
GUIDELINES AND EXPLANATORY NOTES

- Introduction:** The submission of an application to the municipality for Consent is provided for in the Ontario Planning Act (R.S.O. 1990, cP.13 s.53), as amended. The purpose of this Guideline is to assist persons in completing the Consent Application. **Pre-consultation is strongly recommended.** The applicant is encouraged to contact the Planning Division and the Environment and Transportation Group - Engineering Division and any affected agencies (ie. Grand River Conservation Authority) for an initial assessment of whether the proposed consent will be supported. Should you require clarification on any matter covered by this application form, please contact the Municipal Office.
- Application Form, Fee and Sketch:** Section 53(2) of the Planning Act requires that the following prescribed materials be submitted to the municipal office before consideration of a consent:
1. One application form (completed).
 2. Prescribed fee payable to the 'City of Guelph'.
 3. Two full scale survey sketches and one 8 1/2" by 14" reduced drawing - prepared by an Ontario Land Surveyor.
 4. The agency form and fee (if applicable).
- Should the lands be within an area of interest to the conservation authority a further fee may be required for Grand River Conservation Authority comments (see questionnaire attached).
- If the prescribed information and fee are not provided, the application will be returned.
- The survey sketch prepared by an Ontario Land Surveyor must show the following:**
- the boundaries, dimensions and area of the subject land, including the land intended to be severed and the land to be retained;
 - the existing and proposed buildings and structures on the land;
 - the approximate location of all natural and artificial features on the subject land and adjacent lands that may affect the application, such as buildings, railway, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - 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;
 - the location and nature of any easement affecting the subject land.
- Notice/Comments:** Notice of the public hearing will be circulated to staff, agencies and to all owners within 60 metres of the subject lands. You will be required to place a sign on the property within 14 days of the hearing and keep the sign posted until after the hearing. This sign must be visible from the street and stay posted until after the hearing. (Please refer to '*Posting Committee of Adjustment Advisory Sign*', attached to the application.)
- Public bodies, municipal staff and property owners will be invited to comment on the application. The comments will be available on the Friday afternoon prior to the hearing.
- The Hearing:** The owner, applicant or authorized agent must attend the public hearing. **Please note that it is in the applicant's best interest to ensure that they are represented at this meeting.** Failure to attend could result in the Committee of Adjustment ruling in your absence or deferring your application. A deferral fee will be automatically imposed for applications deferred by the Committee. Written submissions that relate to the application will be accepted by the Secretary-Treasurer and will be available to any interested person for inspection. The applicant and any other person or public body requesting notice of the decision of the Committee of Adjustment in writing will be provided with a notice of the decision.
- Appeal Process:** The applicant, the Minister, or any other person or public body who has an interest in the matter, may, within 20 days of the mailing of the decision appeal the decision of the Committee to the Ontario Municipal Board. The appeal must be filed by personally delivering or sending a Notice of Appeal to the Secretary-Treasurer of the Committee. The appeal **must** set out the reasons for objecting to the decision and **must** include a cheque in the prescribed amount made payable to the **Minister of Finance of Ontario**. The Secretary-Treasurer will then prepare an appeal package and forward it to the Ontario Municipal Board. The Ontario Municipal Board will schedule a Hearing and will give you written notice in advance with the time and date of the Hearing.
- Decision Final:** If within such 20 days no appeal is given, the decision of the Committee is final and binding and the Secretary-Treasurer shall notify the applicant.
- Further Information:** **Secretary-Treasurer, Committee of Adjustment,
Guelph City Hall, 1 Carden Street,
Guelph, Ontario. N1H 3A1
Phone: (519) 837-5615 Ext. 2524 FAX: (519) 822-4632
E-mail: cofa@guelph.ca
(Offices located at 1 Carden Street – 3rd Floor)**

PRE-CONSULTATION

Please note that if pre-consultation has **not** occurred and a deferral is requested a deferral fee will apply.

Planning Department Yes No Comments _____
Engineering Department Yes No Comments _____

PRESCREENING CRITERIA GRAND RIVER CONSERVATION WATERSHED

Process

When a landowner discusses or submits a Planning Act application, municipal staff will review Official Plan Schedules 1 and 2 to determine whether the lands are within an area of interest to the conservation authority. If the site or land holdings are within an area of interest to the conservation authority, the municipal staff will advise the applicant of the appropriate fee for submission with the application (cheques to be made payable to 'Grand River Conservation Authority').

For further information please contact the GRCA, Resource Planning Section at (519) 621-2763.

For Consent applications, if the answer to any of the following questions is “**YES**”, City staff will circulate the application to the Grand River Conservation Authority for review. (For consent applications, please apply the questions to both the severed and retained parcels.)

SCHEDULE 1 OF OFFICIAL PLAN

1. Are there lands on the property that are identified in the Official Plan as “Core Greenlands” or “Non-Core Greenlands Overlay” or which fall within defined areas regulated by the Conservation Authority (scheduled areas or Special Policy Areas/Floodplain)?
Yes No
2. Is there a watercourse (creek, stream and/or river) and/or river valley slope on the property, or is the property located within 30m of the top of the bank of a slope?
Yes No

SCHEDULE 2 OF OFFICIAL PLAN

3. Is there a “Provincially Significant Wetlands” delineation on the property, or within 120m (400 feet) of the property?
Yes No
4. Is there an “Area of Natural and Scientific Interest (ANSI)” delineation on the property, or within 50m (164 feet) of the property?
Yes No
5. Is there a “Locally Significant Wetlands” delineation on the property, or within 30m (100 feet) of the property?
Yes No
6. Is there a “Significant Woodlands” delineation on the property, or within 50m of the property?
Yes No
7. Is there an “Other Natural Heritage Features” delineation on the property, or within 50m of the property?
Yes No
8. Is the property located within an “Aggregate Resource Areas” delineation, or within 50m of this delineation?
Yes No
9. Is the property located within the Regulatory Floodline?
Yes No

Approval Authority:

Committee of Adjustment
Guelph City Hall
1 Carden Street
Guelph, Ontario. N1H 3A1
Pone (519) 837-5615 FAX (519) 822-4632
(Offices located at 1 Carden Street, 3rd Floor)

Required Fee: \$ _____**Date Received:** _____**File Number:** _____

1. Name of Registered Owner(s):

Address:

Phone No.: Home: () _____ Business: () _____
Fax: () _____ Email: _____**Name and Address of Applicant** (if different than Owner)

Address:

Phone No.: Home: () _____ Business: _____
Fax: () _____ Email: _____*The owner's authorization is required, if the applicant is not the owner.*

Please specify who is to be contacted if more information is needed:

[] Registered Owner [] Applicant [] Other: Specify _____

2. PURPOSE OF APPLICATIONType and Purpose of Transaction: (check appropriate space)

- [] Creation of a New Lot
- [] Addition to a Lot (submit deed for the lands to which the parcel will be added)
- [] Easement
- [] Right-of-Way
- [] Charge/Discharge
- [] Lease
- [] Correction of Title
- [] Other: Explain

Name of person(s) [purchaser, lessee, mortgagee, etc.] to whom land or interest in land is intended to be conveyed, lease or mortgaged:

3. LOCATION OF SUBJECT LANDS

Municipal Address of Property

Legal Description of Property (include Reference Plan, if applicable)

4. DESCRIPTION OF SUBJECT LANDS

Are there any easements, rights-of-way or restrictive covenants affecting the subject land?

[] Yes [] No

If yes, describe the easement, right-of-way or covenant and its effect.

Are the lands subject to any mortgages, easements, right-of-ways or other charges?

[] Yes [] No

If yes, explain:

Description of land intended to be SEVERED (metric measurements)

Frontage/Width: _____ Depth: _____

Area: _____

Existing Buildings or Structures: _____ Existing Use(s): _____

Proposed Buildings or Structures: _____ Proposed Use(s): _____

Description of land intended to be RETAINED (metric measurements)

Frontage/Width: _____ Depth: _____

Area: _____

Existing Buildings or Structures: _____ Existing Use(s): _____

Proposed Buildings or Structures: _____ Proposed Use(s): _____

Type of Access

	<u>Severed Parcel</u>	<u>Retained Parcel</u>
Provincial Highway	_____	_____
Municipal Road	_____	_____
Easement	_____	_____
Right-of-Way	_____	_____
Private Road	_____	_____
Other: (Explain)	_____	_____

Type of Water Supply Proposed

	<u>Severed Parcel</u>	<u>Retained Parcel</u>
Municipally Owned and Operated	_____	_____
Privately Owned Well	_____	_____
Privately Owned Well	_____	_____
Other: (Explain)	_____	_____

Type of Sewage Disposal Proposed

	<u>Severed Parcel</u>	<u>Retained Parcel</u>
Municipally Owned and Operated	_____	_____
Septic Tank	_____	_____
Other: (explain)	_____	_____

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the subject lands?

Yes No

Is any portion of the land to be severed or retained located within a floodplain?

Yes No

5. LAND USE

What is the existing Official Plan designation of the subject land?

If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the nature and status of the amendment:

What is the zoning of the subject lands? _____

Does the proposal for the subject lands conform to the existing zoning?

Yes No

If the subject lands are the subject of an application for a Zoning By-law amendment, Minister's zoning order amendment, or minor variance application(s), explain the nature and the status of the application.

6. HISTORY OF SUBJECT LANDS

Has the subject land ever been the subject of an application for plan of subdivision under the Planning Act or its predecessors?

Yes No

Has any Owner previously severed any land from the holding?

Yes No

If the answer is YES, please indicate the previous severance(s) and supply the following information for each parcel severed: Transferee's Name, Date of the Transfer and Use of the Parcel Transferred; and attach the information to this application.

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

Is there any other information that you think may be useful to the Approval Authority or other agencies in reviewing this application? If so, explain below or attach on a separate page.

I(We), _____, are the owner(s) or are authorized agents acting on behalf of the owner(s), of the land that is the subject of this consent application and for the purposes of the Freedom of Information and Privacy Act, I (we) authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Date

Signature of Owner/Agent

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this application..

DECLARATION

I, (We), _____ of the _____ in the County/Region of _____ solemnly declare that all the statements contained in this application for consent and all the supporting documents are true, and I (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the _____
of _____ in the County/Region of _____
this _____ day of _____, 20_____..

Owner or Authorized Agent

Commissioner of Oaths

Printed Commissioner's Name

AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER

(If affidavit (F) is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below must be completed) and submitted with the application.

I (We) _____ of the _____ of _____
in the County/Region of _____ do hereby authorize _____
_____ to act as my agent in this application.

Signature of Owner(s)

Date

Printed name of Owner(s)

**POSTING COMMITTEE OF ADJUSTMENT ADVISORY SIGN
CONSENTS**

This will confirm the requirement of the Planning Act R.S.O., c. P.13 Section 53(5) and O. Reg. 197/96 Section 3.(3)(b) for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you after submission of your application(s). You are directed to post the sign in a prominent location that will enable the public to observe the sign [*O. Reg. 197/96 Section 3.(3)(b)*].

The location of each sign will depend on the lot and location of structures on it. The sign should be placed so as to be legible from the roadway in order that the public may see the sign and make note of the telephone number should they wish to make inquiries. For corner lots, a separate sign will be required, facing each roadway. The Zoning By-law prohibits the signs from being located in any corner lot sight lines. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

Each sign must remain posted beginning 14 days prior to the Hearing [*Planning Act R.S.O., c. P.13 Section 53(5)*], until the day following the decision of the Committee of Adjustment.

This form must be completed and submitted with the application so that it may be placed on file as evidence that you have met the Planning Act R.S.O. 1990, c. P.13 requirements.

Failure to post the sign as required may result in deferral of the application at the applicants expense.

Secretary-Treasurer
COMMITTEE OF ADJUSTMENT

PROPERTY ADDRESS: _____

APPLICATION NUMBER(S) _____

I understand that each sign must be posted at least 14 days before the Hearing, and will remain posted in accordance with Planning Act requirements and be replaced if necessary, until the day following the Decision.

I acknowledge that the Secretary-Treasurer has confirmed these requirements with me.

Signature (Owner/Authorized Agent)

Date