

Citizens' Guide 5



Land Severances

May 2018

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps to shape our communities and decide things such as where homes and factories should be built, where parks and schools should be located and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will develop and change and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

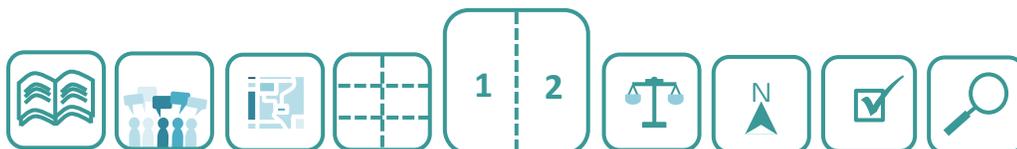
Good planning leads to orderly change and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures. The following guides are available:

1. [The Planning Act](#)
2. [Official Plans](#)
3. [Zoning Bylaws](#)
4. [Subdivisions](#)
5. [Land Severances](#)
6. [Local Planning Appeal Tribunal](#)
7. [Northern Ontario](#)
8. [Building Permits](#)
9. [The Plan Review and Approval Process](#)

Disclaimer

These guides have been prepared as a resource to help citizens understand how the land use planning system works in Ontario. They summarize complex matters and reflect legislation, policies and practices that are subject to change. The Citizens' Guides should not be relied upon as a substitute for specialized legal or professional advice in connection with activities and decisions pertaining to land use planning. The Citizens' Guides were last updated May, 2018.



What is a land severance?

A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. This is commonly known as a consent. It is required if you want to sell, mortgage, charge or enter into any agreement (for at least 21 years) for a portion of your land. If the two parts are split already, by a road or railway for example, consent is not needed.

Most municipalities with an approved official plan have specific policies and requirements for land severance. In addition to the division of land, rights-of-way, easements and any change to your existing property boundaries also require land severance approval.

If several severances are intended for the same area, a plan of subdivision may be more appropriate. It is up to the consent-granting authority in your area to decide whether a consent is the best approach or if a plan of subdivision is necessary for the proper and orderly development of your community. (See [Guide No. 4](#), Subdivisions)

Why do I need approval to sever my land?

The indiscriminate division of land without anyone's approval could have a long-term, negative impact on your community. For example, it could result in over-extension of municipal services, such as snow plowing, school busing and garbage collection. Or it might result in damage to the natural environment, because lots are too small to accommodate adequate sewage disposal systems.

Approval is required to ensure that:

- land severances are considered within an established planning framework
- new lots and new land uses do not conflict with the overall future planning goals and policies of your community
- consideration is given to the effects of the division of land on the site, on the neighbours and on the community as a whole.

Once a severance has been approved, the new land parcels may be sold or resold without further approval. The only exception is if the consent-granting authority has specified that this should not occur without further approval.

Where do I go for a land severance?

The approval of severances can rest with one of a number of different governing bodies. Depending on the area, an upper-tier or single-tier municipal council may grant consents. An upper-tier municipality may then delegate the function to a committee of council or an appointed officer. Alternatively, it may delegate the authority to a lower-tier municipality, a land division committee or to a municipal planning authority. A single or lower-tier municipality may also delegate its approval functions to a committee of council, an appointed officer or to a committee of adjustment. In Northern Ontario, where planning approval has not been assigned or delegated to a municipality or planning board, the Minister of Municipal Affairs grants consents (See [Guide No. 7](#), Northern Ontario).



To determine the consent-granting authority in your area, contact your municipal clerk, the secretary-treasurer of the planning board or your nearest [Municipal Services Office](#).

What is the process for a severance application?

Before you apply for a land severance, you should consult with municipal staff and/or the consent-granting authority in your area. They will be able to tell you how to apply, what supporting material you must submit (e.g. sketches, plans), if there are any special land severance requirements set out in the official plan and what other permits and approvals (e.g. a septic system permit) may be required.

The consent-granting authority may not accept an application that fails to provide the information or material prescribed by Minister's regulation and, in some cases, the information set out in the official plan. If a consent-granting authority confirms that an application is incomplete, an applicant who disagrees may make a motion to the [Local Planning Appeal Tribunal](#) (LPAT) or, if established by the municipality, a local appeal body, for a determination of the matter.

The LPAT (or local appeal body's) decision is final. However, in such situations, you are strongly encouraged to work out a mutually-acceptable solution with the consent-granting authority before making a motion to the LPAT or local appeal body.

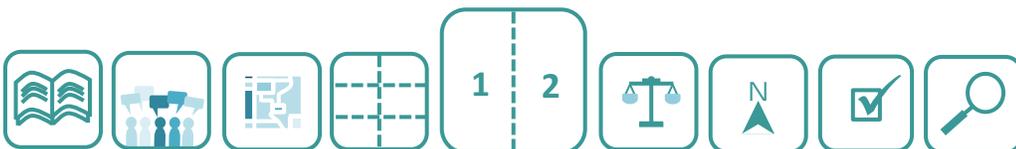
When applying for a land severance, you may be charged a fee for processing the application. To determine the processing fee in your area, contact the appropriate consent-granting authority.

As an applicant, you are usually required to fill out a consent application form provided by the consent-granting authority.

A typical application form contains both the information which is prescribed by Minister's regulation as well as additional information which the consent-granting authority may require. The more information you provide, the less likely delays will occur in the review process.

If you do not provide all the information prescribed by Minister's regulation and in some cases, information or material set out in the official plan, the consent-granting authority may refuse to accept or to further consider your application. The 90-day timeframe for making a decision does not begin until all the required information is received. You are encouraged to contact the appropriate consent-granting authority if you need help in assessing what information is required.

The consent-granting authority must give notice of application before a decision is made. Notice of application is given at least 14 days in advance of a decision by the consent-granting authority, either through local newspapers or by mail and posted notice. Any person or public body may submit his or her views to the consent-granting authority.



The consent-granting authority may consult with agencies, boards, authorities or commissions before making a decision.

When the consent-granting authority has decided on your application, it is required to send a notice of decision to any person or public body requesting to be notified within 15 days of the decision being made. When a notice of decision is given, a 20-day appeal period follows.

How is the severance application evaluated?

In considering each application for land severance, the consent-granting authority evaluates the merits of each proposal against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land
- compliance with local zoning bylaws
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the need to ensure protection from potential flooding.

In considering a consent application, the consent-granting authority's decision shall be consistent with the Provincial Policy Statement (PPS) and conform/not conflict with any applicable provincial plan. This means that a council must ensure that provincial policies and plans are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that the consent-granting authority will implement the PPS in the context of other planning objectives and local circumstances. (See [Guide No.1](#), The Planning Act and the [PPS, 2014](#)).

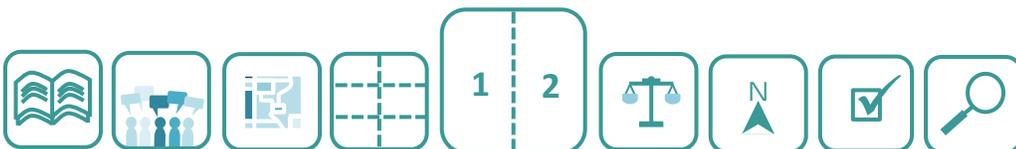
Provincial plans contain specific land use planning policies that address issues facing specific geographic areas in Ontario (e.g. Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan).

What about conditions of severance approval?

A severance approval may have certain conditions attached to it including requirements for road widenings, 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 municipality to provide future services or facilities. Severance conditions must be met within one year.

When all the conditions have been met by the applicant, a certificate is issued by the authority, and the severance goes into effect after it has been registered in the land registry office.

If the transaction originally applied for – sale of property, for example – is not carried out within two years of the date of the certificate, the severance is considered lapsed. An earlier lapsing date can be specified by the consent-granting authority at the time of the severance decision.



How can you get involved?

If you are concerned about a severance application that may affect you, you should:

- find out as much as possible about the application
- discuss your concerns with the consent-granting authority
- write the consent-granting authority.

If you have any concerns, make sure that you let council know about them early in the process. The consent-granting authority will then have time to consider the feedback you provided and may make changes before the land severance is approved.

What rights of appeal do you have?

Appeals to the LPAT, or a local appeal body if established by the municipality, can be made in three different ways:

1. Any person or public body may appeal a consent-granting authority's decision and any condition within 20 days of the notice of decision.
2. The applicant may appeal if no decision is made by the consent-granting authority within 90 days from the date of receipt of the application containing the prescribed information.
3. Any person or public body may appeal any changed conditions imposed by the consent-granting authority within 20 days after the notice of changed conditions has been given.

Appeals must be filed with the consent-granting authority, accompanied by reasons for the appeal and the fee required by the LPAT or local appeal body.

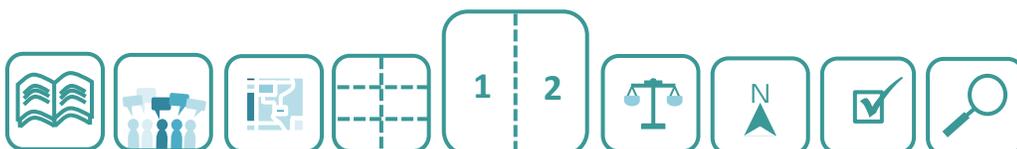
What are the powers of the Local Planning Appeal Tribunal or a local appeal body if one is established?

When a decision is appealed, the LPAT or local appeal body may hold a hearing where you may have the chance to present your case. They can make any decision that the consent-granting authority could have made on the application.

The LPAT or local appeal body also has the power to dismiss an appeal without holding a hearing. For more information, see [Guide No. 6](#), Local Planning Appeal Tribunal.

Appealing a planning decision is a serious matter. It can take time, effort and in some cases, money, for everyone involved.

The LPAT or local appeal body must have regard to the local decision and make a decision based on the facts presented at a hearing.



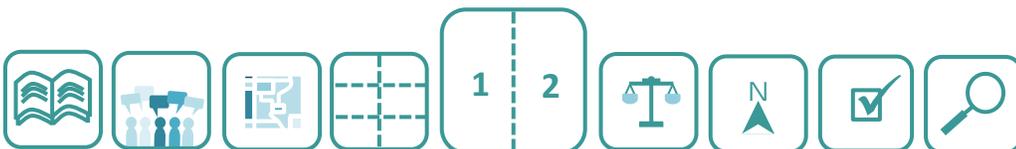
What other approvals may be required?

In addition to the planning approvals and building permit which are needed for a building project, there are other permits and approvals required for specific circumstances. For example, a septic system permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources and Forestry before you can do any construction in the water (for example, a dock or boathouse with a solid foundation).

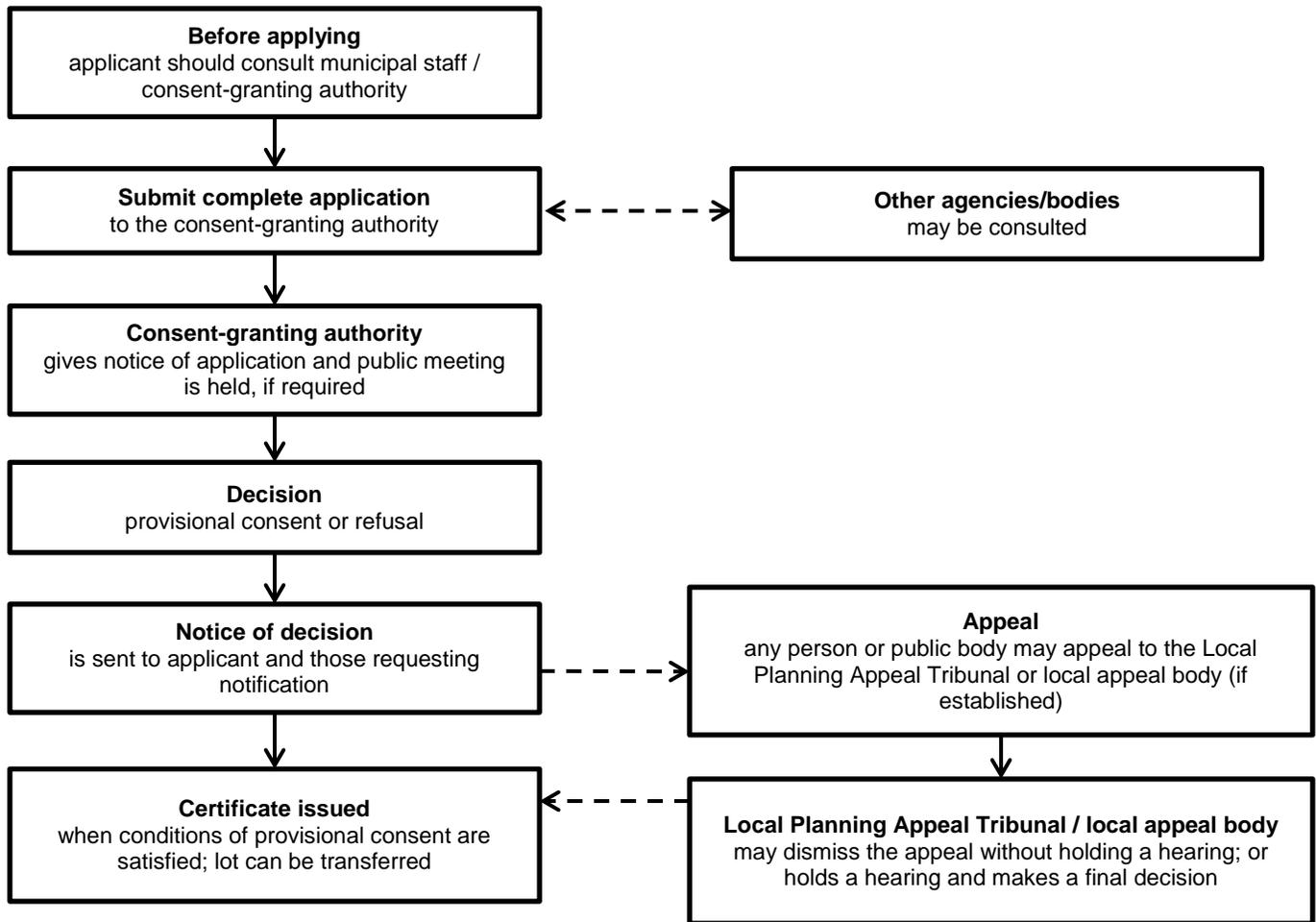
Summary of the Land Severance Process

The following flowchart illustrates the basic process for land severances (or consents), which includes these key steps:

1. Before an application is submitted, the applicant should consult with municipal staff or the consent-granting authority.
2. Following the pre-consultation, a complete application is submitted to the consent-granting authority.
3. The consent-granting authority gives notice of the application and a public meeting may be held.
4. The consent-granting authority will make its decision to give either provisional consent or to refuse the application.
5. Notice of decision is sent to the applicant and those requesting notification.
6. Any person or public body may appeal to the LPAT or local appeal body if one is established.
7. If no appeal is made, when the conditions of provisional consent are satisfied, a certificate is issued and lots can be transferred.
8. If an appeal is made, the LPAT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision.



Flowchart: Land Severance Process



How can you find out more?

For more information about land use planning in your community, contact your [municipality](#).

For more information about land use planning in Ontario, contact your nearest [Municipal Services Office](#).

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