

What is a Consent?

A Consent (or severance) application is required to create new lots, establish right-of-ways and easements, adjust property boundaries between lots, or permit owners to enter into a mortgage or lease in excess of 21 years. It is also a tool used to validate title and proceed with a power of sale. Section 51(24) of the Planning Act lays out criteria to be considered for consents.

Application Process

1. Consultation with Planning Staff

Prior to submission of an application, applicants must consult Planning Staff to review the details of the proposal and determine if a consent application is appropriate. The Planner will also go through what is required for a complete application as well as try to identify any issues which may impact the success of the application.

2. Complete Application Submission

There are monthly deadlines for submission to the Committee of Adjustment. Upon submission, the application is typically heard by the Committee approximately two months later. Deadlines for 2019/2020 can be found here: <https://www.brantford.ca/en/business-and-development/committee-of-adjustment.aspx>

To submit a consent application, the application must be considered complete. Items required to form a complete application are as follows:

1. Fees

Can be found here:

<https://www.brantford.ca/en/business-and-development/planning-fees.aspx>

2. Application Form

Can be found here:

<https://www.brantford.ca/en/business-and-development/resources/Documents/NEW->

[Application---Consent-Severance-Approval-2018-09.pdf](#)

3. **Survey** and/or Survey Sketch, completed by an OLS.
4. **Cover Letter** describing the proposal
5. Any other **supplementary information** that may be required, which may be requested by the Planner when consulting prior to submission. This may include elevations, grading plan, spatial separation calculations, etc.

3. Circulation of Application

Once a complete application is received, Planning Staff circulate the application to other departments and agencies, who provide comments on the application. These comments are incorporated into the staff report, and typically result in conditions being added to the decision, assuming the application is approved.

4. Notice of Application

Notification is provided as per Planning Act requirements. Residents within 60m of the site are mailed a notice at least 14 days prior to the meeting. A sign must be posted on the property, one sign per frontage. The City prepares the sign, and the Applicant posts the sign for at least 14 days prior to the meeting.

5. Public Meeting and Decision

In general, the applicant or a representative should attend the hearing to be available for any questions. Other interested parties (neighbours, residents, etc) are also entitled to attend the hearing and express their views on the application.

The Staff Report is available the Friday before the meeting and includes a recommendation to approve, refuse, or defer the application. The Committee Members take into consideration

provincial and municipal policies, the input heard at the hearing, as well as the report and presentation prepared by Planning Staff which is provided for review. Following discussion, the Committee votes upon a motion to approve, refuse, or defer the application.

6. Appeal Period

Once a decision is made by the Committee of Adjustment, there is the opportunity to appeal the decision within 20 days from when the decision is sent out. Information regarding the appeal process can be found on the reverse side of this pamphlet.

7. Notice of Decision

If an appeal is not received by the end of the 20-day appeal period, the decision is final and binding. If approved, the applicant can then proceed to work through satisfying the conditions of approval.

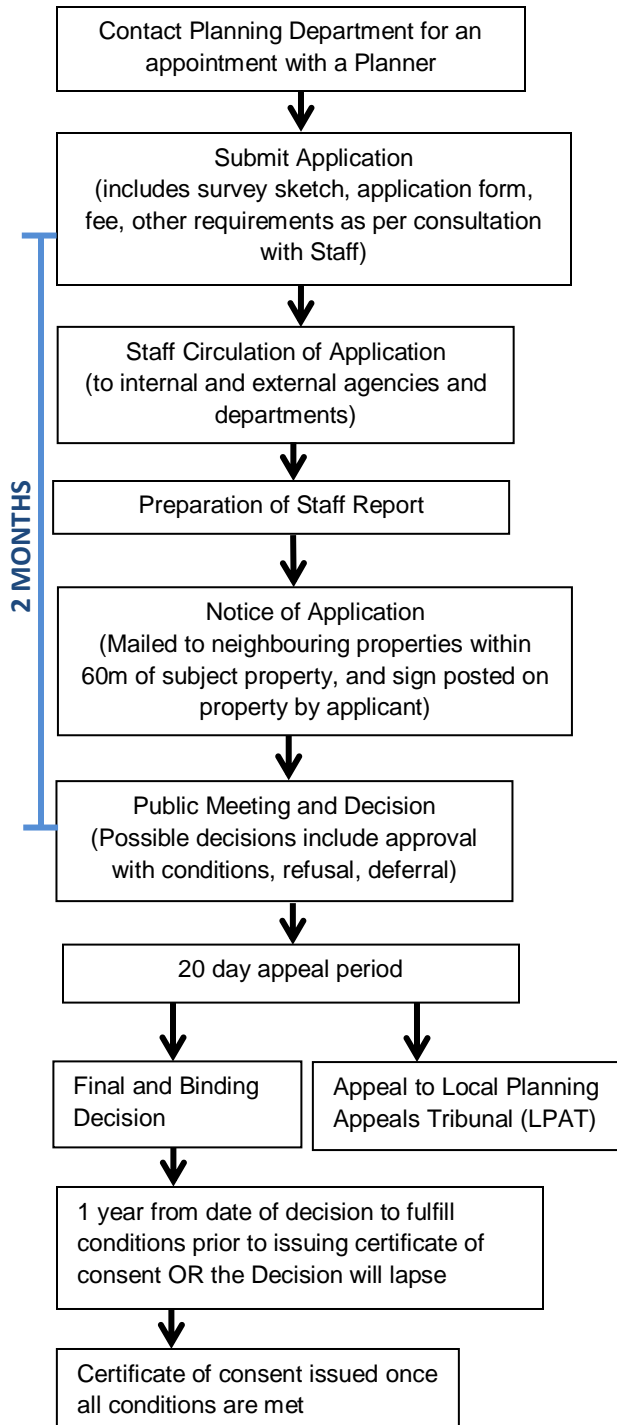
8. Fulfilling Conditions

The applicant has one year to fulfill the conditions of approval. Standard conditions that may or may not apply to the application include:

- Preparation and registration of a Reference Plan
- Payment of taxes up to date
- Payment of cash-in-lieu of parkland
- Engineering requirements (i.e. grading, servicing)
- Daylight Triangle is dedicated to the City
- Road Widening is dedicated to the City
- Confirmation spatial separations are adequate
- Engineering satisfied with driveway location
- Confirmation lots are independently serviced
- Confirmation existing buildings comply with zoning
- Confirmation addresses have been assigned

There are costs or fees associated with fulfilling conditions. This includes legal fees, surveyor fees, engineering fees, among others.

Consent Process Chart



Appeal

Within the 20 day appeal period, appeals can be submitted by any person who spoke at a public hearing or sent in a written submission. This also includes the applicant and the City. These appeals are made to the Local Planning Appeal Tribunal (LPAT), however they are submitted to the City of Brantford.

The LPAT is a provincial adjudicative tribunal that oversees appeals of Planning Applications throughout Ontario.

Those wishing to appeal a decision must submit a completed Appellant Form along with the filing fee of \$400 payable to the Minister of Finance. More information can be found at the website:

<https://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>

Note: Commencing January 1, 2020 an additional administrative fee in the amount of \$500 is also required, payable to the Corporation of the City of Brantford.

For any planning inquiries please contact:

The City of Brantford
 Planning Department
 100 Wellington Square,
 Brantford, ON, N3T 5R7
 Tel: (519) 759-4150 x5546
 Website: www.brantford.ca

This pamphlet is intended to provide preliminary information only. Last updated January 2020.



RESIDENT GUIDE TO CONSENT APPLICATIONS

COMMITTEE OF ADJUSTMENT

