



**TOWN OF AURORA
CONSENT APPLICATION GUIDE**

PLANNING AND DEVELOPMENT SERVICES

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Committee of Adjustment Section**

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1. INFORMATION ABOUT THE CONSENT PROCESS

The Committee of Adjustment (“Committee”) is a Committee comprised of Town residents who are appointed by Council for a 4 (four) year term. Committee meetings are generally held at the Aurora Town Hall on the second Thursday of each month. The duties and responsibilities of the Committee are outlined in the provincial *Planning Act*.

The Committee of Adjustment has been authorized by Council to grant Consents. Generally speaking, the “Consent” of the Committee of Adjustment enables certain transactions to occur relating to the subdivision of land. These transactions can include the creation of a new lot; leases over 21 (twenty one) years; mortgage or partial discharge of a mortgage; foreclosure or exercise of power of sale; rights-of-ways and easements over 21 (twenty one) years; lot adjustments and extensions; and corrections to deeds or property descriptions.

In making its Decision, the Committee will conduct a public hearing. The Applicant, together with any interested parties (i.e. neighbours), and various commenting agencies, including internal departments at the Town, the Lake Simcoe Region Conservation Authority, Toronto & Region Conservation Authority and the Regional Municipality of York will be invited to attend the hearing and/or provide written comments on the Application.

In addition to the previous requirements, it is important to realize that conformity with the Town’s Official Plan and Zoning By-law does not mean that the Application for Consent will be automatically approved. Under the *Planning Act*, the Committee must also have regard to the health, safety, convenience and welfare of the present and future inhabitants of the municipality. As per section 53 of *the Planning Act* the Committee must consider the following:

- a) Whether a Plan of Subdivision is necessary for the proper and orderly development of the Municipality;
 - b) The effect of the proposal on matters of provincial interest as referred to in section 2 of the *Planning Act*;
 - c) Whether the proposal is premature or in the public interest;
 - d) Whether the proposal conforms to the Official Plan and adjacent Plans of Subdivision, if any;
 - e) The suitability of the land for the purposes for which the Consent applies;
 - f) The number, width, location, grades and adequacy of roads adjacent to, and in the vicinity of the lands subject to the consent;
 - g) The dimensions and shape of the proposed lot(s);
 - h) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or on the buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- Conservation of natural resources and flood control;

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- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites;
- k) The area of land, if any, within the proposal that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- l) The physical layout of the lots having regard to energy conservation.

To ensure that the above factors have been taken into account, the Committee, as part of its Decision, may impose conditions as it considers appropriate. The Decision of the Committee is usually given at the Public Hearing. Following the Decision, there is a 20 (twenty) day appeal period, during which time interested parties, may appeal the Decision of the Committee to the Ontario Municipal Board (OMB). If there is no appeal, the conditions imposed at the meeting must then be satisfied in order to finalize the Consent and close the file.

2. CONDITIONS OF CONSENT

The Committee may impose such reasonable conditions to the approval of an Application Form for Consent as it deems appropriate. Such conditions can include, but are not limited to, the following:

- THAT land be Dedicated to the Municipality for park or public recreational purposes, or alternatively, that cash-in-lieu of land be paid (in an amount not exceeding 2 (two) percent of the value of the land to be conveyed in the case of commercial or industrial property, and in all other cases, an amount not exceeding 5 (five) percent of the value of the subject land), to be used for park or public recreational purposes;
- THAT sufficient land, other than land occupied by buildings or structures, be dedicated to the appropriate road authority to provide for the widening of the respective highway, to such width as deemed necessary by the Committee; and
- THAT the Owner of the land enter into one or more Agreements with the Municipality dealing with such matters as the Committee may consider necessary, including the provision of municipal or other services.

The Decision of the Committee is usually given at the Public Hearing. Following the Decision, there is a 20 (twenty) day appeal period during which time; interested parties may appeal the Decision of the Committee to the Ontario Municipal Board (OMB). If there is no appeal, the conditions imposed at the meeting must then be satisfied. As per section 53 (41) of the *Planning Act*, the Applicant has 1 (one) year from the Notice of Decision to fulfil the conditions or the Application will be deemed to be refused. The actual transfer of land or transaction must then occur within 2 (two) years from the date the Consent Certificate is issued (unless the Committee imposes an earlier date), or the Consent will lapse as per the *Planning Act*.

3. PREPARING THE APPLICATION FOR CONSENT

Please prepare and submit the following materials:

a) **Application Fees**

Please refer to the Fee By-law for the Committee of Adjustment Application Fees, found on the Town's website under Planning. A processing fee in the amount specified on the Fee Calculation Worksheet shall be made payable to **The Town of Aurora**, and must be submitted with this Application Form. Please note that this fee is **non-refundable** regardless of the outcome pertaining to this request. Planning Applications will not be accepted unless the full Application Fee and required material is received. The Town does not collect fees on behalf of external agencies. The fees for an associated Committee of Adjustment Application should be made at the same time. A Complete Application, including the completed Fee Calculation Worksheet and subsequent fees are required prior to initiating a new file.

b) **Pre-Consultation**

Pre-consultation is a vital part of the planning process. Before submitting a Consent proposal, Applicants are **required** to arrange a Pre-Consultation meeting with Planning and Development Services.

The Pre-Consultation meeting gives the Applicant an opportunity to find out what planning policies apply to the subject site and if there are any on-going studies being undertaken by the Town that may affect the proposal. It also provides a forum to discuss recent Council decisions that may relate to the proposal, potential areas of concern, Application Form submission requirements, and to outline the development approval process.

To aid in the Pre-Consultation, the following information must be provided to the planner:

- A proposed Consent layout plan showing all buildings on the property, adjoining land uses and streets;
- Legal description of the site;
- Brief description of the proposal; and
- Identification of all other departments and agencies that have been consulted.

At the Pre-Consultation meeting, Planning staff will indicate to the Applicant what reports/materials will be required to make a "Complete Application" pursuant to the *Planning Act* and OPA 69.

c) **Property Identification Number (PIN)**

A current copy of the PIN must be submitted with the Application.

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d) **Preliminary Zoning Review Form**

This Form must be completed and accompanied with relevant information by the Applicant and submitted to the Building Division staff for their review. This Form confirms the relevant Zoning and Official Plan provisions and identifies whether the proposal requires any relief from the Town's Zoning By-law. Building Division staff will review the Form and accompanying documents and provide a return response to the Applicant within 5 (five) business days. The Applicant must submit the Form along with 2 (two) copies of drawings to Building staff for their review. After the review is complete, 1 (one) copy of the drawings and a response letter will be provided to the Applicant. The Applicant is then required to attach this letter to their Committee of Adjustment Application when submitted to Planning and Development Services. For further information, please contact the Building Division.

e) **Completion of Application Form**

All sections of the Application Form must be completed in full. Incomplete information could result in delays in processing the Application Form. Once completed, the Declaration of Owner/Agent must be signed before a Commissioner of Oaths to affirm the accuracy of the Application Form. If an Agent is submitting the Application Form on behalf of the property Owner, the Owner(s) must complete and sign the Authorization of Agent section of the Application Form. In addition, the Owner/Agent must complete and sign the section entitled Public Record Notice and Release, relating to the use and disclosure of personal information contained in the Application Form.

f) **Declaration of Site Plan**

The Owner or Authorized Agent must complete and sign the Declaration in order to address survey copyrights.

g) **Declaration of Sign Posting**

An information sign is required to be posted on the subject property. The Notice Sign is obtained from the Secretary-Treasurer at the time of Application Form submission and must be placed on the property in the manner described on the instruction sheet. The Owner or Authorized Agent must also complete and sign the Declaration Form to confirm the posting of the required signage on the property and must be signed before a Commissioner of Oaths.

h) **On-site Sewage System Form**

If the site is serviced by a sewage system, the Applicant should contact the Building Division staff regarding sewage servicing approvals that may be required for the property. On-site Sewage System Forms will then be required to be completed by the Building Division with additional documentation, as may be required. This does not apply to lands on full municipal services.

i) **Draft Survey**

Please refer to section 3 (13) of the “Application for Consent” for details respecting the contents and dimensions of the draft survey which are required to accompany the Application Form.

4. REQUIRED ATTENDANCE AT THE PUBLIC HEARING

Please be advised that the Committee of Adjustment for the Town of Aurora has adopted the policy that when the Applicant is not present or represented at the hearing, the hearing of the Application *may* be deferred.

5. SIGN POSTING INSTRUCTIONS

A Notice Sign must be posted on lands which are subject to a Consent Application. A Notice Sign must be posted on the frontage of the subject property. Corner lots or through lots require two Notice Signs (*one adjacent to each street*). Planning staff will determine how many Notice Signs are required.

Please follow these instructions for the proper placement of a Notice Sign:

- a) The Notice Sign has to be placed in a visible location on the subject property within 7 (seven) days after the Committee of Adjustment receives a Complete Application Form. 2 (two) pictures must then be taken with the first showing the picture close-up and a second picture taken from the street. These pictures, accompanied by the ‘Declaration of Sign Posting’ Form, must then be sent to Committee of Adjustment staff. Failure to post signage may lead to the delay in hearing the Application. The Commissioner of Oath portion of the Declaration Form can be completed on-site by Town staff or by an off-site Notary Public of your choice. Pictures and the ‘Declaration’ can be brought in person to Committee of Adjustment staff, Planning and Development Services, sent by mail to Secretary-Treasurer, Committee of Adjustment, c/o Planning and Development Services, or by email to planning@aurora.ca;
- b) The Notice Sign will be provided to the Applicant when a Consent Application Form is submitted. Staff will assist in completing the information for the Notice Sign;
- c) The Notice Sign can be attached to an existing feature such as a fence or pole, or placed on a stake.
- d) The Notice Sign should be placed at the mid-point of the property’s frontage and be clearly visible from the street;



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- e) After the appeal period for an Application has concluded and a 'Notice of No Appeal' Form has been issued to relevant departments and the Applicant, the Notice Sign can then be removed.

If you have any questions regarding Notice Signs, please contact Planning and Development Services and speak with the Secretary-Treasurer for the Committee of Adjustment.

Sample Sign Photographs for Consent

Below are examples of Notice Sign photographs for Consent Applications that are mandated by the Committee of Adjustment. The first photograph shows a close up of the Notice Sign which demonstrates how the wording on the sign should appear. The second photograph shows the location of the **Notice Sign on the property and its relative distance to the curb and the road**. Please e-mail (to planning@aurora.ca and include **file number** and **property address** in the Subject line), send in by mail (to Secretary-Treasurer, Committee of Adjustment, Town of Aurora Planning and Development Services, 100 John West Way, Aurora, ON L4G 6J1) or bring in person to Planning and Development Services pictures showing the **Notice Sign posted on the property** and the **completed 'Declaration of Sign Posting' form**. Once sign has been confirmed as being posted, Secretary-treasurer, Committee of Adjustment will inspect the sign at the property within one business day.

Photograph Number 1:



Photograph Number 2:

