



## CONSENT APPLICATION GUIDELINES

### COMMITTEE OF ADJUSTMENT AND CONSENT

The Town is dedicated to meeting the needs of all of our customers. To obtain documents in an alternate format (e.g. large print, Braille, electronic or plain language), please contact the Town's Accessibility Coordinator at 905-878-7252.

#### PRE-CONSULTATION REQUIREMENTS

The Town's Complete Application Policies (By-law 106-2008) require that persons intending to make application for consent (to sever) participate in a formal pre-consultation meeting prior to submitting an application. It is the applicant's responsibility to initiate meeting arrangements with Town Planning Staff, with the knowledge that the outcome of the pre-consultation process will remain valid for a six-month term only. After that time, the Town may require additional consultation.

The pre-consultation process provides both the Town and commenting Agencies an opportunity to review the feasibility of a draft development proposal and to identify the scope of additional supporting information or material that may be required for the review of any resultant consent application.

**IMPORTANT!** Where pre-consultation requirements are not satisfied and/or all required supporting information or material is not provided at the time an application is submitted, Staff may deem the application incomplete and refuse to accept it.

#### APPLICATION REQUIREMENTS, INCLUDING FEES

**DOCUMENTATION REQUIRED:** One consent application (original signed document + 20 paper copies + digital format, as specified) is required for each new lot created (not including the retained lot) and/or lot addition, easement, lease, etc.

**MULTIPLE PAYMENTS REQUIRED:** Town fees are tax exempt and are payable by cheque, cash or debit only; credit cards are not accepted. One individual payment is required for EACH application - for each of: Town of Milton; Region of Halton; and applicable Conservation Authority (if CA review is confirmed to be required). Two or three cheques will be required for each application.

<b>TYPE 2*</b>	
Includes lot addition/lot line adjustment, permanent easement, long-term lease, validation of title	
<b>TOWN OF MILTON APPLICATION FEE</b> Required for ALL applications.	\$3,827.00
<b>HALTON REGION APPLICATION FEE</b> (Includes all applicable taxes) Required for ALL applications. One fee per application; Select Urban or Rural (below): - URBAN (Regional Water and Wastewater); or - RURAL (Private Well and/or Septic) ** Includes additional \$136.00 per lot - Health Department review lot assessment fee.	\$1,095.11 (Urban) \$1,231.11 (Rural)**  \$253.95 Validation of Title
<b>CONSERVATION HALTON FEE, if req'd</b> (Includes HST) Fee is applicable if and as determined by Conservation Authority (CA), generally where subject property is situated within 15 metres of land within CA jurisdiction. Minor: No technical studies required; Intermediate/Major: One (1) or more technical studies required.	\$875.00 (Minor) \$2,050.00 (Intermediate/Major)

<b>TYPE 1** Includes new lot(s)</b>	
<b>TOWN APPLICATION FEE (Taxes exempt)</b> Required for ALL applications.	\$5,154.00
<b>HALTON REGION APPLICATION FEE (Includes all applicable taxes)</b> Required for ALL applications. One fee per application; Select Urban or Rural (below): - Urban (Regional Water and Wastewater); or - RURAL (Private Well and/or Septic) ** Includes additional \$136.00 per lot - Health Department review lot assessment fee.	\$1,095.11 (Urban) \$1,231.11 (Rural)**  \$253.95 Validation of Title
<b>CONSERVATION HALTON FEE, if req'd (Includes HST)</b> Fee is applicable if and as determined by Conservation Authority (CA), generally where subject property is situated within 15 metres of land within CA jurisdiction. Minor: No tech. studies req'd; Intermediate/Major: 1 or more tech. studies req'd.	\$875.00 (Minor) \$2,050.00 (Intermediate/Major)

### FEE TYPES - TYPE 1 VS. TYPE 2

Criteria established by the current Town of Milton By-law requires payment of various rates, fees and charges for services provided by the Municipality, defines application types and applies as follows:

- \* **TYPE 2 APPLICATIONS** - Any consent application for a lot line adjustment (lot addition); a permanent easement; or a lease (over 21 years) - where NO NEW LOT is proposed to be created. [Validations of Title are also included in this category.]
- \*\* **TYPE 1 APPLICATIONS** - Any consent or severance application NOT defined as Type 2 (see above). Generally, where any NEW LOT is proposed to be created.

### APPLICATION FORM AND SUPPORTING DOCUMENTATION

- It is the responsibility of the Owner or Authorized Agent to provide complete and accurate information.
  - At time of submission, the following is required:
    - One fully-completed original application form. Leaving blanks or making references to “see plan” is not acceptable; plus twenty (20) copies.
      - Each of the 20 + 1 sets must include the following:
        - application form (specifications for signatures outlined within these Guidelines);
        - location map;
        - consent sketch;
        - other applicable drawings
      - Each complete copy/set MUST BE FOLDED AND STAPLED.
    - All supporting documentation - reports and studies, etc. (including paper and digital format), as identified through the pre-consultation process. Number of copies to be confirmed by Town/Regional Staff.
    - All requisite fees.
    - ALL required drawings and sketches - must be to scale and clearly legible; drawing specifications are further detailed within these Guidelines.
    - Completed Environmental Site-Screening Questionnaire (1 copy).
    - Phase 1 and/or Phase 2 Site Assessment Report:
      - Halton Region may further require a Phase 1 and/or Phase 2 Site Assessment Report, upon review - applicant to be advised; or
      - If already completed/available (1 copy).
    - Where applicable, Regional Farm Data Sheet.
- This information is required if either the severed or retained parcel is to be used for:

- agricultural purposes or farm-related rural residential purposes.
- Digital format of all required reports, studies and plans (2 copies).
- Any additional information that may be useful in the review of the application, including:
  - explanatory letter - providing background, purpose of application, justification and photographs that may be useful in the review of the application.
  - A property deed/parcel register etc. may be required as proof of ownership.
- The application will NOT BE ACCEPTED until all sections of the form are considered to be complete and all requirements have been met. If the submission is incomplete or inaccurate, the application will be returned (without prejudice) for completion, correction or clarification prior to acceptance and processing by Town Staff.

### **Authorization/Signatures**

- Original signature(s) are required for the record.
- The registered property owner must execute the Affidavit on the signing page of the application form.
- If there is more than one owner, ALL parties must sign the consent/authorization form, as applicable. Additional forms may be required.
- If an owner is to be represented by a solicitor or agent, the authorization portion of the form must also be completed and signed by the owner.
- Where a Corporation owns the property, the application is to be signed by an Authorized Signing Officer of the company and be under corporate seal (if available). The name and title are to be clearly noted beneath any signatures. Documentation that confirms signing authority may be required.
- A Commissioner for Taking Affidavits MUST witness the signatures on the application form. This service is available by appointment and at no cost in the Planning Department, if required.

### **Drawing Specifications - Including Location Map, Consent Sketch, etc.**

- A location map showing general location of property within context of surrounding area.
- A legal survey or consent sketch of the subject property showing:
  - Boundaries, including ALL dimensions (and sizes) of proposed parcels of land, with the severed and retained parcels outlined and clearly identified as such (e.g. 'Parcel A - to be severed' and 'Parcel B - to be retained');
  - Location of all existing buildings/structures (including setbacks to lot lines), watercourses, driveways, highways, railways, wetlands, wooded areas, easements (specifying type of easement), etc.;
  - In the case of ALL RURAL APPLICATIONS, both the EXISTING (and proposed, if any) WELL AND SEPTIC SYSTEM are to be clearly shown (including setbacks to any structure and/or wetland).

Typically, a consent sketch is prepared by an Ontario Land Surveyor or equivalent professional. A draft reference plan is similarly acceptable.
- Any additional building, elevation or site plan drawing that may be related to the proposal and/or is requested by Town Staff.
- Where full-sized copies of drawings are submitted with the application, a corresponding reduced version of each drawing (no greater than 11" x 17") is also required for public circulation purposes. Over-sized drawings must be folded to a size no greater than 11" x 17".
- All drawings must also be submitted in digital format.

## **KEY STEPS OF REVIEW PROCESS**

### **Agency Circulation**

- Following acceptance of an application, the Committee Secretary-Treasurer circulates a request for comments to specified Town departments and other agencies.
- Copies of agency comments (other than 'No Objections') will be provided to applicant, together with the consolidated Town planning report.

## **Public Notice**

- A notice placard(s) will be provided to the applicant and IS TO BE POSTED A.S.A.P. IN A VISIBLE LOCATION ON THE PROPERTY. The owner/agent must provide written confirmation (including photographs) to the Secretary-Treasurer that the sign has been posted and the placard is to remain in place until the application process is complete.
- Following the sign posting, a public notice of the application will be sent to urban property owners within a 60-metre range of the affected property or, in the case of the rural area, 120 metres. These neighbouring property owners have the right to express any concerns or support they may have regarding the proposal. Written comments, if received, will form part of the public record and will be provided to Staff and the applicant for consideration. Such personal information is collected under the authority of the “Planning Act” and will be used solely during the review of and to provide public notice required with respect to the associated consent application.

## **Comments on Application**

- If none of the circulated agencies or surrounding property owners has any concerns with the proposed severance application and the applicant is in agreement with all of the recommended conditions of approval, the Town’s Planning Director has been delegated the authority to approve such “undisputed” consent applications.
- However, if circulated agencies or surrounding property owners object to the proposal and/or if the applicant is not in agreement with all recommended conditions of approval, the “disputed” application will be redirected to the Committee of Adjustment and Consent for review and will be heard by the Committee at the next regularly-scheduled hearing date, subject beforehand to meeting the public circulation requirements of the “Planning Act”.

## **Hearing and Decision**

- In the event that a Committee Hearing is required, Members will consider all available evidence, including what may be provided by those in attendance, and a public decision will generally be made at that time. A copy of the decision will be mailed to the applicant and those having made a written request. A 20-day period follows the date of the decision being mailed, during which time the decision may be appealed to the Ontario Municipal Board. The applicant and agent will be notified whether or not an appeal is made.
- Important: Where a public hearing is required, either the applicant or a designated representative MUST be present at the scheduled hearing. Otherwise, the Committee may defer consideration of the application until a later date.

## **No Appeal**

- If no appeal is registered within 20 days of the Decision having been mailed, the decision of the Planning Director or Committee is considered to be final and binding, whether approved or denied.
- If an application is approved, provisional consent is considered to have been granted, and is subject to clearance of any related conditions within a one (1) year timeframe.

## **Appeal**

- If any party objects to a decision, that decision may be appealed to the Ontario Municipal Board (OMB) within the defined 20-day appeal period.
- The requisite appeal form is available on the OMB website at <http://elto.gov.on.ca/> or can be obtained by contacting this office. The completed Appeal Form (and fee) should be directed to the Secretary-Treasurer, Milton Committee of Adjustment and Consent (c/o Planning and Development Department).
- Appeal fees are to be paid by the appellant with a money order or certified cheque in the amount of \$300.00 (Canadian Funds) and made payable to the ‘Minister of Finance’.
- Where an appeal is lodged, the OMB will hold a public hearing and will make a final order/judgment on the application by way of endorsing, modifying or superseding the Committee’s original decision. If approved, conditions may be imposed and could be the same as or different from the initial ruling.

### **Conditions to be Satisfied**

- Following issuance of provisional consent, there is a ONE-YEAR TIMEFRAME in which the applicant must satisfy all conditions of approval.
- It is the responsibility of the applicant to obtain clearances in a timely fashion and to ensure that the Committee Secretary-Treasurer is provided with confirmation of clearances.
- If the conditions are not satisfied, as required, the approval will lapse. The “Planning Act” does not make provision for an extension of any kind.

### **Issuance of Consent Certificate**

- Provided that all conditions are satisfied within one year, the Town is in a position to issue the Final Certificate Consent. It is the responsibility of the applicant to follow up with the Committee Secretary-Treasurer well in advance of lapsing.
- Caution: A minimum of 10 business days is required between final clearances being provided and a Certificate being issued.

### **Registration of Consent Certificate**

- It is the responsibility of the applicant to register the Final Certificate of Consent within two (2) years of its issuance; otherwise, the consent will fail. Reminders will not necessarily be provided by the Town.
- The consent is considered to be complete upon registration, after which time the applicant is responsible for promptly providing registration details to the Committee Secretary-Treasurer. Upon receipt, the associated records at both the Town and Municipal Property Assessment Corporation will be updated and the related consent file will be closed.

*Personal Information is collected under the authority of the “Planning Act”, R.S.O. 1990, c.P.13. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56. Questions about this collection and disclosure should be directed to: Town Clerk, Town of Milton at 905-878-7252.*

**TO DISCUSS PRE-CONSULTATION REQUIREMENTS OR FOR FURTHER INFORMATION ABOUT THE COMMITTEE OF ADJUSTMENT AND CONSENT DOCUMENTATION AND/OR FUNCTION, PLEASE CONTACT:**

Betty Cunningham, Secretary-Treasurer  
Milton Committee of Adjustment and Consent  
Town Hall, Planning and Development Department  
150 Mary Street, 2nd Floor  
Milton ON L9T 6Z5

(T) 905-878-7252, Extension 2315  
(E) betty.cunningham@milton.ca

www.milton.ca

Town Hall hours are 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays. Main doors unlock and lock automatically at that time. For convenience, pre-scheduled appointments are recommended when coming to the office in person.

Additional information about consent policies and/or specific technical aspects/merits of a proposal can be provided by a Town Development Review Planner. For planner contact information, please call the Secretary-Treasurer or the Customer Service Representative in the Planning and Development at 905-878-7252, Ext. 2398 and ask to be directed to a development planner responsible for reviewing consent applications on behalf of the Town.

**PRIOR TO SUBMITTING AN APPLICATION**, it is the Applicant's responsibility to ensure that ALL "Planning Act" and Town requirements have been satisfied. These Guidelines are intentionally detailed for personal ongoing reference throughout the associated planning process.

The following abbreviated check list is intended to assist applicants in the final review of an consent application prior to submission:

**CONSENT PRE-SUBMISSION CHECK LIST**

**REQUIRED:**

- All pre-consultation has been conducted to the satisfaction of Town Planning Staff. Reminder: A pre-consultation remains valid for a term of six (6) months only.
- All pre-consultation requirements (including provision of all supporting information or material identified by Town Staff) have been met. TOWN STAFF TO CONFIRM REQUIREMENTS, INCLUDING NUMBER OF COPIES OF STUDIES, ETC.
- All questions on the application have been fully completed or marked "not applicable".
- Original plus twenty (20) copies of the completed application form (EACH with an attached copy of the survey/sketch) are provided. Each copy is to be folded and stapled.
- The owner(s) and/or a duly authorized agent have signed the application.
- The affidavit has been fully and correctly sworn.
- All required plans, surveys, reports, studies, etc. are provided with each copy of the application form. Over-sized drawings are to be folded to a size no greater than 11" x 17". Paper copies and digital format are required, in the quantities specified.
- Application fee(s) are provided as per current fee schedule. Two to three cheques will be required for each application. Refer to Guidelines regarding requirements for separate payments and acceptable methods of payment.

**CAUTION:** Incomplete applications will not be accepted and may be returned to the applicant (without prejudice to any subsequent application).