



APPLICATION FOR CONSENT

PROCESS AND INFORMATION

The **Committee of Adjustment** has been appointed by City Council under the Planning Act to make decisions on Applications for Consent.

Consent – Planning Act, Section 53

A Consent is often referred to as a land severance which divides a parcel of land into one or more new lots. It also includes changing the boundaries of a property and granting an interest in part of a parcel of land.

Consent Application approval is required for the following purposes:

- Create a new lot
- Lot addition (divide a lot and add it to an abutting property)
- Mortgage or charge
- Partial discharge of mortgage or charge
- Lease agreement in excess of 21 years
- Easement for servicing
- Right-of-way for access over a property in favour of another property
- Disposal of surplus farm dwelling

Evaluation Criteria – Planning Act, Section 51(24)

The Committee of Adjustment must evaluate a Consent Application against the criteria contained in Section 51(24) of the Act such as conformity with the Official Plan, compliance with the Zoning By-law, suitability of the land for the proposed purpose, shape and size of the lots and adequacy of services.

The Application and Public Hearing Process

Pre-consultation

Applicant consults with City Planning Division Staff to discuss the proposal, Zoning By-law requirements, and any other approvals/studies/documents required to process the Application. A pre-consultation meeting may be scheduled by Planning Staff for input from City Divisions and other agencies.

Application Submission

Applicant completes and submits all required items including the Application, a surveyor's sketch of the property, fees and other required documents, to the Secretary-Treasurer, Committee of Adjustment.

- Hard copy or PDF format accepted.
- City fees paid via cash, debit or cheque.
- Only complete Applications will be processed.

Notice of Public Hearing

A complete Application is scheduled for a Public Hearing per the Schedule. Public Notice of the Application occurs as follows:

- A notice sign will be posted on the subject property by the Applicant.
- Published in Welland Tribune newspaper.
- Posted on City website Planning Public Notices.
<https://www.welland.ca/Media/Notices.asp>
- Circulated to City Divisions, agencies, and utilities.
- Mailed to all Owners of land located within 60 metres of the subject property.

Inspection and Comments

City Staff and Committee Members may enter upon the subject property for an inspection prior to the Public Hearing date.

The public, agencies, utilities and City Divisions are invited to provide written comments

in favour of or in opposition to the Application. All comments received will form part of the public record.

City Planning Division Staff will provide a recommendation report on the Application including conditions of approval. Other City Divisions and agencies may recommend conditions of approval.

Public Hearing and Agenda

The Public Hearing is held in person in Council Chambers. Date and time are shown on the Notice. The agenda will be posted on the City website prior to the Public Hearing.

<https://www.welland.ca/Committees/Agendas/COA-agenda.pdf>

Applicant must attend the Public Hearing to explain the Application and address the evaluation criteria. If the Applicant does not attend, the Application will be adjourned with no decision. A rescheduling fee per the Fee By-law is required to return an Application to the Committee.

The public is entitled to participate in the Hearing and provide verbal comments to the Committee.

The Committee will consider the Application, and all written and oral presentations made to it before rendering its Decision including any conditions at the Hearing. The Committee may grant, grant with conditions, refuse or defer its decision on the Application.

Notice of Decision and Appeal Rights

The Notice of Decision for the Application is provided to the Applicant and to any person who makes a written request with the Secretary-Treasurer. The Committee's Decision or any condition imposed by the Committee is subject to a 20 day appeal period from date of giving notice of the Decision. If no appeal is received, the Decision of the Committee to grant or refuse provisional Consent is final.

If an appeal is received, it will be forwarded to the Ontario Land Tribunal (OLT) for processing. The OLT may dismiss the appeal and may make any decision that the Committee could have made on the Application. The Applicant will be notified if an appeal is received.

Appeal Rights: Per Section 53(19) of the Planning Act, only the Applicant, Minister or a specified person or public body as defined in the Planning Act may appeal the Committee's Decision. Third party appeal rights were removed by the Provincial government in 2022.

Final Consent

If a granted Consent Application is subject to conditions, written proof that all conditions have been fulfilled is required from the appropriate agencies. The Applicant is responsible for ensuring that such written proof is provided to the Secretary-Treasurer. All conditions of approval must be fulfilled within 2 years of giving notice of the Decision, otherwise the Consent will be deemed to be refused.

To finalize a granted Consent, a Certificate from the Secretary-Treasurer is required. Once all Conditions have been fulfilled, a written request for the Consent Certificate is required from the Applicant's lawyer. The transaction in respect of the Consent must occur within 2 years from the date of the Certificate, otherwise the Consent will lapse.

Resource Links

City of Welland Property Information Pages

<https://www.welland.ca/Maps/PropPages/streets.htm>

City of Welland Zoning By-law 2017-117, as amended

<https://www.welland.ca/Planning/ZoningBylaw-Comprehensive.asp>

City of Welland Interactive Mapping Site

<https://arcgisweb.welland.ca/portal/apps/webappviewer/index.html?id=33f13212537d4781a23532457043bc0b>

City of Welland Planning Application Fees

<https://www.welland.ca/Planning/planningfees.asp>

Niagara Region Planning Fees

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Niagara Peninsula Conservation Authority Review Fees

https://npca.ca/images/uploads/common/2023_Planning_and_Regulation_Fee_Schedules_%28Including_Tax%29.pdf

City Contacts

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