

Guide to the Consent Process

What Is A Consent?

The Planning Act requires that a "consent" or "plan of subdivision" must be approved before a parcel of land can be divided to create an additional lot or lots. A consent is also called a severance. Controlling the division of land through "severancing" gives the Town of Huntsville a way of ensuring that the creation of lots is consistent with the planning policies of the Huntsville Official Plan, the District of Muskoka Official Plan and Provincial planning documents.

Under What Conditions Is A Consent Required?

A consent is required to:

- divide land (or sever it) for the purpose of sale;
- register a mortgage or discharge a mortgage over part of a parcel of land;
- register a lease over part of a parcel of land when the term of the lease is 21 years or more (inclusive of renewal options);
- register an easement or right-of-way; and
- adjust boundaries of existing land parcels to enlarge or decrease the size of a property.

How Many Lots Can Be Severed?

In general, applications for the creation of multiple lots are encouraged to proceed by registered plan of subdivision, particularly where any of the following apply:

- where the future development potential of the retained lands is in question;
- where major extension or dedication of a new public road would be required;
- where major extension of municipal water or sewage services would be required; or
- where an agreement or condition would be required for any part of the retained lands which is not capable of being accommodated through the consent process.

When the above conditions do not apply, multiple lot creation through the consent process may be possible. If there are significant lands that are to be retained, it may be necessary for applicants to also show, through a subdivision concept plan, how these retained lands and the proposed lots created through the consent process are compatible with one another, as well as existing and future development of abutting lands.

How Do I Make A Consent Application?

Step 1 Consult with the Town of Huntsville: In Huntsville, consents are dealt with by the Planning Committee that consists of the members of Town Council. Before you fill out an application, it is helpful to discuss your plans with the Planning Department to determine:

- the need for a consent and the type of consent involved;
- whether or not a minor variance application to the Committee of Adjustment or a rezoning application is required to amend the Town of Huntsville Zoning By-law;
- whether or not there might be servicing requirements/limitations, or land dedications involved with a consent proposal; or
- whether or not the proposal is beyond the scope of the consent process and is, for example, a subdivision situation.

Step 2 Complete the Application: To avoid delays, please ensure that your application is complete, that all drawings are neat and legible and that all dimensions are accurate.

Step 3 Circulation of Application: After your application has been received, and at least 14 days prior to the meeting, the Secretary -Treasurer of the Planning Committee will send notice of the application to every person assessed within 60 metres of the subject property, and to every person and public body that has provided a written request for such notice. Anyone wanting to be notified of the decision must make a written request. Your application will also be circulated to prescribed agencies and to Town Departments for the purpose of obtaining written comments and/or advice for consideration when making the decision on the application.

Step 4 Decision Making Process: The Planning Committee will carefully consider all aspects of your application against matters such as:

- what the effect will be on the health, safety, convenience and welfare of the present and future inhabitants;
- the impact on Provincial interests;
- whether the application is in the public interest or is premature;
- are the lands suited to the proposal;
- if the size and shape of the lots and the overall plan are suitable;
- whether the lot layout addresses conservation of natural resources and flood control;
- whether utilities, road systems, municipal services and schools are adequate;
- if the area of land being dedicated for public purposes is suitable;
- whether the application conforms to the applicable planning documents and if it is compatible with adjacent land uses.

If your application is approved, the Planning Committee may impose conditions as part of the decision. Conditions could include things such as a requirement for Site Plan Approval, the entering into of an agreement with the Town, or approval of a lot grading plan.

- Step 5 **Notice of Decision:** Within 15 days of the date on which the Planning Committee makes a decision, one copy will be mailed to you, to anyone who filed a written request for notice of the decision, to everyone who provided written comments or written submissions, and to anyone else prescribed by regulation.
- Step 6 **A Final Binding Decision:** If no appeal is made by the end of the 20 day appeal period, the decision is final and binding. You may then proceed to fulfill the conditions of consent and to prepare and submit to the Secretary -Treasurer of the Planning Committee the appropriate documents such as a deed or a mortgage for certification.

IMPORTANT NOTE: Section 53 of the Planning Act provides that:

- where a consent is granted with conditions, the conditions must be fulfilled within one year of the "giving of notice of a decision" or the consent is deemed to be "refused", and,
- where a conditional consent has been certified as to the fulfillment of the conditions, the consent itself "lapses" after two years from the date of the certificate.

How Long Does The Process Take?

On average, approximately 6 to 8 weeks elapse from the time an application is filed with the Planning Committee to the point where a decision of the Planning Committee is final and binding.

Can Anyone Appeal The Decision?

Anyone may appeal a decision of the Planning Committee to the Ontario Municipal Board (OMB) within 20 days of the date of the Notice of the Decision of the Planning Committee by personally delivering or sending a Notice of Appeal to the Secretary -Treasurer of the Planning Committee. The appeal must set out the reasons for objecting to the decision and must include the OMB's prescribed appeal fee. The Secretary -Treasurer will then prepare an appeal package and forward it to the OMB. The OMB will schedule a hearing and give written notice of the time and date in advance of the hearing.

Need More Information or Have Any Questions?

Contact:

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Ministry of Transportation
207 Main Street West
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Department of Fisheries & Oceans
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