

THE COMMITTEE OF ADJUSTMENT:

The Town of Fort Erie has established a Committee of Adjustment to regulate all Committee of Adjustment matters, including Minor Variance and Consent applications. The Committee is generally made up of seven members, appointed by Town Council to serve a four-year term.

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 neighbors. As part of their review of this information, the Committee must satisfy themselves that the application constitutes good planning for the municipality.

WHEN IS A SEVERANCE (CONSENT) REQUIRED?

A land severance is the authorized separation of a piece of land to form a new lot or a parcel of land; this is commonly known as a consent. The Planning Act requires that a land severance, or consent, be obtained whenever you wish to sell, mortgage, charge or subdivide your land (3 or less new lots). In addition to the division of land, establishing rights-of-way, easements and any changes to your existing property boundaries also require a severance. In the Town of Fort Erie, you must obtain permission to sever land from the Town's Committee of Adjustment.

SEVERANCE (CONSENT) PROCESS:

1. Pre-consultation application and process (optional)
2. Receipt of Formal Application and Fee's
3. Notice of Public Hearing – sent to staff/agencies and residents within 60 metres
4. Applicant posts a Minor Variance sign on subject property for a minimum of 14 days
5. Committee of Adjustment Staff Report provided to applicant with received comments
6. Public Hearing – applicant/agent must be in attendance
7. Verbal Decision – Approval, Refusal or Deferral
8. Written Notice with Decision provided to applicant and anyone who provides a written request, within 10 days of the hearing, outlining any conditions of approval
9. 20-day appeal period
 - a. If no appeals received – applicant can commence with fulfilling imposed conditions
 - b. If appeal(s) received – sent to Ontario Land Tribunal with applicable fee for review and an OLT Hearing is scheduled which may take 6 or more months.
10. Conditions of severance must be satisfied within two (2) years of the decision

WHAT IS PRE-CONSULTATION?

Pre-consultation is an informal process to allow applicants to review their development proposal with Town Staff and other key agencies as applicable. This provides for early identification of issues, constraints and opportunities.

The Pre-consultation Process will provide the applicant with information on what applications, studies and documentation or processing fees are required

HOW IS THE SEVERANCE APPLICATION EVALUATED?

In considering each application for severance, the Committee of Adjustment evaluates the merits of each proposal against criteria such as:

- Conformity with Provincial and Regional policies;
- Compliance with the Town's Official Plan and Zoning By-law;
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created, vehicular access, water supply and sewage disposal

WHAT ABOUT CONDITIONS OF APPROVAL?

A severance approval may have certain conditions attached to it including requirements for road widening, parkland dedication, or a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the Town to provide future services or facilities.

If all conditions are not satisfied within the two-year time period, the application is deemed to be refused in accordance with the requirements of the *Planning Act*.

When the applicant has satisfied or fulfilled all the conditions, the Secretary Treasurer of the Committee of Adjustment issues a certificate for the new lot.

Please Note: Under Section 53(43) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, consent given under this section lapses at the expiration of two years from the date of the certificate if the transaction in respect of which the consent was given is not carried out within the two-year period and registered on title.

If you require a building permit it may be submitted after the decision of the Committee of Adjustment to allow building staff to start the review process. Please be advised however, that a building permit will not be issued until the final consent certificate has been issued.

WHEN ARE HEARINGS SCHEDULED?

Committee of Adjustment Meetings are generally held on the third Thursday of every month.

Meetings may be cancelled or re-scheduled at the discretion of the Secretary-Treasurer as required. Please refer to the hearing schedule available at Town Hall or online at <https://www.forterie.ca/en/build-and-invest/committee-of-adjustment.aspx>. This schedule provides application submission deadlines and hearing dates.

For more information please contact:

Carleigh Ricci, Secretary-Treasurer to the Committee of Adjustment
Telephone: (905) 871-1600 ext. 2534
Email: cricci@forterie.ca

HOW DO I APPLY FOR A SEVERANCE?

Once the Pre-Consultation (optional) application process has been completed the Consent application may be submitted with the following:

- 1) One (1) copy (digital or hardcopy) of original application form for each parcel of land. The application should be completed by the property owner or authorized agent. Note each severed parcel requires a separate application form, and separate fee.
- 2) One (1) copy (digital or hardcopy) of the survey sketch drawn to scale in metric and signed and stamped by an Ontario Land Surveyor, following all sketch requirements listed in the consent application package.
- 3) Property owner site access permission form and owner/agent authorization
- 4) An appointment with Secretary-Treasurer to review and commission the application, if required.
- 5) Application Fees: made payable to the respective agency. Fee Schedule found at the following link:

<https://www.forterie.ca/en/build-and-invest/planning-fee-schedule.aspx>

- 6) Any other submission documents as detailed in the Pre-Consultation Agreement.

Please note that a hearing date will not be appointed until the submission has been deemed complete upon review by the Secretary-Treasurer. Appointments can be booked 48 hours in advance of submission deadline to ensure availability.



CONSENT PROCEDURES **(Severance, Boundary Adjustment, Easement)**

**The Town of Fort Erie
Planning, Building and
By-law Services**

**Municipal Centre
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
Telephone: (905) 871-1600
Fax: (905) 871-6411**