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/Long Point/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.
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
   Please specify to whom all communications should be sent:
   Owners ( ) Solicitor ( ) Agent ( )

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 6T3
Phone: 519-333-3493
www.elgin-county.on.ca
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tr>
<td>13. What is the existing zoning designation(s) of the subject land?</td>
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<td>14. What is the existing Official Plan designation(s) of the subject land?</td>
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<td>15. When will water supply and sewerage disposal services be available?</td>
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| Condition: Written confirmation to be attached to the application
Confirmation from a licensed public utilities that the system is in satisfactory operating condition
If existing sewerage disposal is privately owned, the owner shall be required to provide written permission to use the proposed lot. |  |
| Other means (specify) |  |
| System (check applicable space) |  |
| ( ) Privately owned and operated commercial septic |  |
| ( ) Privately owned and operated individual septic |  |
| ( ) Publicly owned and operated sanitary sewerage system |  |
| Proposed Lot Type |  |
| RETAINED LOT |  |
| (b) What type of water supply is proposed? (check applicable space) |  |
| Other means (specify) |  |
| ( ) Take of other water body |  |
| ( ) Privately owned and operated communal well |  |
| ( ) Privately owned and operated individual well |  |
| ( ) Publicly owned and operated public water system |  |
| Proposed Lot Type |  |
| RETAINED LOT |  |
| (a) Proposed lots are available on the |  |
| Proposed access is by water, what boat docking and parking facilities are available on the lot |  |
| ( ) Off-site |  |
| ( ) Other public road |  |
| ( ) Municipal road, seasonally maintained |  |
| ( ) Municipal road, maintained all year |  |
| Proposed Lot Type |  |
| RETAINED LOT |  |
| (c) Type of access for proposed and retained lots (check applicable space) |  |
| ( ) |  |
| |  |
| Number of new lots proposed (including retained lots) |  |
| 7. |  |
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. (a) 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. (a) Are there any barns within 750 metres of the proposed severed lands?  
   Yes ( )  No ( )  
   i) Now used for livestock?  
      Yes ( )  No ( )  
   ii) Capable of being used for livestock?  
      Yes ( )  No ( )  
   (b) If there are livestock barns located within 750 metres of the dwelling on the retained lands a MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document -Implementation Guideline #6.

20. 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 ( )

21. 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
The location and nature of any easement affecting the subject land:

- [ ] easements to be used
- [ ] access to the subject land by water only
- [ ] location of the parking and boat docking
- [ ] waterfront or upland area
- [ ] public recreational area, public park or a right-of-way
- [ ] location within 600 metres of any roads within or abutting the subject land, indicating

The existing uses on adjacent lands:

- [ ] the location of all private wells and septic systems
- [ ] boundaries of the lot to be created
- [ ] location of any road
- [ ] location of the subject land
- [ ] location of any road
- [ ] location of the subject land
- [ ] location of all authorized drainage or weir
- [ ] location of all road
- [ ] location of the subject land
- [ ] location of the subject land
- [ ] location of the subject land

The application shall be accompanied by a detailed sketch showing the following:

22. DETAILLED SKETCH:

For freedom from obstruction and protection of individual privacy in high-density and local
Application pursuant to Section 32(2) of Bill 49, Chapter 63, S.O. 1998, being an act to provide
The application contains a recent report of the information contained in this
The application is an amendment to an existing plan or a new plan.

23. (a) Is the application consistent with the Provincial Policy Statement 2014 issued under

24. (a) Is the subject land within an area designated under any provincial plan or plan?

25. (a) Does the application contain or conflict with the applicable provincial plan or plans?

26. (a) Does the application contain or conflict with the applicable provincial plan or plans?

27. If yes, does the application conflict with the applicable provincial plan or plans?

28. If yes, is the subject land within an area designated under any provincial plan or plan?
Dated at the __________________________ of __________________________
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 __________________________
20 __________

________________________________________
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 detailed 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 January 1, 2018
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)  (Agents City/Town of Residence)

(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
APPENDIX “A”

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 sent to you by courier for posting on the portion of the lot to be severed. 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.

☐ 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 will make a decision immediately following the hearing of the application.

☐ 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 giving of the notice of Decision during which any person or public body may appeal the decision and/or conditions imposed by the Committee to the Ontario Municipal Board. After the appeal period, notice will be sent advising 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 necessary documents for certification; d) Submit the Transfer documents to the Secretary-Treasurer of the Land Division Committee for final certification; e) Register the documents at the Registry Office for the County of Elgin.

☐ Stamping of Deed: Signed Acknowledgement and Direction, Three (3) copies of the Transfer Document with Schedule Page for affixing the consent stamp, Two (2) copies of the Reference Plan (one (1) hardcopy and one (1) digital copy) and a fee of $300.00.
APPENDIX "B"

The County of Elgin Land Division Committee requires from the applicant the following information to be completed by the municipality, 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.**

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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 __________________________