



Consent Agreement Process

in the City of Hamilton

Introduction

The process to divide (sever) a single parcel of land into two or more separate parcels is governed by Section 53(1) of the Planning Act. If a land owner wishes to sever their land the first step is filling out a consent application, which is then processed through the City's Committee of Adjustment (www.hamilton.ca/committeeofadjustment). Land that is the subject of a consent application and designated for residential development (e.g. single family, semi-detached, or street townhouse) will require that the land owner, as a condition of development approval, enter into a Consent Agreement with the City of Hamilton.

What is the purpose of a Consent Agreement?

The general purpose of the City's Consent Agreement is to regulate lot grading and surface drainage on the lands that are being requested to be severed and to secure certain financial obligations required of the land owner. In addition, the Consent Agreement includes provision for installation of minor works on private lands by the land owner, which may include a rear yard catch basin and retaining walls. A Consent Agreement can also be used to ensure the construction of works in the road allowance such as sidewalk, driveway approach, and sodding of the boulevard as outlined in the Consent Agreement.

What are the financial requirements fees that need to be met by the land owner?

Under the City's Consent Agreement a land owner will be required to make certain cash payments. Cash payments include:

- street tree planting fee
- grading inspection fee
- payment toward existing cost recoverable municipal works abutting the severed lands
- payment for future urbanization of existing roads in the urban area where the severed lands abut a rural road

For a current list of fees, please go online to: www.hamilton.ca/growthmanagementfees

Do I need to make any security deposits?

Security deposits are for the purpose of ensuring works to be carried out by the land owner are completed or, for payment towards future works. They include:

- lot grading deposit
- works on private land or within the road allowance (as previously described)
- payment towards municipal works to be constructed in the future by others that abut the lands of the consent application

When do I get my security deposit back?

Following completion of works required in accordance with the Consent Agreement, the land owner's Engineer must certify to the City the works are completed and submit a formal request for a release of the security deposit. A City Inspector will then complete an inspection of the works and will process a release of the security deposit if it is deemed satisfactory.



Who am I required to consult with during the Consent Agreement Process?

Under a consent application for residential development, the land owner must retain the services of the following professionals:

Ontario Land Surveyor

An Ontario Land Surveyor is required to carry out a survey of the lands that are subject to the consent application and prepare a survey plan showing both severed and retained lands as well as any lands that are required to be transferred to the City, such as road widenings. The surveyor will be required to register the survey plan at the Land Registry Office in Hamilton. This plan will be used for the underlying legal description of the severed lands when the deeds for consent have been endorsed by the Committee of Adjustment and registered.

Professional Engineer

A Professional Engineer is required to prepare a lot grading and surface drainage design drawing as well as design drawings for any other minor works that may be required for the severed lands. Where minor works are proposed, a detailed cost estimate and description of works must be prepared by the Professional Engineer for review and approval by the City.

Lawyer

It will be necessary for the land owner to retain the services of a lawyer to prepare a lot grading easement document as well as transfer documents for any lands that must be conveyed to the City as a requirement of the consent application.



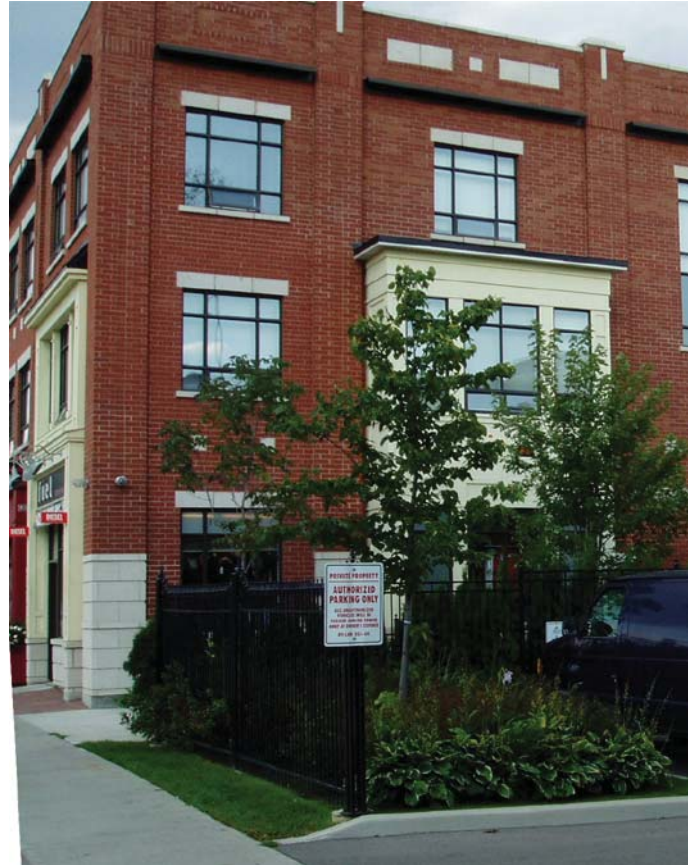
After I have received approval of my consent application, what is the Consent Agreement Process?

Following approval of a consent application by the Committee of Adjustment, the City's Development Engineering Division will undertake the following process with the landowner:

1. Prepare a letter to the land owner indicating the information and fees required by the City to begin preparation of the Consent Agreement.
2. Upon receipt of the necessary information, including the lot grading design drawings and processing fee, prepare a Consent Agreement for the land owner.
3. Following completion of the agreement by the land owner, the agreement is returned to the City's Development Engineering Division for execution by the City's signing officers and registration by the City's Legal Services Division.

What are the time limits to completing the application and getting the agreement registered?

Approval of the consent application by the Committee of Adjustment will expire if registration of the Consent Agreement and the lot grading easement as well as any other required transfer documents is not completed within one (1) year of the date of approval of the consent application by the Committee of Adjustment.



When does the release of the consent agreement take place?

Once the lot grading, as well as any other works required to be carried out by the land owner under the Consent Agreement, have been completed to the satisfaction of the City and following release of all security held by the City under the agreement, the land owner may submit a request to the Development Engineering Division to release the Consent Agreement from title to the lands of the application.



For more information contact:

Growth Management Division

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Hamilton

GROWTH MANAGEMENT DIVISION
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