

# CONSENT APPLICATION GUIDE

## APPLYING FOR CONSENT

Consent granting authority in the City of Greater Sudbury is vested in a Consent Official appointed by City Council.

Under the provisions of the planning legislation of this province, a Consent Official is empowered to deal with applications relating to a number of transactions affecting land such as the creation of a new lot or parcel, the creation of an easement/right-of-way and granting a long-term lease for 21 years or more.

The consent granting framework is formally established in the *Planning Act* R.S.O. 1990, c.P.13. The processing of applications considered by the Consent Official is performed by an administration which must also adhere to specific legal requirements.

## DEALING WITH THE APPLICATION

1. If sewage disposal will be provided by a privately owned and operated individual septic system, a privy or a means other than a publicly owned and operated sanitary sewage system:

Attend at the Environmental Health Division of the Sudbury and District Health Unit, located on the main floor, 1300 Paris Street, Sudbury, with a copy of the completed application and sketch to make formal application for their comments concerning the capability of both the severed and retained portions of supporting a Class IV private sewage disposal system to service a standard three bedroom dwelling in accordance with the Ontario Building Code. If, however, your proposal will result in the immediate or cumulative creation of more than 3 new lots from a single parcel of land, comments, based on the same criterion, must be obtained from a qualified professional, such as an engineer. Upon receipt of these comments, if favourable, proceed to file the Application for Consent with the Office of the Consent Official. If the comments are NOT favourable, the applicant will be saved the expense of a formal consent application.

2. The application, once processed, will be circulated to officials of the municipality, commissions, agencies, etc., for comments.
3. The legal notice outlining the date and time frame for written submissions will appear in The Sudbury Star newspaper at least fourteen (14) days prior to the decision date, and for proposed consent applications that are larger in scale or may affect adjoining properties, a courtesy notice may also be mailed to the property owners within 60 metres of the subject lands.
4. The decision of the Consent Official will be sent no later than fifteen (15) days from the date the decision was rendered.
5. If no appeal to the Ontario Land Tribunal is filed within twenty (20) days after the notice of decision is sent, the decision of the Consent Official is final.

**NOTE:** It is only after the expiration of the appeal period, the fulfilment of conditions of approval and the submission of a plan of survey (if required), that a "Certificate of Official" is issued to permit registration of the relevant documents at the Land Registry Office.

REQUIRED CONSENT SKETCH SAMPLE

A sketch drawn to scale in METRIC units showing the following:

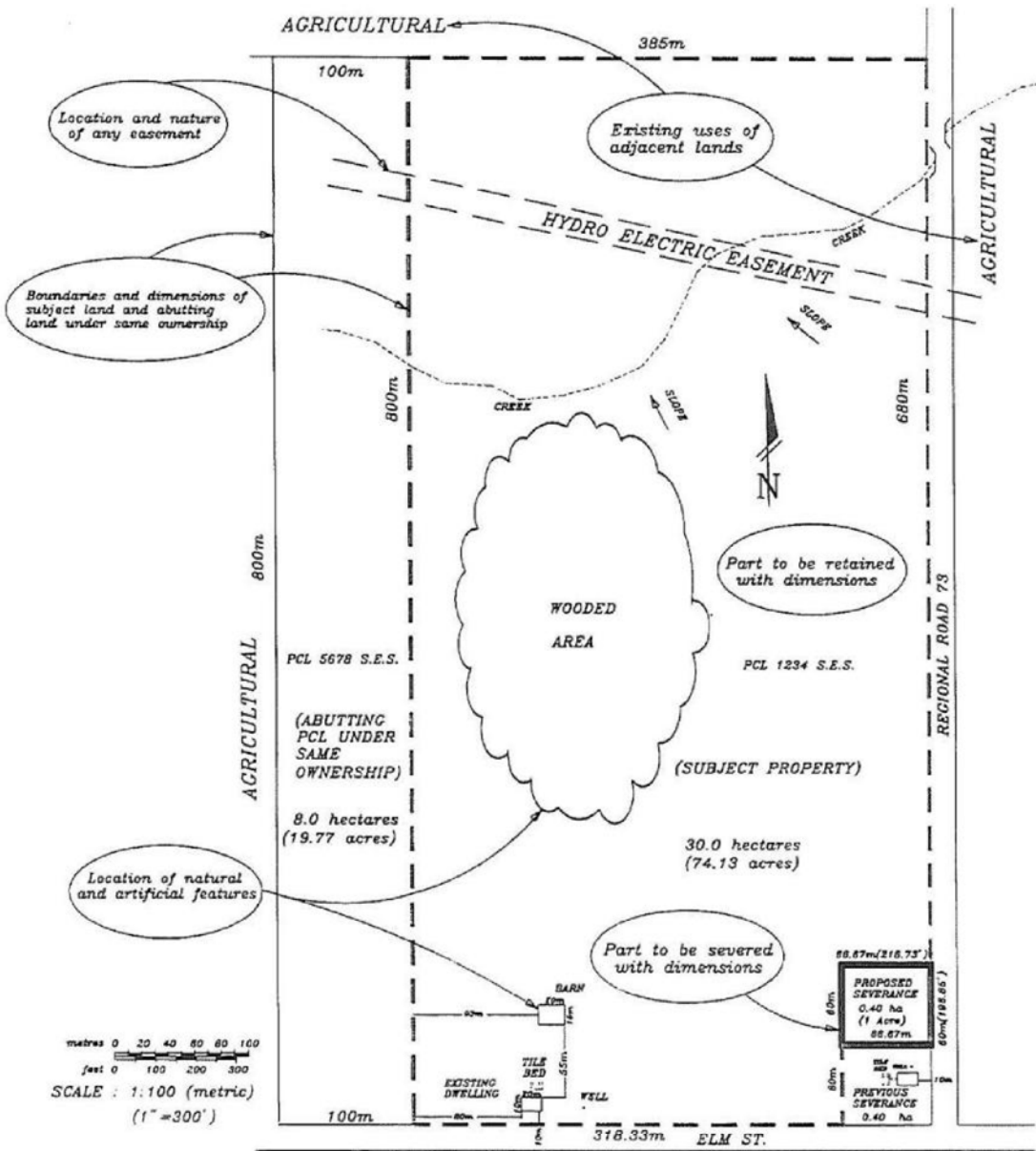
- 1) The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land. Measurements must be in metric.
- 2) The approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- 3) The boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained. Measurements must be in metric.
- 4) The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- 5) The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that;
  - a. are located on the subject land and on land that is adjacent to it and,
  - b. in the applicant's opinion, may affect the application.
- 6) The current uses of lands that are adjacent to the subject land (for example, residential, agricultural or commercial).
- 7) 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.
- 8) If access to the subject land will be by water only, the location of the parking and boat docking facilities to be used.
- 9) The location and nature of any easement affecting the subject land.



Scale 1:200

The required sketch must be shown to scale. The preferred size is on paper no larger than 8.5" x 14". Larger plans will be accepted provided a reduction for circulation purposes is also submitted.

NOTE\* Measurements must be in metric.



Office Use Only  
2024.01.01

B

S.P.P. AREA  
Yes\_\_\_ No\_\_\_

NDCA REG. AREA  
Yes\_\_\_ No\_\_\_

City of Greater Sudbury

APPLICATION FOR CONSENT

**APPLICATION FEE: \$2,170.00 (includes \$320.00 Legal Notice Fee)**  
CASH, DEBIT OR CHEQUE MADE PAYABLE TO: **CITY OF GREATER SUDBURY**  
**Note:** An application fee is levied for **each** new lot created; the remainder is not subject to an application fee.

Personal information on this form is collected pursuant to the *Planning Act*, R.S.O. 1990 c.P.13. Any questions regarding the collection of this information may be directed to the Manager of Development Approvals. In accordance with Section 1.0.1 of the *Planning Act*, R.S.O. 1990, information and material required to be provided to a municipality or approval authority as part of this application shall be considered public information and shall be made available to the public.

PLEASE PRINT. SCHEDULES MAY BE INCLUDED IF NECESSARY

1) The undersigned hereby applies to the City of Greater Sudbury under Section 53 of the *Planning Act* R.S.O. 1990, c. P.13 for consent, as described in this application.

Registered Owner(s):		Email:
Mailing Address:		Home Phone:
		Business Phone:
City:	Postal Code:	Fax Phone:

2) Name of Purchaser(s) or Chargee(s):

Name of Purchaser(s) or Chargee(s):		Email:
Mailing Address:		Home Phone:
		Business Phone:
City:	Postal Code:	Fax Phone:

**Note:** If the application is being made by a purchaser or the purchaser's agent, please provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of this application.

3) If the application will be represented by someone other than the registered owner(s), purchaser(s) or chargee(s) and/or the application is prepared and submitted by someone other than the registered owner(s), purchaser(s) or chargee(s) please specify.

Name of Agent:		Email:
Mailing Address:		Home Phone:
		Business Phone:
City:	Postal Code:	Fax Phone:

**Note:** Unless otherwise requested, all communication will be sent to the agent, if any.

4) Purpose of Transaction

<input type="checkbox"/> Creation of a new lot	<input type="checkbox"/> Easement/Right-of-way	<input type="checkbox"/> Lease
<input type="checkbox"/> Addition to a lot	<input type="checkbox"/> Creation of lot(s) for	<input type="checkbox"/> Other;
<input type="checkbox"/> Cancellation of Prior Consent	<input type="checkbox"/> Semi-detached or row housing	specify_____
File #_____ Date: _____		

5) Name of person(s) (purchaser, lessee, mortgagee, etc.) to whom land or interest in land is intended to be conveyed, leased or mortgaged. \_\_\_\_\_

6) Legal Description (include any abutting property registered under the same ownership).

Roll #	Township	Lot No.	Concession No.
PIN(s):		Parcel(s)	
Subdivision Plan No.	Lot	R-Plan No.	Part(s)
Municipal Address or Street(s):			Ward:

7) Are there any easements or restrictive covenants affecting the subject land?    ☐ Yes    ☐ No

If the answer is “yes”, please indicate a description of each easement or covenant and its effect.

8) Date of acquisition of subject land. \_\_\_\_\_

9) Has the land ever had any previous severances?                    ☐ Yes    ☐ No

    If “yes”, please indicate previous severances on the required sketch and supply the following information for each lot severed: (attach a schedule if necessary).

<u>Date of Transfer</u>	<u>Name of Transferee</u>
<u>Use of severed land</u>	<u>Consent File No.</u>

10) Has the parcel intended to be severed ever been, or is it now a part of an application for a Plan of Subdivision under Section 51 of the *Planning Act* R.S.O. 1990, c.P.13 or its predecessors?  
      ☐ Yes                    ☐ No

    If “yes”, indicate the file number and status of the application. \_\_\_\_\_

11) Is the property also subject of an Application for Minor Variance, Rezoning or an Official Plan Amendment?  
      ☐ Yes                    ☐ No

    If “yes”, indicate the file number(s). \_\_\_\_\_

**Note:** If the Consent application is requested to proceed prior to securing necessary minor variance or rezoning approvals, please complete the Acknowledgement of Risks form at the end of this Application form as an Application for Consent cannot succeed without such approval(s) in place.

12) Dimensions of land to be severed **in metric units** (describe **only** the portion of the land which is to be transferred, leased or mortgaged)?

<u>Frontage</u>	<u>Depth</u>	<u>Area</u>
<u>Existing Use</u>	<u>Proposed Use</u>	

Number and use of existing buildings and structures on the land to be severed?

<u>Existing</u>	<u>Proposed</u>
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If applicable, indicate Parcel Number and /or Lot and Registered Plan of Subdivision Number of property which will benefit from the lot addition/consolidation, easement/right-of-way.

13) Dimensions of land intended to be retained **in metric units** (describe **only** the portion of land which will remain following the severance(s); if the transaction is an easement/right-of-way or lease, describe the entire lot or parcel).

<u>Frontage</u>	<u>Depth</u>	<u>Area</u>
<u>Existing Use</u>	<u>Proposed Use</u>	

Number and use of existing buildings and structures on the land to be retained?

<u>Existing</u>	<u>Proposed</u>
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14) Will a certificate be required for the retained land?    ☐ Yes    ☐ No

If “yes”, please provide a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the *Planning Act*, R.S.O. 1990, c. P.13.

- 15) Will access to the land to be severed or to the land that will be retained, be accessed by;
- a) a provincial highway,

b) a municipal road that is maintained all year or seasonally,

c) a road which is maintained by the municipality,

d) by water?
- Yes

No

Yes

No

Yes

No

Yes

No

If access to the land will be by water only, indicate parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road. Also provide details on the required sketch.

16) What types of water supply and sewage disposal are proposed?	Proposed Lot	Retained Lot
Municipally owned and operated piped water system	<div></div>	<div></div>
Municipally owned and operated sanitary sewage system	<div></div>	<div></div>
Lake	<div></div>	<div></div>
Individual Well	<div></div>	<div></div>
Communal Well	<div></div>	<div></div>
Individual Septic System	<div></div>	<div></div>
Pit Privy	<div></div>	<div></div>
Other	<div></div>	<div></div>

- 17) Is the property located with 1km (0.6 miles) of a First Nation Reserve?
- Yes

No

- 18) What is the current designation of the subject land in the applicable Official Plan and explain how the application conforms with the Official Plan.
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- 19) Explain how the application is consistent with the Provincial Policy Statements issued under subsection 3 (1) of the *Planning Act*. Please provide an explanation below, or attach a Schedule outlining the particulars of same.
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- 20) Explain how the application conforms, or does not conflict with the Growth Plan for Northern Ontario. Please provide explanation below or attach a Schedule outlining the particulars of same.
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- 
- 
- 

- 21) What is the number of dwelling units on the property?
- 
- If this application is approved, would any existing dwelling units be legalized?

Yes

No
- If "yes", how many?

- 22) Is this property located within an area subject to the Greater Sudbury Source Protection Plan?
- Yes

No
- If "yes", provide details on how the property is designated in the Source Protection Plan.

- 23) If there is any additional information which may be relevant to your proposal and which should be considered by any of the agencies reviewing this application, please attach a schedule outlining the particulars of same.
- Schedule Attached

Yes

No

PART A: OWNER ACKNOWLEDGEMENT AND CONSENT

I/We, \_\_\_\_\_ (please print all names), the registered owner(s) of the property described as

\_\_\_\_\_

in the City of Greater Sudbury:

Collection, Use and Disclosure of Information:

- a) acknowledge that personal information collected on this form is collected pursuant to the *Planning Act*, R.S.O. 1990, c.P.13 for the purpose of processing this planning application;
- b) acknowledge that it is the practice of the City of Greater Sudbury, in accordance with section 1.0.1 of the *Planning Act*, R.S.O. 1990, c.P.13, to provide public access to all planning applications and documents, including but not limited to reports, studies and drawings, required by the City of Greater Sudbury in support of this application (“Supporting Documentation”) and provided to the City by me, my agents, my consultants and my solicitors;
- c) in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, consent to the use and disclosure of this application and any Supporting Documentation, inclusive of any personal information, to any person or entity, in any manner chosen by the City, including copying, posting on the City’s website, advertising in a newspaper, routine distribution to members of council and in staff reports, or releasing to a third party upon third party request;
- d) grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, inclusion in staff reports, distribution to the public for the purpose of public consultation or any other use associated with the purpose of review and implementation of the application;

Authority to Enter Land and Photograph

- e) grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City’s review and processing of this application;
- f) acknowledge that, in the event of a third party appeal of this application (where applicable) to the Ontario Land Tribunal, the City of Greater Sudbury may not attend at the Ontario Land Tribunal hearing unless the City is provided with the City’s required fee for attendance at the hearing;

Appointment of Authorized Agent

- g) appoint and authorize \_\_\_\_\_ (please print name of Agent), to act as my/our agent with regard to this application to the City of Greater Sudbury, including but not limited to receiving all correspondence, attending at any hearings, fulfilling any conditions and providing any approvals or consents and ratify, confirm and adopt as my/our own, the acts, representations, replies and commitments made by the agent on my/our behalf.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(witness)

\_\_\_\_\_  
signature of Owner(s) or Agent or Signing Officer  
(\*where a Corporation)

Print Name: \_\_\_\_\_  
\*I have authority to bind the Corporation





Box 5000, Station 'A'  
200 Brady Street, Tom Davies Square  
Sudbury ON P3A 5P3  
Tel. (705) 671-2489 Ext. 4376/4346  
Fax (705) 673-2200

## ACKNOWLEDGEMENT OF RISKS

### Proceeding with a Consent Application Prior to Securing Required Development Approvals such as Rezoning or Minor Variance

Registered Owner(s):

Agent:

Property Affected:

### Read Carefully – Your Rights may be affected by your choice

Each of the undersigned registered owner(s) and agent in the application for consent under the *Planning Act* as described above acknowledge having been advised that the application for consent will require a:

- re-zoning of the property.
- minor variance

**The owners/applicants and agent are advised to apply for and determine if they are able to secure the necessary approvals noted above prior to the submission of the Consent Application. An application for consent cannot succeed without such approval(s) in place.**

**Notwithstanding the foregoing**, each of the registered owner(s) and agent wish to proceed with the application for consent prior to proceeding with the development applications noted above. In doing so, each of the registered owner(s) and agent acknowledge being advised and understand that:

- any decision by the Consent Official will include a condition that the necessary development approval(s) be obtained in final form prior to the issuance of a consent; **AND**
- as with other conditions, the responsibility for seeking compliance with the development approvals will rest with them as registered owner(s) and agent; **AND**
- there are costs associated with the applications for development approval; **AND**
- the City's acceptance of the application for consent is not a representation that:
  - a decision will be made with respect to the development approval(s) within the timeline required to meet conditions for the application for consent; and/or
  - the development application(s) will be approved by the approving body; **AND**
- in the event that one (1) or more required development approval(s) is/are granted:
  - such approval(s) may be conditional upon compliance with conditions, which may involve additional costs or time to comply with; and/or
  - may be subject to appeal, with consequences for costs, time and reversal or amendment of the decision; **AND**
- in the event that one (1) or more required development approval(s) is/are not approved or not approved within the timeline for complying with conditions:
  - the Consent Official **will not** issue the consent certificate; and
  - none of the application for consent fee or any development approval application fees will be refunded; **AND**



- all risks associated with proceeding with the application for consent prior to proceeding with the development applications rather than securing development approvals prior to submitting the application for consent shall be borne by the registered owner(s) and agent.

**In consideration of being permitted to proceed with the application for consent without first securing the required development approvals, the registered owner(s) and agent hereby release and discharge the City from any and all claims for liability, costs, expenses, damages, losses associated with or resulting from an inability to meet, or failure to meet, the conditions imposed in any conditional approval of the consent application in this matter requiring the obtaining of development approval(s).**

Dated at Sudbury this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(day) (month) (year)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Registered Owner or  
Authorized Signing Officer (\*where a corporation)

Print Name: \_\_\_\_\_  
I have authority to bind the corporation.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Registered Owner or  
Authorized Signing Officer (\*where a corporation)

Print Name: \_\_\_\_\_  
I have authority to bind the corporation.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Agent

\* Where the owner is a firm or corporation, the person signing this instrument shall state that he/she has authority to bind the corporation or affix the corporate seal.