

How to Meet the Conditions of Your Severance Approval

Now that you have your “conditional approval” on your Consent application, what should you do? Conditional approval means that you have approval to go ahead and start completing the “conditions” listed in the Decision. You must complete all of these 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.

Possible Sample Conditions (please see your decision for the actual conditions)	This is how to meet your conditions
<ol style="list-style-type: none"> 1. The Secretary-Treasurer will receive the following when all other conditions are met: Two (2) copies each of the following documents: (i) Signed Acknowledgement and Direction, (ii) the “Transfer in Preparation”, (iii) the Planning Act Certificate Schedule. 2. Further required: Three (3) printed copies of the deposited Plan of Survey or a legal description acceptable to the Registrar of Deeds illustrating the severed lands. 3. Further to the printed Plan of Survey: A closed polygon vector file of the Part boundaries shown on the Reference Plan is to be provided in Autodesk DWG Windows-readable format to the satisfaction of the County. It is recommended that the applicant’s Ontario Land Surveyor consult with the County of Peterborough GIS Section to confirm acceptable standards and formatting. The Surveyor should contact the Secretary-Treasurer or the County Website for instructions on how to submit this document. 	<ol style="list-style-type: none"> 1. The “Transfer in Preparation” documents must be prepared by a lawyer, using a deposited plan of survey, which must be prepared by a qualified Ontario Land Surveyor (OLS). 2. The lawyer and OLS are chosen by you. If you do not have a lawyer or OLS, one option is to check your telephone book or local Law association. (Tip: if you have a current survey on your property, chances are that surveyor will already have field notes on file regarding your property) 3. Transfer documents and surveys are not required until all of the other conditions are met, however, you may need to have the survey complete in order to meet other conditions such as a Health Unit Agreement, or rezoning application if the Township requires it.
<p>\$____.____Cash-in-lieu of parkland fee 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 to compensate municipalities to pay for parks use by a new resident for new lots only. It is allowed under the Planning Act.</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. It is suggested you attend to this condition early as it can become time-consuming could effect whether or not you can meet the one year time limit for conditions to be met.</p>
<p>A *Merger Agreement is to be entered into between the Transferor, Transferee and Municipality, pursuant to Section 51(26) and Section 53(12) of the <i>Planning ACT, R.S.O., 1990</i>, and registered on title to merge the severed parcel with the abutting (or separated) land identified by property roll # 010-201-166, such that these 2 parcels shall be considered as one lot and shall not be dealt with separately.</p>	<p>This is a condition imposed when you are “adding to a lot” or “adjusting a lot line”. The Agreement is prepared by a lawyer, signed by Transferor, Transferee and the Township and is then registered on title to ensure that the parcels being applied for to join together (either separated or abutting) are joined together and become a new lot for tax purposes. This also ensures that the piece that is being severed from another parcel can never be sold or considered separately from the newly merged 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>*A Sample of this Agreement can be found on our website - see below</p>
<p>The Applicant and the Township enter into a *Mitigation Measures Agreement which would acknowledge the following items and that this agreement be registered on title to ensure that the landowner acquiring the lands for recreational residential purposes is aware of the wetland restrictions on the property and the Mitigation Measures, shown on Page XX, Environmental Impact Assessment as prepared by XXXXXX. (There may be some further wording added here).</p>	<p>The Agreement is prepared by a lawyer, signed by Transferor, Transferee and the Township and is then registered on title to ensure that any measures outlined in an Environment Impact Assessment (EIA), which may sometimes be required in certain cases where the Official Plan requires one before the County can comment on a proposed severance.</p> <p>For further information on EIA’s, please contact the County Planning Technician.</p> <p>*A Sample of this Agreement can be found on our website - see below</p>
<p>The reduction in size of the severed lot to 65.8 metres (216 feet) wide by 120 metres (394 feet deep).</p>	<p>This is a “specific” type of condition that indicates fairly clearly what is expected in order to clear this condition. This condition should be brought the attention of your Surveyor.</p>
<p>A Mutual Driveway or Entrance for access for the benefit of both the Severed lot in this file B-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 County Roads Department. Draft copies of all documents must be shown to the County Roads Department 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. Always check with the Road authority before depositing your survey.</p>
<p>“Together with” and “subject to” the right-of-way.</p>	<p>This is an instruction to your lawyer that, when preparing transfer documents, they need to ensure add the rights-of-way in the description of the land being transferred.</p>