

COMMITTEE OF ADJUSTMENT CONSENT APPLICATIONS - FEE SCHEDULE

Application	\$1700
Rescheduling/Renotification	\$ 150
Change of Conditions	\$ 150
Regional Review	
new lot within Urban Area Boundary	\$ 100
new lot outside Urban Area Boundary	\$ 200
applications for easement, lease, lot additions, etc.	\$ 100
Health Department Review	
each parcel severed	\$ 280
parcel retained	\$ 280
Niagara Peninsula Conservation Authority Review	
minor (in the area of interest to the CA)	\$ 450
major (requiring technical studies)	\$1050

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

Under Section 41(3.1) of the Planning Act, and subject to the provisions of By-law No. 2008-189, the applicant is required to consult with Planning and Development staff prior to the submission of any application for consent. Depending on the complexity and circumstances associated with the proposal a preconsultation meeting may be required.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by advertising in a newspaper which has general circulation in the area. In addition, and by policy of the Niagara Falls Council and the Committee of Adjustment, other agencies will be consulted if the location of the subject land falls within their respective field of responsibility. Refer to "Suggestions to the Applicant".

Section 69(3) of The Planning Act states that a filing fee may be paid "under protest" and thereafter appealed to the Ontario Municipal Board against the levying of the fee or the amount of the fee, by giving written notice of appeal to the Ontario Municipal Board within 30 days of payment of the fee.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application. To assist the members and other interested persons or agencies in locating the lands under consideration, and to satisfy notice requirements under the Planning Act, a public notice sign(s) will be posted on the land subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Ontario Municipal Board within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Ontario Municipal Board. The fee is \$125.00 for the first application to be appealed and \$25.00 for each additional related consent appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Ontario Municipal Board.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

The requirements to complete one application are:

- A signed Preconsultation Checklist.
- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Fifteen (15) copies of a preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information referred to in item 14 of the application form.
- Payment of the appropriate fee. Cheques are to be made payable to "Treasurer, City of Niagara Falls" (see attached fee schedule).

If an application is being made to convey a parcel of land together with or subject to a right-of-way or easement, a separate application form and fee will not necessarily be required for the right-of-way or easement.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

- That payment of 5% of the value of the subject parcel be made to the City for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.
- That an agreement with the City be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.
- That land be deeded gratuitously to the City or Region for road widening purposes.



Committee of Adjustment The Planning Act - Section 53 Application for Consent

File No. _____

Please Type Or Print In Ink

1. (a) Registered Owner(s): _____

Mailing Address: _____

City: _____ Province: _____ Postal Code: _____

Telephone: _____ Fax: _____ Email: _____

(b) Owner's Solicitor (if any): _____

Mailing Address: _____

City: _____ Province: _____ Postal Code: _____

Telephone: _____ Fax: _____ Email: _____

(c) Authorized Agent (if any): _____

Mailing Address: _____

City: _____ Province: _____ Postal Code: _____

Telephone: _____ Fax: _____ Email: _____

(d) Please specify to whom all communications should be sent:

Owner [] Solicitor [] Agent []

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- | | |
|--|--|
| <input type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Mortgage or Charge |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Easement (describe below) | <input type="checkbox"/> Right-of-way (describe below) |

(b) If a lot addition, identify the lands to which the parcel will be added:

(c) Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged:

3. Are there any existing easements or restrictive covenants affecting the land?

Yes [] No []

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) _____

Former Municipality _____

Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street _____ Street No. _____

5. Description of subject land: Part No. on sketch _____
 (a) Frontage _____ m Depth _____ m Area _____ sq.m. or ha
 (b) Existing Use _____ Proposed Use _____

(c) Existing and proposed buildings and structures on the subject land:
 Existing: _____
 Proposed: _____

What were the previous uses of the subject lands?
 Residential Industrial Commercial
 Agricultural Parkland Vacant Other

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

6. Description of land to be retained: Part No. on sketch _____
 (a) Frontage _____ m Depth _____ m Area _____ sq.m. or ha
 (b) Existing Use _____ Proposed Use _____

© Existing and proposed buildings and structures on the land to be retained:
 Existing: _____
 Proposed: _____

What were the previous uses of the subject lands?
 Residential Industrial Commercial
 Agricultural Parkland Vacant Other

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

7. (a) Type of access to subject land:
 Provincial Highway Regional Road
 Municipal Road maintained all year Other Public Road
 Municipal Road maintained seasonally Right-of-Way
 Water Access * Private Road

* If access is by water only, detail the parking & docking facilities to be used and the approximate distance of those facilities and the nearest public road: _____

(b) Type of access to retained land:
 Provincial Highway Regional Road
 Municipal Road maintained all year Other Public Road
 Municipal Road maintained seasonally Right-of-Way
 Water Access* Private Road

* If access is by water only, detail the parking & docking facilities to be used and the approximate distance of those facilities and the nearest public road: _____

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water supply	[]	[]
Lake	[]	[]
Well (private or communal)	[]	[]
Other (specify)	[] _____	[] _____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	[]	[]
Septic system (private or communal)	[]	[]
Other (specify)	[] _____	[] _____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Municipal Official Plan _____
- (b) Regional Policy Plan _____

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes [] No []

(b) If the answer to (a) is "Yes", please provide the following information:

File Number _____
Decision _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

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 (Purchaser's) name _____
Land Use on severed parcel _____
Date parcel transferred _____
Consent file number (if known) **B** _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an official plan amendment; a zoning bylaw amendment; a minor variance?

Yes [] No []

(b) If the answer of (a) is "Yes", give the file number and status of the application.

14. As provided for in Ontario Regulation 547/06, and as required by this Committee of Adjustment, an application must be accompanied by eighteen (18) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one set of eighteen (18) drawings plus one extra copy for each additional application will suffice.

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- (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 on the land that is adjacent to the subject 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 tanks;

- (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
- (g) 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;
- (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- (i) the location and nature of any easement affecting the subject land.

15. Is the application consistent with the policy statements issued under subsection 3(I) of the Act?

Yes [] No []

16. (a) Are the subject lands within an area of land designated under any Provincial plan(s)?

Yes [] No []

16. (b) If yes, please indicate if the application conforms to or does not conflict with the applicable Provincial Plan(s).

17. One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the Treasurer, City of Niagara Falls.

I/We _____

of the City/Town/Township of _____

in the County/District/Regional Municipality of _____

solemnly declare that all the statements contained in this application are 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 _____) TO BE SIGNED IN THE PRESENCE OF A
_____ of _____)
_____)
in the Regional Municipality of Niagara)
_____)
this _____ day of _____)
_____)
A.D. _____)

(Signature of applicant(s), solicitor or authorized agent)

A Commissioner, etc.

PLEASE NOTE:

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: **The Freedom of Information and Privacy Coordinator: 4310 Queen Street, P.O. Box 1023, Niagara Falls, ON L2E 6X5 905-356-7521 extension 4241**

APPENDIX 1

Environmental Site Screening Questionnaire

In order to assist in determining if the subject lands are potentially contaminated, applicants are to complete the following. It should be acknowledged that if there is reason to suspect contamination, further studies will be required and that a Record of Site Condition will also be required in the event of remediation.

1. Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
2. Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
3. Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
4. Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
5. Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
6. Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
7. Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
8. If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
9. Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

10. If current or previous use of property is industrial or commercial, or if the answer is YES to any of 1 to 9 above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

ACKNOWLEDGEMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Name (please print)

Signature of Applicant

Date

AUTHORIZATION

Location of Subject Lands

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

of the _____ of _____
(Municipality)

to make application(s) on my/our behalf to the Committee of Adjustment for the City of Niagara Falls for consent to convey an interest in the land in accordance with Subsection 1 of Section 53 of the Planning Act, R.S.O. 1990.

Dated at the _____ of _____ in the Regional Municipality of _____, this _____ day of _____, _____.

Signature of Owner

Name of Owner (printed)

Signature of Owner

Name of Owner (printed)

Signature of Owner

Name of Owner (printed)

NOTE: This form is only to be used for applications which are to be signed by someone other than the owner(s). If the applicant is a corporation, the corporate seal is to be affixed over the owner's signature(s).

SUGGESTIONS TO THE APPLICANT

In accordance with Ontario Regulation 197/96 made under the Planning Act, the Committee of Adjustment is required to serve notice of your application for consent to convey an interest in land to a number of authorities. All written responses will be taken into account by the Committee in reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate authorities from the list below, prior to submitting a formal application to the Committee. This could provide you with information about the Regional Policy Plan, servicing, the concerns of various Provincial Ministries and other relevant information which may have direct effect upon the final decision on your application.

Municipal Works Division 905-356-7521
City of Niagara Falls

- ▶ Availability of services, roadway requirements

The Director, Planning and Development Department 905-685-1571
Regional Municipality of Niagara 1-800-263-7215

- ▶ Regional Policy Plan

- AND -

- For Concerns of
- ▶ Ministry of Natural Resources
 - ▶ Ministry of Environment
 - ▶ Ministry of Agriculture, Food and Rural Affairs.

The Director, Public Works Department 905-685-1571
Regional Municipality of Niagara 1-800-263-7215

- ▶ Land fronting on or adjacent to Regional Roads

The Medical Officer of Health, Niagara Regional Public Health Department 905-356-1538

- ▶ If either municipal sewer or water services are unavailable.

Niagara Escarpment Commission 905-877-5191
232 Guelph Street
Georgetown, Ontario L7G 4B1

- ▶ All applications which fall within the Planning Area of this authority.

Niagara Peninsula Conservation Authority 905-788-3135
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2

- ▶ Land which may be zoned as “Hazard” in the local zoning by-law; lands which are or may be proposed for park acquisition, lands adjacent to watercourses.

Ministry of Transportation 905-704-2913
301 St. Paul Street, 2nd Floor South
St. Catharines, Ontario L2R 7R4

- ▶ Land bordering on provincial highways.

Niagara Parks Commission 905-356-2241
P.O. Box 150
Niagara Falls, Ontario L2E 6T2

- ▶ Land in proximity to property under the control of the Niagara Parks Commission.