# MUNICIPALITY OF WEST NIPISSING PLANNING AND BUILDING DEPARTMENT - CONSENT PROCESS

| Step 1 - Consult with the Planning Department | In West Nipissing, consents are dealt with by the Committee of Adjustment, that consists of the members of Municipal Council and members at large. Before you fill out an application, it is helpful to discuss your plans with the Planning Department to determine:  
  • the need for a consent and the type of consent involved;  
  • whether or not a minor variance application to the Committee of Adjustment or a rezoning application is required to amend the Zoning By-law;  
  • whether or not there might be servicing requirements/limitations, or land dedications involved with a consent proposal; or  
  • whether or not the proposal is beyond the scope of the consent process and is, for example, a subdivision situation |
| Step 2 - Complete the Application: | To avoid delays, please ensure that your application is complete, that all drawings are neat and legible and that all dimensions are accurate. |
| Step 3 - Circulation of Application: | After your application has been received, and at least 14 days prior to the meeting, the Secretary-Treasurer of the Committee of Adjustment will send notice of the application to every person assessed within 60 metres of the subject property, and to every person and public body that has provided a written request for such notice. Anyone wanting to be notified of the decision must make a written request. Your application will also be circulated to prescribed agencies and to Town Departments for the purpose of obtaining written comments and/or advice for consideration when making the decision on the application. |
| Step 4 - Decision Making Process: | The Committee of Adjustment will carefully consider all aspects of your application against matters such as:  
  • what the effect will be on the health, safety, convenience and welfare of the present and future inhabitants;  
  • the impact on Provincial interests;  
  • whether the application is in the public interest or is premature;  
  • are the lands suited to the proposal;  
  • if the size and shape of the lots and the overall plan are suitable;  
  • whether the lot layout addresses conservation of natural resources and flood control;  
  • whether utilities, road systems, municipal services and schools are adequate;  
  • if the area of land being dedicated for public purposes is suitable;  
  • whether the application conforms to the applicable planning documents and if it is compatible with adjacent land uses.  
  • If your application is approved, the Committee of Adjustment may impose conditions as part of the decision. Conditions could include things such as a requirement for Site Plan Approval, the entering into of |
| **Step 5 - Notice of Decision:** | Within 15 days of the date on which the Committee of Adjustment makes a decision, one copy will be mailed to you, to anyone who filed a written request for notice of the decision, to everyone who provided written comments or written submissions, and to anyone else prescribed by regulation. |
| **Step 6 - A Final Binding Decision:** | If no appeal is made by the end of the 20 day appeal period, the decision is final and binding. You may then proceed to fulfill the conditions of consent and to prepare and submit to the Secretary-Treasurer of the Committee of Adjustment the appropriate documents such as a deed or a mortgage for certification. |

**IMPORTANT NOTE:** Section 53 of the Planning Act provides that:

- where a consent is granted with conditions, the conditions must be fulfilled within one year of the "giving of notice of a decision" or the consent is deemed to be "refused", and, where a conditional consent has been certified as to the fulfillment of the conditions, the consent itself "lapses" after two years from the date of the certificate.

**How Long Does The Process Take?**

- On average, approximately 6 to 8 weeks elapse from the time an application is filed with the Committee of Adjustment to the point where a decision of the Committee of Adjustment is final and binding.

**Can Anyone Appeal The Decision?**

- Anyone may appeal a decision of the Committee of Adjustment to the Ontario Municipal Board (OMB) within 20 days of the date of the Notice of the Decision of the Committee of Adjustment by personally delivering or sending a Notice of Appeal to the Clerk of the Municipality of West Nipissing. The appeal must set out the reasons for objecting to the decision and must include the OMB's prescribed appeal fee of $125.00. The Clerk will then prepare an appeal package and forward it to the OMB. The OMB will schedule a hearing and give written notice of the time and date in advance of the hearing.

**Consent Application Forms are available in either printed or electronic form**

**Need More Information or Have Any Questions?**

- Municipality of West Nipissing
  Planning & Building Department
  101-225 Holditch Street
  Sturgeon Falls, ON P2B 1T1
  705-753-2250 x 6926
  705-753-3950 (facsimile)
  mducharme@westnipissing.ca
APPLICATION FOR CONSENT

File No. __________________

1. (a) Registered Owner(s): ________________________________

Mailing Address: ________________________________________

City: ____________________  Province: _____________________

Postal Code: ______________  Telephone: __________________

Facsimile: ________________  Email: ______________________

(b) Owner’s Solicitor (if any): ______________________________

Mailing Address: ________________________________________

City: ____________________  Province: _____________________

Postal Code: ______________  Telephone: __________________

Facsimile: ________________  Email: ______________________

(c) Authorized Agent (if any): _____________________________

Mailing Address: ________________________________________

City: ____________________  Province: _____________________

Postal Code: ______________  Telephone: __________________

Facsimile: ________________  Email: ______________________

(d) Please specify to whom all communication should be sent:

Owner □  Solicitor □  Agent □

2. (a) Type and purpose of proposed transaction (check appropriate box)

□  Creation of a New Lot □  Addition to a Lot

□  Easement □  Right-of-Way

□  Lease □  Mortgage/charge

□  Other __________________

(b) If a lot addition, identify the lands to which the parcel will be added:

__________________________________________________________________
(c) Name of Person(s), if known, to whom the land or interest in lands is intended to be conveyed or mortgaged:


3. Location of Land:

   Concession No.: __________________________ Lot(s): __________________________

   Registered Plan No.: __________________________ Lot(s): __________________________

   Reference Plan: __________________________ Part(s): __________________________

   Parcel No.(s): __________________________

   PIN No.(s): __________________________

   Town/Township: __________________________

   Municipal Address: __________________________

4. SUBJECT LAND (SEVERED):

   Description of subject land in metric units:

   (a) Frontage: __________ Depth: __________ Area: __________

   (b) Existing Use: __________________________ Proposed Use: __________________________

   (c) Existing and Proposed Buildings and Structures on subject land:

      Existing: __________________________

      Proposed: __________________________

5. (a) Access to Subject Land:

   [ ] Provincial Highway  [ ] Regional Road
   [ ] Municipal Road maintained all year  [ ] Municipal Road (seasonal)
   [ ] Other Public Road  [ ] Right of Way
   [ ] Private Road  [ ] Water Access

   (b) What type of water supply is proposed for the Subject Lot?

      [ ] Publicly owned and operated piped water supply
      [ ] Well
      [ ] Lake
      [ ] Other (specify) __________________________
6. What type of sewage disposal is proposed for the Subject Lot?

SUBJECT LOT

Publicly owned and operated sanitary sewage system  

Septic system (private or communal)  

Other (specify)  

7. RETAINED LAND:
Description of land to be retained in metric units:

(a) Frontage: _______    Depth: _______    Area: _______

(b) Existing Use: _______    Proposed Use: _______

(c) Existing and Proposed Buildings and Structures on retained land:

Existing: ____________________________

Proposed: ____________________________

8. (a) Access to Retained Land:

□ Provincial Highway    □ Regional Road

□ Municipal Road maintained all year    □ Municipal Road (seasonal)

□ Other Public Road    □ Right of Way

□ Private Road    □ Water Access

(b) What type of water supply is proposed for the Retained Lot?

□ Publicly owned and operated piped water supply

□ Well

□ Lake

□ Other (specify)  

9. What type of sewage disposal is proposed for the Retained Lot?

RETAINED LOT

Publicly owned and operated sanitary sewage system  

Septic system (private or communal)  

Other (specify)  

10. What is the current Official Plan designation of the land?
11. What is the property zoned?

12. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a Plan of Subdivision, an official plan amendment, a zoning bylaw amendment, a minor variance or a consent?

☐ Yes ☐ No ☐ Unknown

(b) If the answer of (a) is “Yes”, give the file number and status of application:

13. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of the Planning Act or a Consent under Section 53 of the Planning Act?

☐ Yes ☐ No ☐ Unknown

(b) If the answer to (a) is “Yes”, please provide the following information:

File No.:
Decision:

14. (a) Has any land been severed from the parcel originally acquired by the owner of the Subject Land?

☐ 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 (Purchaser’s) Name:
Land use on severed parcel:
Date Parcel Transferred:
Consent File No. (if known):

15. Are there any existing easements or restrictive covenants affecting the land?

☐ Yes ☐ No

If “Yes” describe the easement or covenant and its effect:
16. As provided for in Ontario Regulation 197/96, as amended, this application must be accompanied by a sketch or drawing, in metric units, signed and dated, setting out the information below.

(a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;

(b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;

(c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;

(d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;

(e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land 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;

(f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;

(g) 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;

(h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;

(i) the location and nature of any easement affecting the subject land.

17. One (1) original copy of this application form together with one (1) photocopy is to be filled in for each subject parcel, together with the required copies of the sketch and the applicable application fee in cash, money order or by cheque made payable to the Corporation of the Municipality of West Nipissing.
18. **AFFIDAVIT**

I/We ________________________________

of the __________________________ of ________________________________

District/County of ________________________________

Province of Ontario,

MAKE OATH and state that all of the Statements contained in this application are true, and I 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 of Applicant, Solicitor
or Authorized Agent

A Commissioner, etc.
AUTHORIZATION OF OWNER FOR AGENT TO MAKE APPLICATION

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

________________________________________________________________________

to make application on my/our behalf to the Committee of Adjustment of the Municipality of West Nipissing for Consent to convey an interest in the lands in accordance with Subsection 1 of Section 53 of the Planning Act, R.S.O, 1990.

Date: ____________________________, 20____.

________________________________________________________________________

Signature of Owner (Name of Owner – Printed)

________________________________________________________________________

Signature of Owner (Name of Owner – Printed)

Note: This form is only to be used for applications which are to be signed by someone other than the owner(s). If the applicant is a corporation, the corporate seal or statement “I/we have authority to bind the corporation” is to accompany the owner’s signature(s).

AUTHORIZATION OF OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION

I/we am/are the owner(s) of the lands that are the subject of this application and for the purposes of the Freedom of Information and Privacy Act, I 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: ____________________________, 20____.

________________________________________________________________________

Signature of Owner (Name of Owner – Printed)

________________________________________________________________________

Signature of Owner (Name of Owner – Printed)