



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P 4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## **CONSENT TO SEVER LAND & VALIDATION of TITLE APPLICATION SUBMISSION REQUIREMENTS AND INFORMATION**

### **1.0 BEFORE SUBMITTING AN APPLICATION**

- 1.1 Prior to submitting an application, it is strongly recommended that you contact Planning staff in order to determine the feasibility of your proposal at [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) or by visiting the front counter of the 5<sup>th</sup> floor at City Hall, 71 Main Street West, Hamilton. Please include the subject address, brief sketch and/or explanation of the proposal.
- 1.2 This application form is to be used by persons or public bodies wishing to make an application for Consent to Sever Land or Validation of Title within the City of Hamilton. In this form, the term "subject land" means the land to be severed and the land to be retained. The "severed land" means the land to be severed, leased, grant easement over etc. The "retained land" means the remainder of the subject land. Please specify the type of transaction in Table 4.1

### **2.0 COMPLETENESS OF THE APPLICATION**

#### **2.1 Consent to Sever Land Application – Required Items**

- a) Prescribed Fee – See Section 5
- b) Site Sketch – See Section 6
- c) Application Form – Fully completed, with all sections filled out, signed by the owner (and agent, if applicable). If information is unknown, contact [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) for assistance.

For Reference:

Application Form – Section 5.1:

How to find Rural Hamilton Official Plan Designation (if applicable):  
<https://www.hamilton.ca/build-invest-grow/planning-development/official-plan/rural-hamilton-official-plan> (Refer to Schedule D – Rural Land Use Designations)

How to find Urban Hamilton Official Plan Designation (if applicable):  
<https://www.hamilton.ca/build-invest-grow/planning-development/official-plan/urban-hamilton-official-plan> (Refer to Schedule E-1 – Urban Land Use Designations)

## Application Form – Section 5.3:

How to find Zoning for an Area or Property:

<https://www.hamilton.ca/build-invest-grow/planning-development/zoning/interactive-zoning-mapping>

- d) Signatures Sheet – All signatures must be submitted as part of a complete application. Section 14 of the Application Form must be sworn before a Commissioner of Oaths.

Commissioning of Oaths is available at City Hall in the following locations:

1<sup>st</sup> Floor – Clerk’s Office (subject to a fee)

5<sup>th</sup> floor – Planning Division Counter

### 2.2 Validation of Title Application – Required Items

- a) Completion of the information in Section 4.1 of the Consent to Sever Land application form;
- b) Detailed history of why a Validation of Title is required; and,
- c) All supporting materials indicating the how and when the contravention of the Planning Act occurred, including PIN documents and other items deemed necessary.

### 2.3 Cancellation Application – Required Items

**Please note, a Cancellation Application is an application type and is not an application to cancel an application for Consent to Sever Land.**

- a) Completion of the information in Section 4.1 of the Consent to Sever Land application form;
- b) Detailed history of when the previous consent took place; and,
- c) All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including Property Identification Number (PIN) documents and other items deemed necessary.

2.4 The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation 197/96 made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

2.5 The application form also sets out additional information (i.e. technical information or reports) that will assist the City in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted

along with the mandatory information. In the absence of this additional information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the proposed Consent application may be delayed or refused.

### 3.0 PROCESS

- 3.1 **Application is accepted.** See Section 4 regarding the information and documents required for a complete application.
- 3.2 **Notice of Application and/or Public Hearing.** The application will be scheduled to be reviewed by the Consent Approval Authority, which may include a Public Hearing (see Subsection 3.4 below), and a Notice will be sent to the applicable neighbouring property owners, public bodies and interested parties. A Sign must be posted on the property. It is the responsibility of the applicant to ensure the sign remains erect, visible and accessible from the road (i.e., the public need to be able to read the sign) a minimum of 14 days before the Date of Decision.
- 3.3 **Written comments.** Written comments must be submitted by the date included in the Notice of Public Hearing. Those wishing to submit verbal comments must register by the date included in the Notice of Public Hearing and present their comments at the hearing to the Committee members directly (either in person or virtually if the delegation has been registered). Verbal comments cannot be received before the hearing. Comments received are considered public information and cannot be submitted anonymously. Written Comments will be consolidated and posted on the Committee's webpage two business days before the hearing by 4:00 p.m.
- 3.4 **Public Hearing.** The City of Hamilton has two Consent Approval Authorities: the Committee of Adjustment, for new lots and lot additions, where a public hearing will be held; and the Director of Planning and Chief Planner, for leases, easements, mortgage/charge, cancellations and validation of title, where a Public Hearing will not be held.

For applications where a Public Hearing is held, the Committee of Adjustment will make a Decision with regard to the Consent to Sever Land application. It is required that the applicant and/or owner attends the Public Hearing to answer any questions the Committee may have. If a representative does not attend the hearing, the Committee may proceed to make a decision in your absence. The Committee will also consider written comments from staff and any other interested parties received prior to the noted deadline and verbal comments received during the hearing.

**No Public Hearing.** For applications where a Public Hearing is not held, the Director of Planning and Chief Planner will consider all evidence and information submitted to them in the appropriate manner and make a Decision.

Please note there is no precedent set with Consent Approval Authority Decisions; each application is reviewed and decided on individual merit.

- 3.5 **Notice of Decision.** Following the Date of Decision, where a Decision of the Consent Approval Authority is made, a Notice of Decision will be sent out to the applicant as well as anyone who filed a written request for a Notice of Decision. A copy will also be posted on the Committee of Adjustment's webpage. Information included in the Notice

of Decision will include Conditions of Approval (if any), an outline of the appeal procedures, and will identify the last day to appeal the Consent Approval Authority's decision to the Ontario Land Tribunal.

- 3.6 **Final and Binding.** If no appeal is made by the end of the 20-day appeal period, the decision is final and binding. A Notice of No Appeal (final and binding letter) will be sent to the primary contact; this notice should be provided in conjunction with the Notice of Decision if needed for any further applications.
- 3.7 **Provisional Consent.** Any Conditions of Approval must be fulfilled within two years of the Date of Decision. Failure to do so will result in the application being deemed to be refused due to failure to fulfill conditions.

#### 4.0 GENERAL NOTES

- 4.1 Submission of this application constitutes tacit consent for authorized municipal staff and Committee members to inspect the subject lands or premises.
- 4.2 Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
- 4.3 The application form is formatted to be printed on Letter paper size (A4, 8.5 inches by 11 inches) or scaled accordingly.

#### 5.0 FEES

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied.

##### 5.1 Payment Types

- 1) Cheque, made payable to The City of Hamilton
- 2) Credit Card (Visa/Mastercard) (In person at City Hall or by telephone)
- 3) Debit Card (In person at City Hall)

##### 5.2 Consent Application Fees:

- a) **Property serviced with sanitary sewers and public watermains - \$3,565.00**
- b) **Property serviced with sanitary sewers and a well or cistern - \$3,580.00**
- c) **Property serviced with public watermains and a septic system - \$4,050.00**
- d) **Property serviced by a well or cistern and a septic system - \$4,035.00**

- e) **Lease/Easement - \$2,205.00**
- f) **Concurrent Lot Creation - \$2,205.00**
- g) **Cancellation - \$525.00**
- h) **Recirculation Fee - \$235.00**
- i) **Validation of Title Fee - \$560.00**

### 5.3 Conservation Authority Plan Review Fees:

Please contact the Conservation Authorities directly to arrange payment of Conservation Authority Plan Review Fees.

#### **Contact information:**

Hamilton Conservation Authority:	905-525-2181
Halton Conservation Authority:	289-230-0104
Grand River Conservation Authority:	519-621-2763 extension 2324
Niagara Peninsula Conservation Authority:	905-788-3135

## 6.0 SITE SKETCH

### 6.1 Required Information

The application must be accompanied by a sketch or survey plan (in metric) containing the following information (you may submit additional sketches if all information is not able to be provided on one plan):

- a) The true dimensions and boundaries of the property for which the application is being made (note: a sidewalk is not usually a lot line);
- b) The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- c) The distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- d) The location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- e) The approximate location of all natural and artificial features on the subject land, and adjacent land, 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, wells and septic systems;
- f) The current uses of land that is adjacent to the subject land;

- g) The location, width and name of any roads within, or abutting, the subject land, indicating whether it is a Provincial Highway, City Road, an unopened road allowance, a public traveled road, a private road or a right-of-way;
- h) If access to the subject land is by water only, the approximate distance of the parking and docking facilities from the subject land and the nearest public road;
- i) The location and nature of any easement affecting the subject land;
- j) The location, size and type (e.g. deck, Single Detached Dwelling, etc.) of all existing buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines; and
- k) Clearly labeled “Severed” (or leased, easement, etc.) and “Retained” (or remainder) portions of the land, along with proposed dimensions. If creating more than one new lot with the application, please ensure labels on sketch match labels on the application form.
- l) The information provided must be legible and drawn with good drafting techniques; and,
- m) The submitted sketch shall be a minimum paper size of Letter (A4, 8.5 inches by 11 inches) and a maximum paper size of Ledger (A3, 11 inches by 17 inches); or an electronic copy in PDF.



## 7.0 SUBMISSION OF THE APPLICATION

Applications may be submitted via electronic submission or hardcopy submission. Electronic submissions must be sent to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Hardcopy submissions must be mailed or dropped off to Committee of Adjustment, 5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5. Hardcopy submissions (including envelopes containing cheques) must be clearly addressed to **Committee of Adjustment**.

### 7.1 Electronic Submission

- a) Acceptable file formats are .pdf, .jpeg, or .doc. All other formats will be returned, as we are unable to process them.
- b) The standard naming convention for files is as follows: LD\_Address\_Document Type (e.g., LD\_71 Main St. W.\_Application Form)
- c) The Submission must include:
  - i) One copy of the completed application form and signature sheets (with all applicable sections filled out and commissioned);
  - ii) One copy of the Survey or Site Sketch, including all required information per Section 6;
  - iii) One copy of any additional information, including studies; and,
  - iv) Payment information, either credit card payment (name and phone number of the person paying; they will be contacted by staff) or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City Hall as per the instructions above.

### 7.2 Hardcopy Submission **ONLY**

- a) One copy of the completed application form and all signature sheets (with all applicable sections filled out and commissioned);
- b) One copy of the Survey or Site Sketch, including all required information per Section 6 (a Letter size sheet A4, 8.5 inches by 11 inches or no larger than a Ledger size sheet A3, 11 inches by 17 inches);
- c) One copy of the required information/reports, (refer to application form to determine which information/reports is required); and,
- d) Payment, either by credit card (Visa or Mastercard) or debit processed at the counter, or by cheque(s).