WHAT IS CONSENT ?

Consent is a term used in provincial planning legislation to describe the approval required to sub-divide land, without the requirement of a plan of subdivision. Consent is most commonly used to sever an existing lot or parcel into more than one lot but less than 3 lots. The Consent process follows the rules and regulations of the Ontario Planning Act Section 53 and 0. REG 197/96.
Consent is needed when an applicant wants to add or change a right-of-way, sever a single parcel of land into two to three parcels of and, or for the addition of land to a lot.

HOW DOES ONE OBTAIN CONSENT ?

A consent application form must be completed and submitted for consideration to the consent granting authority, which is the Desbarats to Echo Bay Planning Board.

HERE DOES ONE GET A CONSENT APPLICATION ?

Applications are available at your Municipal Office and on the Municipal Home Page.
It is recommended that you discuss the proposal with staff prior to submitting the application in a pre-consultation session. The fee is $1200 for the first consent application, $600 for all after on the same subject land. Payment is to be made to the Desbarats to Echo Bay Planning Board with cheque or cash only.

WHAT IS INCLUDED IN A CONSENT APPLICATION ?

Information including but not limited to:

- Details about ownership, property description, dimensions, etc.;
- A scaled sketch illustrating; the entire property before it is divided, the proposed severance lines, all property dimensions, all building locations including distances, driveway, septic locations, and dock and shoreline activity area locations;
- Application fees in the form of cash or cheque;
- Completed application;
- Any applicable agency information i.e. Algoma Public Health, MTO, and
- Other information as required.

IS THE USE OF AN AGENT OR CONSULTANT NECESSARY ?

There is no legal requirement for the use of consultants or agents in the making of a consent application. However, the more complex an application is, the greater the need for professional assistance to clarify and expedite a proposal. Also, special studies may be required to justify the proposed development and answer any technical questions.

WHAT HAPPENS ONCE MY APPLICATION IS SUBMITTED ?

The application is circulated to a number of regional departments, and various agencies for their comments. Notice of the application will also be sent, by mail, to all property owners within 60 meters of the subject property. Following the circulation period, correspondence will be reviewed, and Planning Board Staff will determine if the proposal meets all requirements and approve, approve with conditions, or not approve the application.

WHAT COULD AFFECT THE OUTCOME OF AN APPLICATION ?

- Concerns expressed by any of the circulated departments or agencies or valid objections from the neighbours.
- If someone objects to an application, it does not necessarily mean that the application is rejected. All evidence must be presented and weighed.

TO BE READ IN FULL PRIOR TO SUBMISSION OF CONSENT APPLICATION

- Conformity with the Official Plan and the Zoning By-law as well as the Provincial Policy Statements are necessary.

WHAT TO DO NEXT ?

If approval has been obtained, a series of steps must be undertaken by the applicant leading to the registration of the transaction at the Land Registry Office. A plan or survey by an Ontario Land Surveyor will be required and any conditions of approval must be met. The time limit on meeting all conditions is two years as dictated by provincial legislation.

WHAT TO DO IF AN APPLICATION IS TURNED DOWN ?

An appeal can be filed to the Ontario Municipal Board if an application is rejected. Following the final decision by the Consent granting authority a person has 20 days to file an appeal with the Regional Clerk.

HOW LONG DOES THE PROCESS TAKE ?

Once all required information is received and the application is complete a provisional decision should be rendered within approximately 90 days of the application being accepted. The approval of the application is not in effect until the twenty-day appeal period following the mailing of the decision has ended. In the cases where an appeal is filed the decision is not final until the application has been dealt with by the Ontario Land Tribunal.

SUMMARY OF THE CONSENT PROCESS

1. Discuss your idea with planning board staff and your municipality
2. Pick-up and complete the Consent Application form
3. Gather all necessary information
4. Submit the fully completed application to Planning Board Staff with deposit or full payment
5. Application will be reviewed
6. Answer any questions derived from the application review
7. Circulation of the application for a minimum of 15 days prior to application going to the Planning Board
8. Gathering of feedback from the circulation
9. Board meeting - (approved, approved with conditions, or not approved)
10. Circulation of Board Decision (Notice of Decision)
11. Twenty day appeal period following the mailing of the decision
12. Two years to: Complete conditions, Sign Papers
13. Register Papers (completed by Applicant(s) Lawyer(s))

For more information please contact Jared Brice, Secretary-Treasurer:
Desbarats to Echo Bay Planning Board
27 Barr Road S, R.R.1
Desbarats, ON P0R 1E0
(705) 782 6776 admin@tarbutt.ca or planning@tarbutt.ca

TO BE READ IN FULL PRIOR TO SUBMISSION OF CONSENT APPLICATION