



CONSENT (SEVERANCE) APPLICATION CHECKLIST

Please ensure that your application contains the following information. Insufficient information will result in the application being RETURNED to you, and delay the processing of your application.

- ALL sections of the application are to be filled out. If you are uncertain of the information, indicate "unknown" in the space. It is important to note ALL existing structures on the property, including their dimensions, and the approximate date of construction. This includes decks and stairs, as well as accessory buildings such as garages, cabins, etc. If necessary, use a separate sheet.
- Only sign the application before a Commissioner of Oaths (a Commissioner is on staff at the Township office, but there may also be one at your local Town/City Hall or solicitor)
- SKETCH** – It is important that all measurements are accurate, particularly the proposed severance line. Three (3) copies of the sketch are to be submitted as follows:

- ___ Where possible, on a photocopy of a survey plan of the property
- ___ To scale (an info sheet with scaling rulers is attached for your assistance)
- ___ On paper no larger than 8½ x 14 (if on a survey plan that is larger than this, it is acceptable to submit the full size survey plan)
- ___ In black ink
- ___ Show the location, setback from property line & dimensions of all structures on the property, including dwellings, cabins, docks, sheds, privies, decks, stairs, etc.
- ___ Location of septic system & driveway
- ___ Any topographic features such as streams or cliffs
- ___ A North arrow

- One of the sketches is to be colour coded as follows:
 - Retained Lands – outline in green
 - Severed Lands - outline in red
 - Right of Way - outline in yellow

FAXED SKETCHES ARE NOT ACCEPTABLE

- Provide a copy of the property DEED & indicate, if applicable, if the Original Shore Road Allowance has been closed.
- If the consent involves a right of way, and originates from a right of way over other properties itself, deeds for these other properties must be provided showing that a right of way exists from a public road.
- Ensure that a **COST ACKNOWLEDGEMENT AGREEMENT** with the required \$500.00 deposit fee is submitted with this application.

Should you have any questions, please contact the Planning Department at:

Township of Lake of Bays
1012 Dwight Beach Road
Dwight, Ontario
POA 1H0

Phone No: 705-635-2272
Toll Free: 1-877-566-0005

Fax No: 705-635-2132

Office Use Only

Reviewed by: _____

Date Accepted: _____

More Info. Required? Yes No

Date Returned for Info: _____

The Various Steps in the Process:

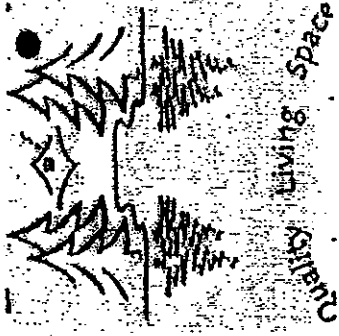
- The applicant submits "complete" application to the Township Planning Department, including forms, sketches, the processing fee of \$500.00 together with a completed Cost Acknowledgement Agreement and a minimum deposit of \$500.00.
- Planning Department staff process application and circulates notice to agencies and neighbours at least 14 days prior to the public meeting, as required by the Planning Act. The applicant is required to post the property with a notice to assist those conducting site inspections.
- The Township planning report and any other agency or public comments are sent to applicant prior to the public meeting.
- A public meeting is held and the application and related reports are reviewed by the Committee of Adjustment. The applicant may make a presentation to the Committee. A Provisional Decision regarding the application is made.
- Any person or public body may appeal the Provisional Decision of the Committee of Adjustment to the Ontario Municipal Board within 20 days of the giving of notice of the Committee's decision.
- If there is no appeal received during the appeal period, the Applicant has one year from date of approval to fulfill all conditions of approval that were imposed by the Committee of Adjustment.
- Applicant has a solicitor prepare a Deed for severed lot and/or right-of-way
- Solicitor forwards Deed to Secretary Treasurer of the Committee who will issue a Certificate of Consent
- Solicitor registers the Deed in the Land Registry Office. Severance is complete.

Additional Information may be obtained from the Township's Planning Department.

1012 Dwight Beach Road
 Dwight, Ontario P0A 1H0
 Telephone: (705) 635-2272
 Fax: (705) 635-2132

Email: planner@lob.muskoka.com

Note: This document is for guidance purposes only and may be updated from time to time. The applicant should contact the Township Planning Department to determine all requirements prior to making a rezoning application.. (April,



LAND SEVERANCE

PROCEDURES

The Township of Lake of Bays Committee of Adjustment

RR # 1

1012 Dwight Beach Road
 Dwight, Ontario POA 1H0

Telephone: (705) 635-2272

Fax: (705) 635-2132

Email: planner@lob.muskoka.com

When is a Severance Required?

The Planning Act requires that a land severance, or Consent, be obtained whenever you wish to convey away part of your lands. In the Township of Lake of Bays, you must obtain the consent from the Committee of Adjustment.

How Do I Apply for a Severance?

Application forms are available at the Township Office at 1012 Dwight Beach Road.

To make an application for severance, you must submit the following to the Planning Department:

1. The application form completed in full.
2. An application fee of \$500.00 per application, made payable to the Township of Lake of Bays, to cover processing costs.
3. A Cost Acknowledgment Agreement completed in full, together with a minimum deposit of \$500.00 per proposal.
4. 3 copies of a sketch, drawn to scale, showing the full extent of your property, any buildings and how you propose to divide the lands. (Please note, this is not a survey, but rather a preliminary sketch). Our experience has been that more professionally drawn sketches, such as those drawn by a surveyor or a planner, provide more accurate information and as a result, expedite the process.

Costs Involved:

Application Fee - \$500.00 to pay for the processing of the application; payable to the Township of Lake of Bays.

Cost Acknowledgment Agreement - An applicant is required to enter into a Cost Acknowledgment Agreement with the Municipality. This entails completion of the Cost Acknowledgment Agreement form and the submission of a minimum deposit of \$500.00 payable to the Municipality to be used to cover the costs of obtaining any additional information, such as a septic system pre-inspection or technical studies, which may be required in order to assist the Committee in the processing of your file. Should such costs be incurred, we will deduct said amount from your deposit.

Once a file is completed, we will return the balance of the \$500.00 to you. Obviously no additional costs are incurred, we will return the full amount.

Zoning Amendments/Minor Variances - if your severance request requires a change in zoning, or if it is underzoned for the current zoning requirements, you will require a zoning by-law amendment or minor variance. Such an application can be obtained from the Township's Planning Department. These processes are explained in the information brochures entitled *The Rezoning Process* and *The Minor Variance Process*.

Development Charges - The Township of Lake of Bays, the District of Muskoka and the Simcoe Muskoka Catholic District School Board may require the payment of a Development Charge on new construction. However, these charges are payable at the building permit stage and will not be made a condition of the approval of a minor variance. The actual amount paid will depend on the rate in effect at the time of submission of the application for a building permit. Further information in this regard may be obtained from the Township's Chief Building Official at the address noted in the back panel of this brochure.

Parkland Dedication - As authorized under the Planning Act, the Township may require a parkland dedication to the Township of 5% of the land, or cash-in-lieu of such a dedication, as part of the approval of an application. This may become a condition of an approval and must be fulfilled prior to the finalization of the severance.

Survey Plans - Generally, new survey plans are required in order for your solicitor to prepare a deed for the newly severed lands. A survey sketch can easily be prepared by the surveyor as part of the preliminary submission to the Committee.

Legal Fees - Consult your solicitor, as to costs for preparation and registration of deeds.

The Committee of Adjustment:

The function of the Committee of Adjustment is to review the application, staff and agency comments on applicable planning policies and regulations, information provided by the applicant, as well as the input of any neighbours. As part of their review of this information, the Committee must satisfy themselves that the consent constitutes good planning for the proper and orderly development of the municipality.

For this reason, it is not possible for any one person or agency to tell an applicant in advance if their application will be approved. The Committee does however,

The Corporation of the Township of Lake of Bays

Consent Application Form

This form is made in accordance with Regulation 197/96 under the *Planning Act* as revised by Bill 20. Please note one application form is to be submitted for each severance requested.

The information identified by the small black triangle on the left hand side of the page is required to be submitted and if it is not submitted, the application form will be deemed to be incomplete and processing of the application cannot proceed.

Other information is not mandatory but would be useful in evaluating compliance of your application to the Provincial policies and to the Official Plan policies of the District Municipality of Muskoka and of the Official Plan policies of the Township of Lake of Bays.

Please note metric units be utilized in the submissions. Please note the sample sketch is intended to serve as guidance, but the information listed in the sample sketch should all be considered in relation to your submission to the Township.

The Township will require ~~three~~ (3) copies of all documents including the plan. I would advise that the plan should be on letter size paper and be drawn to scale, or, in the alternative, be accurately dimensioned as shown on the sample sketch.

1. Applicant Information

▶ 1.1 Name of Applicant	Home Telephone No.	Business Telephone No.
	Address	
		Postal Code
▶ 1.2 Name of Owner(s) (If different from the applicant). An owner's authorization is required in Section 11.1, if the applicant is not the owner.		
▶ 1.2 Name of Owner(s)	Home Telephone No.	Business Telephone No.
	Address	
		Postal Code
▶ 1.3 Name of the person who is to be contacted about the application, if different than the applicant. (This may be a person or firm acting on behalf of the applicant.)		
▶ 1.3 Name of Contact Person	Home Telephone No.	Business Telephone No.
	Address	
		Postal Code
		Fax No.

2. Location of the Subject Land (Complete applicable boxes in 2.1)

▶ 2.1 County/Region/District	Local Municipality	Former Municipality	ROLL NUMBER OF PRESENT LC
Concession Number(s)	Lot Number(s)	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Name of Street/Flood	Street No.
▶ 2.2 Are there any easements or restrictive covenants affecting the subject land? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe the easement or covenant and its effect.			

3. Purpose of this Application

▶ 3.1 Type and purpose of proposed transaction (check appropriate box)

- Transfer Creation of a new lot Addition to a lot An easement Other purpose
 Other A charge A lease A correction of title

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

3.3 If a lot addition, identify the lands to which the parcel will be added.

4. Description of Subject Land and Servicing Information (Complete each subsection.)

▶ 4.1 Description	Frontage (m.)	Severed	Retained
	Depth (m.)		
	Area (ha.)		
▶ 4.2 Use of Property	Existing Use(s)		
	Proposed Use(s)		
▶ 4.3 Buildings or Structures	Existing		
	Proposed		
▶ 4.4 Access (check appropriate space)	Provincial Highway		
	Municipal road, maintained all year		
	Municipal road, seasonally maintained		
	Other public road		
	Right of way		
	Water Access (if so, describe below)		

Describe in section 9.1, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

▶ 4.5 Water Supply (Check appropriate space)	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		

▶ 4.6 Sewage Disposal (Check appropriate space)	Publicly owned and operated sanitary sewage system		
	Privately owned and operated individual septic tank ¹		
	Privately owned and operated communal septic system		
	Privy		
	Other means		

(1) A certificate of approval, if available, from the Ministry of the Environment and Energy submitted with this application will facilitate the review.

▶ 4.7 Other Services Check if the service is available	Electricity		
	School Bussing		
	Garbage Collection		

4.8 If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

5. Land Use

▶ 5.1 What is the existing official plan designation(s), if any, of the subject land?

5.2 What is the zoning?

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard		
A landfill		
A sewage treatment plant or waste stabilization plant		
A provincially significant wetland (Class 1, 2 or 3 wetland)		
A provincially significant wetland within 120 metres of the subject land		
Flood plain		
A rehabilitated mine site		
A non-operating mine site within 1 kilometre of the subject land		
An active mine site		
An industrial or commercial use, and specify the use(s)		
An active railway line		
A municipal or federal airport		

6. History of the Subject Land

▶ 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?
 Yes No Unknown If Yes and if Known, provide the Township application file number and the decision made on the application.

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

▶ 6.3 Has any land been severed from the parcel originally acquired by the owner of the subject land?
 Yes No If Yes, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

7. Current Applications

▶ 7.1 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 Unknown If Yes, and If Known, specify the Ministry file number and status of the application.

▶ 7.2 Is the subject land the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, consent or approval of a plan of subdivision?
 Yes No Unknown If Yes, and If Known, specify the appropriate file number and status of the application.

8. Sketch (Use the attached Sketch Sheet) To help you prepare the sketch, refer to the attached Sample Sketch.

8.1 The application shall be accompanied by a 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 township 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, wells and septic tanks
- 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

9. Other Information

9.1 Is there any other information that you think may be used to the Township or other agencies in reviewing this application? If explain below or attach on a separate page.

10. Affidavit or Sworn Declaration

10.1 Affidavit or Sworn Declaration for the Prescribed Information

I, _____ of the _____

in the _____ make oath and say (or solemnly declare) that the information contained in Sections 1.1, 1.2, 2, 3.1, 3.2, 4.1 to 4.6 inclusive, 5.1, 6.1, 6.3, 7, and 8 of this application is true and that the information contained in the documents that accompany this application in respect of the above Sections is true.

Sworn (or declared) before me

at the _____

in the _____

this _____ day of _____ 19 _____

Commissioner of Oaths

Applicant

10.2 Affidavit or Sworn Declaration for Requested Information

I, _____ of the _____

in the _____ make oath and say (or solemnly declare) that the information contained in Sections 1.3, 3.3, 4.7, 4.8, 5.2, 5.3, 6.2 and 9 of this application is true and that the information contained in the documents that accompany this application in respect of the above Sections is true.

Sworn (or declared) before me

at the _____

in the _____

this _____ day of _____ 19 _____

Commissioner of Oaths

Applicant

11. Authorizations

11.1 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 form or the authorization set out below must be completed.

Authorization of Owner for Agent to Make the Application

I, _____, am the owner of the land that is the subject of this application for a consent and I authorize _____ to make this application on my behalf.

Date

Signature of Owner

11.2 If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning person information set out below.

Authorization of Owner for Agent to Provide Personal Information

I, _____, am the owner of the land that is subject of this application for consent and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date

Signature of Owner

12. Consent of Owner

Complete the consent of the owner concerning person information set out below

Consent of the Owner to the Use and Disclosure of Personal Information

I, _____, am the owner of the land that is the subject of this consent application and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize the 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

THE APPLICANT HEREBY AGREES

- a) to reimburse the Municipality for any costs incurred in processing this application which are above and beyond the amount of the application fee, under the Cost Acknowledgment Agreement
- b) if required by the Municipality to pay a deposit in addition to the application fee, prior to the processing of this application.
- c) to pay all costs legal and otherwise, that may be incurred by the Municipality with respect to an Ontario Municipal Board Hearing, that may be held as a result of this application for consent to severe lands.

I hereby submit this application for consent to severe, in respect of the land hereinbefore described.

Date

Signature of Owner

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this ____ day of _____, 20__.

BETWEEN:

Applicant's name(s)

hereinafter referred to as the "Developer"

- and -

The Corporation of the Township of Lake of Bays

hereinafter referred to as the "Township"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an Application for Consent (Severance);

AND WHEREAS it is a policy of the Township that any costs beyond the ordinary processing of an application, such as review of specialized planning, legal, engineering or other professional studies be borne by the Developer;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the Township to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

In this Agreement:

"application" means the application for a consent approval submitted on _____ with respect to the lands described in Schedule "A" hereto.

"Developer" means the applicant for the approval to which this agreement relates to.

"expenses" means:

expenses incurred by the Township while processing the application that are above and beyond the basic application fee, including, but not limited to, staff travel expenses, meal allowances, meeting time and second circulations.

all consultant fees and disbursements relating to the review of the application including, without limiting the generality of the foregoing, specialized planning, legal, engineering or other professional expenses.

The Township agrees to process the application and where the Township, in its sole discretion deems it necessary to retain such additional consultants as are necessary to properly evaluate the application.

The Developer shall file an initial deposit with the Township Clerk/Treasurer on or before _____, in the amount of \$ 500.00 which shall be credited to the Developer's account.

(i) It is hereby acknowledged that all costs of processing the application shall be paid for by the Developer. The Developer shall reimburse the Township for all expenses the Township may be put to in respect of the application upon demand.

Without limiting the foregoing, it is acknowledged and agreed that the amounts payable pursuant to this agreement are payable regardless of whether or not the application is approved or proceeded with and are not refundable.

(ii) At any time, the Township may, and upon request in writing by the Developer, shall provide the Developer with an accounting of the time charges, expenses incurred and disbursements claimed by the Township pursuant to this agreement.

In the event the Developer does not agree with any proposed charges, expenses or disbursements he/she shall immediately notify the Township in writing detailing the complaint. The issue shall thereafter be investigated and resolved before any further work is done in respect of the application. In the event that the Developer does not question the amounts proposed within fifteen (15) days of the date of the accounting, the Developer shall be deemed to have accepted the billing and shall pay the amounts due forthwith.

In the event that the amount or deposit in the Developer's account falls to less than \$ 200.00, the Township may halt all work in respect of the application until all arrears are satisfied and a sum sufficient to increase the balance of \$500.00 is deposited with the Township.

At any time additional funds are requested by the Township, the Township shall provide information respecting the time charges, costs incurred and disbursements.

This agreement shall not be construed as acceptance or approval by the Township of the application and nothing herein shall require or be deemed to require the Township to approve the application.

This agreement shall not stand in lieu of or prejudice the rights of the Township to require such further and other agreements in respect of the application that the Township may deem necessary.

This agreement, together with the Township's Fees and Forms bylaws, comprise the whole of the understanding and are not subject to, or in addition to, any other agreements, warranties, or understandings, whether written, oral or implied.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____ this _____ day of _____, 20____.

WITNESS

OWNER

WITNESS

OWNER

DATED at Dwight, Ontario this _____ day of _____, 20____.

The Corporation of the Township of Lake of Bays

Per: _____
MAYOR

Per: _____
CLERK

