

HOW TO COMPLETE THE CONDITIONS OF YOUR CONSENT APPROVAL
Now that you have your “provisional consent” on the Consent application, what should you do?

Provisional consent means that you have approval to complete “conditions”, before the Secretary-Treasurer can stamp a deed to finalize the Consent process. You have one (1) year to complete these conditions, or your “conditional approval” runs out and you must start over again.

The following is a partial list of “typical” conditions you could possibly have imposed on your severance approval. You will find these conditions listed on your “**NOTICE OF DECISION**” form. Box 2 explains how you could go about meeting them. If your situation does not include any of the following, call the Secretary-Treasurer for advice.

It will help your lawyer and surveyor to complete their tasks, on your behalf, if you provide them with a copy of the “**NOTICE OF DECISION**” as soon as it is available.

SAMPLE OF A ROUTINE CONDITION	THIS IS HOW YOU CAN MEET THIS CONDITION
<p>3 (three) copies of the deed along with 1 (one) digital copy and one paper copy of the deposited plan of survey (R-plan), or a legal description acceptable to the Registrar of Deeds, being received by the Secretary-Treasurer.</p> <p><i>(Note to solicitor: Please attach a SCHEDULE as Page 2 to the deed, which names the Transferor, Transferee, the Description of the property to which the Certificate applies and the Application for Consent File No.)</i></p>	<p>The deeds are prepared by a lawyer, using a deposited plan of survey, which must be prepared by a qualified Ontario Land Surveyor (OLS).</p> <p>The digital copy of the survey is provided by your OLS.</p> <p>The lawyer and OLS are chosen by you. If you do not have a lawyer or OLS, one option is to check the telephone book for Haliburton County.</p> <p>Deeds and surveys are not required until all of the other conditions are met. However, you may need to have the survey completed early in order to meet other conditions such as a rezoning application if the Township requires it.</p>
<p>An undertaking from the applicant’s solicitor confirming that the deeds will be registered on title within two years from the date of the certificate</p>	<p>Your lawyer will provide this undertaking at the same time as the deeds are submitted. This condition ensures that your consent does not lapse after two years.</p>
<p>Subsection 3 or 5 of Section 50 of the <i>Planning Act R.S.O. 1990</i>, shall apply to any subsequent conveyance or transaction involving the severed land.</p>	<p>This is a condition imposed when you are “adding to a lot” or “adjusting a lot line”. This ensures that the piece that is being severed can never be sold or considered separately from the newly merged lot.</p> <p>This clause is also used when you are creating a “right-of-way” across your property or establishing an “easement” for a utility such as Bell Canada. In these instances it ensures that the piece that is being severed can never be sold or considered separately from the original lot.</p>
<p>As the application is for the purpose of a lot addition, the deeds or instruments, submitted to the Secretary-Treasurer for review and consent endorsement, shall be accompanied by an undertaking from the applicant’s solicitor confirming that the lands to be severed will be consolidated on title with the adjacent lands.</p>	<p>This is a condition imposed when you are “adding to a lot” or “adjusting a lot line”. This condition requires the solicitor to provide an undertaking confirming that the severed and benefitting lands will be consolidated on title. Your solicitor will provide this undertaking.</p>
<p>The registered owner shall apply to the Municipality for a deeming By-law for Lot X, Plan XXX in order to permit the severed parcel and the benefitting parcel to merge on title.</p>	<p>This is a condition imposed when you are “adding to a lot” or “adjusting a lot line” where the lot being enlarged was created, more than eight years previously, through a plan of subdivision. This ensures that the piece that is being severed can never be sold or considered separately from the newly merged lot.</p>
<p>Payment of the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality.</p>	<p>This is required to ensure that the severed portion does not have any outstanding property taxes owing against it at the time the certificate of consent is granted.</p>
<p>Cash-in-lieu of parkland fee shall be paid to the Municipality.</p>	<p>This is a fee that Townships are able to apply to severances as a condition. A “cash-in-lieu of parkland fee” is imposed instead of 5% of your property for parkland, which is allowed to municipalities under the Ontario Planning Act. A cash-in-lieu fee is more practical and is a very common condition of severance.</p>
<p>A copy of all reference plans associated with this application shall be provided to the Municipality for approval prior to registration.</p>	<p>If you have this type of condition imposed you must ensure that your OLS provides the designated Municipal staff person with a copy of the preliminary survey, prior to it being registered on title, so that it can be reviewed for conformity to the municipal zoning by-laws.</p>
<p>The registered owner shall provide, to the Municipality, certification from an Ontario Land Surveyor that all buildings and structures comply with the applicable setback requirements to the newly created lot lines.</p>	<p>This is a condition is used to ensure that the buildings conform to the minimum zoning setback requirements. In order to clear this condition, you must have your OLS forward a letter of certification to the Municipality.</p>
<p>Rezoning of the Severed and/or Retained parcel(s), to the satisfaction of the Municipality. OR</p> <p>The completion of a Minor Variance on the Severed and/or Retained parcel(s), to the satisfaction of the Municipality.</p>	<p>If you have this type of condition imposed, you must attend at the Township to apply for rezoning or a minor variance. There will be an application fee and a process similar to the Consent process to go through. It is suggested you attend to this condition early as it can become time-consuming and cost valuable time for the one year time limit for conditions to be met.</p>

SAMPLE OF A ROUTINE CONDITION	THIS IS HOW YOU CAN MEET THIS CONDITION
<p>The registered owner shall enter into a severance agreement pursuant to Section 51(26) of the Planning Act to address all planning matters, including but not limited to, (<i>Items will be listed specific to your proposal</i>). A copy of the registered agreement shall be provided to the Municipality, prior to endorsement of the deeds for this Application for Consent.</p>	<p>This common condition is imposed as a way to ensure that matters identified during the severance process can be dealt with in the future. Items included in a severance agreement could be things such as site specific development requirements (e.g. access by private right-of-way, grading, building and septic locations, etc.). The Municipality can provide guidance on who prepares the Agreement and the format and content of the agreement. The Agreement is signed by Transferor/Transferee and the Township and is then registered on title as notice to any future owners.</p> <p>The advantage of the Agreement is that many don't proceed to build immediately on a newly created lot.</p> <p>Your survey will need to be complete to draw up the Agreement because the property description will be used to register the document.</p>
<p>The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, along the frontage on (<i>name of the public road</i>), fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Roads Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A mylar copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. The Municipality shall be consulted prior to commencing a survey to determine the amount of road widening required.</p>	<p>This is a condition which may be imposed by the provincial, county or local road authorities in order to ensure that the road authority has adequate road width for future road works.</p> <p>If this condition is imposed, you must follow the instructions and ensure that your OLS and solicitor are aware of the requirements. Your surveyor will need to add the road widening as parts on the survey and your solicitor will need to prepare the additional deed.</p>
<p>The registered owner shall obtain, from the Municipal Road Department, any required entrance approvals.</p>	<p>This is a condition which may be imposed by the provincial, county or local road authorities in order to ensure safe ingress and egress from a newly created lot. Contact the public road authority identified in the condition to obtain an entrance approval.</p>
<p>A Mutual access for the benefit of both the Severed lot in this file H-XXX/XX and the Retained parcel must be installed by the applicant and shown in both the deeds and the survey, to the satisfaction and specifications of the Ministry of Transportation. Draft copies of all documents must be shown to the Ministry before finalizing the Consent.</p>	<p>This is a condition which may be imposed by the provincial, county or local road authorities in order to ensure safe ingress and egress from a newly created lot. The rules on County and Provincial Highways tend to be much more restrictive due to the high speeds on these roads. If this condition is imposed, you must follow the instructions and include the mutual driveway in your survey.</p>
<p>The applicant shall provide, to the satisfaction of the Secretary-Treasurer, written confirmation of long-term arrangements for parking and boat docking to service the severed lot. Confirmation shall be in the form of a letter from the public authority, if access is from a public site; a copy of the agreement, if access is from a private site held in other ownership; or a copy of the deed, if access is from a private site held wholly or in part by the applicant.</p>	<p>This is a condition which will be imposed if the property is on an island. It is used to ensure that there is adequate parking and docking areas reserved to service the lot.</p>
<p>The applicant shall provide, to the satisfaction of the Secretary-Treasurer, certification from a solicitor or Ontario Land Surveyor that the severed parcel has a legal right-of-way from a public road.</p>	<p>This is a condition which will be imposed where the access to the lot is from a private road. It is used to ensure that there is clear legal access from a public road to the property. In order to clear this condition, you must have your OLS or solicitor forward a letter to the Secretary-Treasurer.</p>
<p>The removal of the 0.3 metre (1 foot) reserve across the north part of Edgewood Park Drive.</p>	<p>This is another type of condition which in this case came directly from the Township, County Roads Department or Ministry of Transportation. In order to clear this condition, you must contact your Township for direction.</p>
<p>A requirement that the deeds for one application shall be registered prior to another accompanying application OR an undertaking will be provided by the solicitor indicating that the deeds will be registered in the appropriate order.</p>	<p>This is a condition that is imposed when more than one new lot is being created, reciprocal lot additions are proposed, or a right-of-way is being created across several properties or any other situation where failure to register the deeds for one application prior to those of another will result in a <i>Planning Act</i> violation.</p> <p>This condition is completed by your lawyer.</p>
<p>Prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the _____, confirming that conditions #2, #3 and #4 have been fulfilled to its satisfaction.</p>	<p>This is a condition which requires the public agency which requested a condition to confirm to the Land Division office that its conditions have been satisfied prior to the Secretary-Treasurer certifying the deeds.</p>