previous severances on the required sketch and supply the following information for each lot severed:

Who the severance was granted to: _____

Use of parcel: _____

Date parcel created (year): _____

19. 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 severance file number: _____

20. (a) Are there any barns within 750 meters 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 MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) Implementation Guideline #6

21. 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

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

Yes

No

If yes, and known, specify the file number and status of the application:

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

Yes

No

If yes, and known, specify the file number and status of the application:

24. Is the application consistent with the Provincial Planning Statement 2024 issued under Section 3(1) of the Planning Act?

Yes

No

If yes, identify policies from the Provincial Planning Statement (2024) to support this application for consent

Section 5: Signature of Applicant

Site Visits

By signing this application, the Owner/Applicant/Agent hereby authorizes Elgin County staff members to enter the subject property for the purpose of site inspections with respect to this application. Photographs of the property and/or exterior building facades may be taken during site inspections. All site inspections will be conducted during regular County business hours.

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 original parcel;
- 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 systems. Such systems must be confined within the boundaries of each proposed and retained parcel and shall comply with 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 _____
Municipality/Township/City/etc. Name of municipality
This _____ day of _____, _____
day month year

Signature

Section 6: Affidavit or Sworn Declaration

SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

THIS PAGE MUST BE COMPLETED IN THE PRESENCE OF A COMMISSIONER OF OATHS, NOTARY PUBLIC, OR SOLICITOR

I/We _____ of the _____
Municipality/Township/City/etc. Name of municipality
of _____ in the _____
Name of municipality County of / Region of (if applicable)

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 in the

_____ of _____
Municipality/Township/City/etc. Name of municipality
in the _____ this _____ day of _____,
County of / Region of (if applicable) day month
_____ year

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 form must accompany the application. If the applicant is a corporation acting without an 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, accompanied by a fee of \$2,675.00 in cash, credit card or by cheque made payable to 'Treasurer, County of Elgin'.

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

Section 7: Authorization to Appoint an Agent

Note: This form is only to be used for applications, which are to be submitted by someone other than the owner(s). Attach more pages, if necessary.

Description and address 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 this application

Dated at the _____ of _____
Municipality/Township/City/etc. Name of municipality

This _____ day of _____, _____
day month year

Name of owner

Signature of owner

Name of owner

Signature of owner

Name of owner

Signature of owner

Name of owner

Signature of owner

Name of witness

Signature of witness

APPENDIX "B"

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*

1. Details of Subject Lands			
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:			
Is the proposed Surplus Farm Dwelling a result of farm consolidation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
2. Proposed Transaction			
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 due to farm consolidation			
3. Details of the Lands Farmed by the Person to whom the Dwelling is Surplus			
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:			
4. Farm Business Status			
Is the farm property on which the surplus farm dwelling located eligible for the Farm Property Class Tax Rate Program? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Does the property owner have a valid Farm Business Registration Number? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the Farm Business Registration Number:			
Does the purchasing farmer have a valid Farm Business Registration Number? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the Farm Business Registration Number:			

5. Principal Residence of the Owner

Identify the location of the owner's principal residence:

Does the owner own or rent their principal residence?

Own

Rent

Does the owner own any other dwellings?

Yes

No

If yes, identify the location of all other dwellings owned by the owner:

PLEASE NOTE:

If the purchasing farmer or owner cannot provide sufficient evidence as to their farm business status/status as a farmer, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee. Additionally, if the surplus farm dwelling criteria contained in the Official Plans of both Elgin County and the local municipality cannot be met, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee.

PROCESS CHECKLIST

- Pre-consult with Municipalities and applicable agencies (conservation authority, etc.)
- Submit one copy of completed application with fee of \$2,675.00
- Identification signs: Two yellow signs will be sent to you by courier for posting on the portion of the land 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 application will be heard by the Land Division Committee.
- Hearing: The Land Division Committee will consider the application(s) and submissions by all interested parties regarding the severance.
- Notice of decision: A notice of decision will be sent within fifteen (15) days after the date the decision is made.
- Conditions: A two-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 The Minister, the Applicant, the approval authority and prescribed persons or public bodies may appeal the decision and/or any condition(s) imposed by the Committee to the Ontario Land Tribunal.
- 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 \$400.00 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. Appeals can be filed through the OLT e-file system at <https://olt.gov.on.ca/e-file-service/> or forms are available 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 two (2) years 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, Two (2) copies of the Transfer Document with Schedule Page for affixing the consent stamp, one (1) digital copy of the Reference Plan and a fee of \$300.00.

APPLICANTS SHOULD RETAIN THIS PAGE FOR FUTURE REFERENCE