RULES OF PROCEDURE

Land Division Committee

for

The Corporation of the County of Elgin

GENERAL

In addition to fulfilling the requirements of Section 53 of the Planning Act, the Land Division Committee shall observe the following rules and requirements:

APPLICATION

1. The Secretary-Treasurer shall note and acknowledge the date of receipt of the application.

2. The Land Division Committee will render their decision and the applicant or agent (if named) will be advised in writing, not later than 15 days from the date of the decision.

3. Pre-consultation with the Municipality involved and interested agencies is recommended before submitting the application. This will assist the applicant or agent to understand the by-laws and restrictions that affect the property and it will verify compliance to current regulations.

NOTICE OF HEARING

4. The Secretary-Treasurer, in the name of the Committee, shall by personal service or by regular or registered mail, give written notice of time and place of the hearing of each application, together with copies of the Application for Consent, comprising items 1 to 24, not less than 14 days prior to the date of the hearing to:

(a) Applicant or agent (if named)
(b) Clerk of the Municipality (ies) concerned
(c) County Engineer
(d) County Manager of Planning
(e) Ministry of Transportation
(f) Ministry of Culture
(g) Kettle Creek/ Catfish Creek/Lower Thames Valley Conservation Authority
(h) Chief of First Nation Council (within 1km of subject land)
(i) Every person assessed within 60 metres of subject land (notice only).

CERTIFICATION

5. Upon expiry of the 20 day appeal period and after the conditions have been met, the Secretary-Treasurer shall, on behalf of the Committee, affix a rubber stamp to the deeds or legal documents and sign it, signifying that the consent has been given pursuant to Subsection 42, of Section 53, of the Planning Act. The Secretary-Treasurer shall accept only original copies, accompanied by a fee of $300.00, for affixing the consent stamp.

The applicant will have one year from the date the decision was given to fulfill conditions imposed by the Committee. One condition generally imposed is that a deed be presented within one year so that the consent stamp may be affixed.

ASSESSED PERSONS

6. The applicant will obtain a list (on Appendix "B" attached), certified by the local municipal clerk(s) having jurisdiction over the subject lands, of the names and addresses of every assessed person within 60 metres of the subject of the application, as shown on the last revised assessment roll or as set out in any written notice of a change of ownership.
IDENTIFICATION STAKES AND SIGNS

7. Identification Signs will be mailed to you after your completed application has been filed. These signs are then to be posted immediately on stakes at each front corner of the proposed lot, and are to remain there until the Decision of the Committee becomes final and binding. Site inspections will be done by a Committee member prior to the hearing date. Failure to post signs will result in a delay of a decision from the Land Division Committee. Check frequently to ensure that the signs are in place.

SKETCH

8. Must be no greater than 20 cm x 27 cm (8 1/2 x 11"). One copy of the sketch is required, done in black (e.g., ink, felt pen) no pencil or colours. A legend or key indicating severed and retained portions must be shown (e.g., cross-hatching or diagonal lines). Clearly indicate severed and retained portions, with all dimensions of both severed and retained lands on the sketch. All measurements must be accurate, a variance of 3% on each dimension is acceptable for agricultural land and 1.52 metres on each dimension for non-agricultural land. Dimensions of all existing buildings should be shown as well as dimensions for their location in relation to property lines and the proposed severance. All buildings and type of land surrounding both severed and retained portions must be shown within 300 metres radius for rural areas and 60 metres radius for urban areas. All existing and proposed accesses should be shown. (SEE SAMPLE BELOW)

APPEAL

9. Any person or public body may appeal the decision and/or condition(s) imposed by the Committee to the Ontario Municipal Board by filing with the Secretary-Treasurer of the Land Division Committee, within 20 days of the date of decision, a Notice of Appeal, accompanied by the Board's fee in the amount of $300.00 for the first appeal and $25.00 for each further appeal related to the same matter. Certified Cheques or Money Orders are to be made payable to the Minister of Finance. If you wish to appeal, a copy of the appeal form is available from the OMB website at www.omb.gov.on.ca or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

RETURN TO: Susan D. Galloway, Secretary-Treasurer
Elgin County Land Division Committee
Administration Building, 2nd Floor
450 Sunset Drive, ST. THOMAS, Ontario N5R 5V1
OFFICE HOURS: 8:30 a.m. to 1:30 p.m. Monday through Friday

NOTE: Applications may be left at the counter during normal business hours and will be dealt with during the Secretary-Treasurer's office hours.

SAMPLE SKETCH – NOT TO SCALE
APPLICATION FOR CONSENT

1. Name of approval authority
   ELGIN COUNTY LAND DIVISION COMMITTEE

2. Name of Owner
   
   Address
   
   Telephone Number __________________________ Email __________________________
   
   Name of owner’s solicitor or authorized agent
   
   Address
   
   Telephone Number __________________________ Email __________________________

3. (a) Type and purpose of proposed transaction: (check appropriate space)
   Transfer: creation of a new lot Other: mortgage/charge
   __________________________ __________________________
   addition to a lot lease
   __________________________ __________________________
   surplus farm dwelling easement/R.O.W.
   __________________________ __________________________
   technical severance correction of title
   __________________________
   other (specify)
   __________________________

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

   
   (c) If a lot addition, identify the assessment roll number and property owner of the lands to which the
       parcel will be added:

   

4. (a) Location of land:
   Municipality __________________________ Concession No. __________________________
   Lot(s) No. __________________________ Registered Plan No. __________________________
   Name of Street __________________________ Street No. and/or 911 No. __________________________
   Assessment Roll No. __________________________

   (b) Are there any easements or restrictive covenants affecting the subject land?
   Yes ( ) No ( ) If Yes, describe the easement or covenant and its effect:

   

5. Description of land intended to be severed: (Accurate Measurements in Metric)
   Frontage __________________________________ Depth __________________________ Area __________________________
   Existing Use __________________________ Proposed Use __________________________
   Number and use of buildings and structures on the land to be severed:
   Existing __________________________ Proposed __________________________

6. Description of land intended to be retained: (Accurate Measurements in Metric)
   Frontage __________________________________ Depth __________________________ Area __________________________
   Existing Use __________________________ Proposed Use __________________________
   Number and use of buildings and structures on the land to be retained:
   Existing __________________________ Proposed __________________________

County of Elgin
Engineering Services
450 Sunset Drive
St. Thomas, On N5R 5V1
Phone: 519-831-1460
www.elgin-county.on.ca

Progressive by Nature
7. Number of new lots proposed (including retained lots) _____________________________

8. Type of access for proposed and retained lot: (check appropriate space) 

<table>
<thead>
<tr>
<th>TYPE</th>
<th>PROPOSED LOT</th>
<th>RETAINED LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Highway</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Municipal road, maintained all year</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Municipal road, seasonally maintained</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Other public road</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Right Of Way</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Water access</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

If proposed access is by water, what boat docking and parking facilities are available on the mainland? (specify) _____________________________

9. What type of water supply is proposed: (check appropriate space) 

<table>
<thead>
<tr>
<th>TYPE</th>
<th>PROPOSED LOT</th>
<th>RETAINED LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly owned and operated piped water system</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Privately owned and operated individual well</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Privately owned and operated communal well</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Lake or other water body</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Other means (specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. What type of sewage disposal is proposed: (check appropriate space) 

<table>
<thead>
<tr>
<th>TYPE</th>
<th>PROPOSED LOT</th>
<th>RETAINED LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly owned and operated sanitary sewage system</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Privately owned and operated individual septic tank</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Privately owned and operated communal septic system</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Privy</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Other means (specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. When will water supply and sewage disposal services be available? _____________________________

12. What is the existing Official Plan designation(s) of the subject land? _____________________________

13. What is the existing Zoning designation(s) of the subject land? _____________________________

14. Has the subject land ever been the subject of an application for approval of a plan of subdivision under the Planning Act? Yes ( ) No ( ) Unknown ( ) 

If Yes, and known, provide the application file number and the decision made on the application _____________________________

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

16. (a) Has there been any previous severances of land from this holding? 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 name ________________________________
Use of parcel ________________________________
Date parcel created ____________________________

17. If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?
Yes ( ) No ( )
If Yes, provide the previous severance File No.

18. If the application involves the severance of a surplus farmhouse (through farm consolidation), please explain how it qualifies as surplus in the municipality which it is situated.

19. Is the owner, solicitor, or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?
Yes ( ) No ( )

20. 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 ( )
If Yes, and known, specify the Ministry file number and status of the application.

21. Is the subject land currently the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, or approval of a plan of subdivision?
Yes ( ) No ( )
If Yes, and known, specify the appropriate file number and status of the application.

22. Is the application consistent with policy statements issued under subsection 3(1) of the Planning Act?
Yes ( ) No ( )

23. Is the subject land within an area designated under any provincial plan or plans?
Yes ( ) No ( )
If yes, does the application conform to or conflict with the applicable provincial plan or plans.

24. The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.

25. The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.
26. SKETCH:
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, well 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.

Dated at the __________________________ of  __________________________ 20  __________

this ______________ day of __________________________ 20 __________

SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

AFFIDAVIT OR SWORN DECLARATION

I/We __________________________________________ of the ________________
of __________________________________________ in the County of __________________________

solemnly declare that all the information contained in this application is true, and I/We 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 __________________________ Signature

20 __________

Signature

A Commissioner, etc.

If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's authorization must accompany the application. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the seal, if any, must be affixed.

It is required that one copy of this application be filed, together with one copy of the sketch described, with the responsible person, accompanied by a fee of $1,250.00 in cash or by cheque made payable to TREASURER, COUNTY OF ELGIN
An additional fee of $300.00 will be charged for affixing the consent stamp.

Revised March 14, 2017
AUTHORIZATION TO APPOINT AN AGENT

NOTE: This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer
    Land Division Committee
    Corporation of the County of Elgin

Description and Location of Subject Lands:


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

(Agents Name/Names) of (Agents City/Town of Residence) to:

(1) make an application on my behalf to the County of Elgin Land Division Committee;
(2) appear on my behalf at any hearing(s) of the application; and
(3) provide any information or material required by the Land Division Committee relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the _______ of _______ this _______ day of _______ 20_______

Signature of Witness __________________________ Signature of Owner __________________________

Signature of Witness __________________________ Signature of Owner __________________________

Signature of Witness __________________________ Signature of Owner __________________________
The County of Elgin Land Division Committee requires that, in addition to the "Application for Consent", the following information be completed for all applications:

1. Are there any barns located within 300 metres of the subject of this application?
   Yes ( ) No ( )
   If the answer is "YES" are these barns:
   i) Now used for livestock? Yes ( ) No ( )
   ii) Capable of being used for livestock? Yes ( ) No ( )

   NOTE: If you answered "YES" to #1. PLEASE COMPLETE THE DATA SHEET BELOW

TO BE COMPLETED BY APPLICANT

AGRICULTURAL CODE OF PRACTICE FORMULA ONE DATA SHEET TO CALCULATE THE MINIMUM DISTANCE SEPARATION REQUIREMENTS FOR NON-FARM USES ESTABLISHING OR EXPANDING IN CLOSE PROXIMITY TO EXISTING LIVESTOCK BUILDINGS

In order to calculate the minimum distance separation, the following information is required for each livestock facility within 300 metres of the proposed severance and located on a separate lot:

NAME ____________________________ TELEPHONE ____________________________
TOWNSHIP ____________________________ LOT ______ CONC. ______
TILLABLE HECTARES (where livestock facility located)

<table>
<thead>
<tr>
<th>Type of Livestock</th>
<th>Maximum Housing Capacity Number per Year</th>
<th>Manure System</th>
<th>Housing System check type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Liquid</td>
<td>Semi-Solid</td>
</tr>
<tr>
<td>DAIRY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cows</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heifers</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Calves</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BEEF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cows</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calf</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feeders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>400-750 lb.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>400-1100 lb.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>750-1100 lb.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWINE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sows</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boars</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weanlings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feeders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>POULTRY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laying Hens</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breeder Flock</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pullets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chicken Broilers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkey Broilers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkey Hens</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkey Toms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roasters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINK - Females</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HORSES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHEEP - Rams &amp; Ewes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RABBITS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VEAL CALVES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MANURE STORAGE:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEMI-SOLID</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIQUID</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Covered Pile
Open Pile
Storage with Buck Walls
Covered Tank
Above Ground Uncovered Tank
Open Earth Sided Pit
Below Ground Uncovered Tank
APPENDIX "B"

The County of Elgin Land Division Committee requires from the applicant the following information to be completed, certified by the local clerk(s), and accompany any and all consent applications:

REQUEST FOR NAMES AND ADDRESSES OF ASSESSED PERSONS

REGISTERED OWNERS NAME(S)

DESCRIPTION OF SUBJECT OF CONSENT APPLICATION (severed and retained)

Municipality __________________________ Assessment Roll No. __________________________
Concession No. __________________________ Lot No. __________________________

Please list names, addresses, and postal codes of all persons assessed within 60 metres of the subject (severed and retained) of the above-noted consent application. Include First Nation Chief(s) if subject land is within 1 kilometre of a Reserve. Should additional forms be required, please photocopy prior to completion. Note: Form must be signed by the Local Municipal Clerk or designate.

NAME(S) __________________________

ADDRESS (including Postal Code) __________________________

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

I HEREBY CERTIFY THAT ASSESSMENT INFORMATION CONTAINED IN THIS FORM IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Local Clerk __________________________ Date __________________________
APPENDIX “C”

PROCESS CHECKLIST

☐ Pre-consult with Municipalities and applicable agencies.

☐ Submit one copy of Completed Application with fee of $1250.00 payable to TREASURER, COUNTY OF ELGIN.

☐ Identification Signs: Two yellow signs will be mailed to you for posting on the portion of the lot to be severed.

☐ Notice of Hearing: At least fourteen (14) days prior to the date of the hearing you will receive a “Notice of Application” with the date and time when the severance will be heard.

☐ Hearing: The Land Division Committee will consider the application(s) and submissions by all interested parties regarding the severance. The Committee’s decision immediately following the hearing

☐ Decision: A Notice of Decision will be forwarded within fifteen (15) days after the date of the hearing.

☐ Conditions: A one-year time limit after the date of decision to obtain the consent stamp on the deed(s) is generally imposed and other conditions may be imposed.

☐ Appeal Period: A twenty (20) day appeal period from the date of the Notice exists during which any person may appeal the decision and/or conditions imposed by the Committee to the Ontario Municipal Board. After the appeal period, notice will be sent that either no appeals were received or that the application has been appealed.

☐ If Appealed: A notice of appeal setting out the reasons for the appeal is forwarded to the Secretary-Treasurer of the Land Division Committee, with a cheque payable to the Minister of Finance for $300.00 for the first appeal and $25.00 for each further appeal related to the same matter. Notice of Appeal must be received within the twenty (20) day appeal period. A copy of an appeal form is available from the OMB website at www.omb.gov.on.ca or for pick-up at the County Municipal Offices, 450 Sunset Drive, St Thomas.

☐ No Appeal: If no appeal is received, the decision is final and binding and the applicant is required to: a) Satisfy the conditions imposed by the Committee within one (1) year from the date of decision; b) Obtain the services of a land surveyor to survey the lands to be severed in accordance with the Decision; c) Obtain the services of a solicitor to prepare the deeds and necessary documents; d) Submit the deeds to the Secretary-Treasurer of the Land Division Committee for final certification; e) Register the deeds at the Registry Office for the County of Elgin.

☐ Stamping of Deed: Signed Acknowledgement and Direction, 3 copies of the Transfer Document with Schedule Page for affixing the consent stamp, 1 copy of the Reference Plan and a fee of $300.00 are required.