

# What is a Consent to Sever?

Granted by the Committee of Adjustment, a consent to sever is a process to permit land division. The consent of the Committee of Adjustment is required in order to create a new lot or lots, establish rights-of-ways or easements, mortgage a portion of a property, discharge a mortgage over a portion of a property or enter into a lease for a period of 21 years or more.

## What is the Committee of Adjustment?

The Committee of Adjustment is a quasi-judicial administrative tribunal appointed by City Council that operates at arm's length from the City administration. The Committee derives its jurisdiction from the *Planning Act* to make decisions on Minor Variances, Permission Applications and Consents to Sever. In Ottawa, the Committee consists of 15 members, divided into three geographic panels of five members each. Hearings are held the first and third Wednesday of every month, with the exception of January and December when only one meeting is held per month.

The Committee of Adjustment and its application processes are separate and distinct from other municipal development approval processes, and one or more of these processes may occur at the same time.

**Understanding what a consent to sever is and how it affects you is the first step to getting involved.**

## What is the Consent Process?

### **1 Pre-application consultation meeting**

Before filing an application, applicants should speak with a Development Information Officer (DIO) to discuss the requirements of the Zoning By-law, to ensure that no minor variances are required. Applicants should contact a Planner to discuss the proposal and any conditions of approval that may be imposed. Applicants are also strongly encouraged to speak with their neighbours and their local community association prior to filing an application.

### **2 Public notification**

The applicant installs a notification sign on the lands affected by the proposed consent. The Committee of Adjustment assigns a hearing date and notifies all property owners within 60 metres of the subject property of the application.

### **3 Public hearing**

Several applications are considered at one public hearing. The order in which they are likely to be heard will be posted outside of the hearing room. The Committee may ask the applicant to explain the proposal and answer any questions. Then the Committee will invite other parties to speak in support of, or in opposition to, the application. Anyone wishing to receive a copy of the Committee's written decision should complete a Request for Decision Form and give it to Committee staff at the hearing.



## Committee decision and appeal period

The Committee considers the Planner's comment and the opinion of public delegations and may render a decision, adjourn the application or reserve its decision. The Committee of Adjustment is authorized to grant a consent if the criteria, established under the *Planning Act*, are met. The criteria include:

- Whether the proposed severance is premature or in the public interest
- The dimensions and shapes of the proposed lots
- The suitability of the land for the purposes for which it is to be subdivided
- The adequacy of utilities and municipal services
- Conservation of natural resources and flood control

The Committee's written decision, which will be issued within 10 days of the hearing, may include conditions of approval. The Applicant will have two years from the date of the Committee's decision to satisfy the conditions. Otherwise, the consent will lapse. This decision, including the imposition of conditions, may be appealed to the Ontario Land Tribunal by the applicant, the Minister, a 'specified person' under the *Planning Act*, or any public body.

## How to Get Involved

- Submit written comments to the Secretary-Treasurer of the Committee
- Attend the public hearing at Ben Franklin Place
- Make a presentation when the proposed consent to sever is presented for review at a public hearing. Be prepared to come with information about how you believe the proposal impacts you.
- It is important to note that the Committee is not mandated to deal with:
  - » Private disputes between neighbours
  - » Demolition and construction related activities
  - » Property standards issues
  - » Forestry and urban tree issues, including tree cutting and removal
  - » Rights to a view
  - » Capacity of municipal services
  - » Grading and drainage issues



## For More Information:

For information regarding a specific application, please visit or contact the Committee of Adjustment office between 8 a.m. and 4 p.m. on weekdays:

**101 CentrepoinTE Drive, 4<sup>th</sup> Floor, Ottawa, ON K2G 5K7**

**Email: [cofa@ottawa.ca](mailto:cofa@ottawa.ca) | Tel.: 613-580-2436 | Fax: 613-580-2425**

For general information on consents to sever, please call 3-1-1 and ask to speak to a Development Information Officer, contact the Committee staff or visit:

**[ottawa.ca/CofA](http://ottawa.ca/CofA)**