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## A Guide to the Land Severance Process

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[Figure 1: Consent \(severance\) Approval Process](#)

## 1. What is a land severance?

Land severance, also known as consent, is appropriate if your proposal is to:

- Create a limited number of lots (lot creation)
- Add land to a neighbouring lot (lot addition)
- Create rights-of-ways (easements)
- Charge over a part of a property (mortgage)
- Correct or validate title
- Lease land for a period of 21 years or more

If your property is already divided by a natural feature (e.g. a stream) or a publicly owned thoroughfare (e.g. a highway), consent may not be required.

If several severances are intended in the same area, a plan of subdivision may be more appropriate.

## 2. What is the process for a land severance application?

Please see attached Figure 1.

### Submit a Consent Inquiry Application

Before submitting a Consent Application, the applicant should submit a Consent Inquiry Application in order to determine a lot's consent potential.

For more information about Consent Inquiry, please refer to the Consent Inquiry Info Sheet available on the City's website.

### Submit a Land Severance Application

The Consent Application Form and the associated fees are available on the City's website.

You should be aware that if you do not provide all the information prescribed by the provincial regulation, the City may refuse to accept or to further consider your application.

### Notice of the Application

The City must give notice of your application before making a decision. Notices will be circulated to adjacent landowners of the subject property, and any person or public body may submit comments.

The City is required to also consult with agencies, boards, authorities or commissions before making a decision.

### Staff prepare a Planning Report

Staff recommend approval or refusal of each application for land severance against criteria such as:

- Conformity and consistency with provincial policies and documents, such as the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden

Horseshoe, the Oak Ridges Moraine Conservation Plan, the Lake Simcoe Protection Plan, and the Minimum Distance Separation Formulae.;

- Conformity with the Official Plan and compatibility with adjacent uses of land;
- Compliance with the applicable zoning by-law;
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- Adequacy of vehicular access, water supply, sewage disposal; and,
- Ensure protection from potential flooding.

### **Decision and Conditions of Approval**

The approval of severances rests with the Director of Development Services or, for complex or contentious applications, with the City's Committee of Adjustment.

A severance approval may have certain conditions attached, including requirements such as road widening, rezoning, and minor variance to allow a new land use. In addition, the property owner may be required to enter into an agreement with the City to provide future services or facilities. The conditions of severance must be satisfied within one year of the Committee's decision. If all conditions are not satisfied within this time period, the application is deemed to be refused and the approval will lapse.

When the applicant has satisfied or fulfilled all the conditions, the Secretary-Treasurer of the Committee of Adjustment issues a certificate for the new lot and the severance goes into effect.

### **3. Rights of appeal**

A Notice of Decision will be sent to the applicant and to prescribed bodies. When a Notice of Decision is given, a 20-day appeal period follows. There is also an opportunity to appeal a failure to make a decision within the prescribed timeframe. For more information about this option, please speak with the Planner reviewing the application.

The Notice of Decision will notify you on how you should file your appeal. Appeals are filed with the City, and the Clerk is required to forward the appeal to the Local Planning Appeal Tribunal (LPAT). You must submit your appeal within the legislated timelines, with the filing fee, completed appeal form, and grounds for appeal.

As part of the Ontario Land Tribunals (OLT), LPAT is an adjudicative tribunal that conducts hearings, mediations, and makes decisions on land-use planning disputes. For a better understanding on the land use planning and appeal process in Ontario, please visit the OLT website (<https://olt.gov.on.ca/>).

### **4. What other approvals may be required?**

Approvals may be required before you begin any construction, from agencies including the Conservation Authority or the Trent-Severn Waterway.

The Building Division Sewage System Program administers the legislation under Part 8 of the Ontario Building Code affecting private sewage systems with a daily design sewage flow of 10,000 litres per day or less. Sewage system permits are required for all private on-site

sewage systems for new installations, replacement installations and additions and repairs. The Building Division will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic systems not subject to Ministry of Environment approval.

## **5. Associated fees, required documents, and estimated timeframe**

There are a number of fees and documents that can be required throughout the severance process. Fees and studies may include (but are not limited to):

- Planning Division Consent Inquiry application fee
- Planning Division Consent / Land Severance application fee
- Building Division review and permit fees
- Review and permit fees from other agencies, such as the Conservation Authority
- Cost of maps, surveys and/or special studies etc. in support of the application:
  - Surveyed plan
  - Geotechnical report
  - Environmental review
  - Servicing report
  - Hydro-geological report
- Development charges
- Entrance approval – drainage work, culvert, road improvements, signs
- Cost of consultant(s) or specialist(s) to prepare applications and reports
- Fee for the review, clearance of conditions, and stamping the deed(s)
- Legal and registration fees

On occasion, studies submitted by the applicant, such as hydrogeological studies, will require peer review. The applicant is responsible for the cost of peer review.

The timeframe for a consent is dependent on the length it takes to submit all of the required studies and documents to the Planning Division, in addition to the number of required revisions. The complete process typically takes six to eight months. Appeals or concerns raised at the public hearing may delay the process.

The development process is a legal and public proceeding. As such you may wish to hire a professional to help you through the application and submission process. Feel free to ask Planning staff for a list of development consultants.

## **6. Further information**

For more information related to individual applications, please submit an inquiry to [planningadmin@kawarthalakes.ca](mailto:planningadmin@kawarthalakes.ca).

### **Please note:**

This information is meant for guidance only and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult relevant policies and documents for definitive requirements and procedures.

**Figure 1: Consent (severance) Approval Process**

