



Committee of Adjustment
The Planning Act - Section 53
Application for Consent

File No. \_\_\_\_\_

Please Type or Print In Ink

1. (a) Registered Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

(b) Owner's Solicitor (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

(c) Authorized Agent (if any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

(d) Please specify to whom all communications should be sent:

Owner [ ] Solicitor [ ] Agent [ ]

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- [ ] Creation of New Lot [ ] Disposal of Surplus Farm Dwelling
[ ] Addition to Lot [ ] Mortgage or Charge
[ ] Lease [ ] Partial Discharge of Mortgage
[ ] Easement (describe below) [ ] Right-of-way (describe below)

(b) If a lot addition, identify the lands to which the parcel will be added:

\_\_\_\_\_
\_\_\_\_\_

(c) Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased or mortgaged:

\_\_\_\_\_
\_\_\_\_\_

3. Are there any existing easements or restrictive covenants affecting the land?

Yes [ ] No [ ]

If "Yes" describe the easement or covenant and its effect: \_\_\_\_\_

\_\_\_\_\_

4. Location of land:

Municipality (City/Town/Township) \_\_\_\_\_

Former Municipality \_\_\_\_\_

Concession No. \_\_\_\_\_ Lot(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Lot(s) \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

Name of Street \_\_\_\_\_ Street No. \_\_\_\_\_

5. Description of subject land: \_\_\_\_\_ Part No. on sketch: \_\_\_\_\_
- (a) Frontage: \_\_\_\_\_ m Depth: \_\_\_\_\_ m Area: \_\_\_\_\_ sq. m. or ha.
- (b) Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_
- (c) Existing and proposed buildings and structures on the subject land:
- Existing: \_\_\_\_\_
- Proposed: \_\_\_\_\_

What were the previous uses of the subject lands?

- |                                       |                                     |                                     |                                |
|---------------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| <input type="checkbox"/> Residential  | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |                                |
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Parkland   | <input type="checkbox"/> Vacant     | <input type="checkbox"/> Other |

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

6. Description of land to be retained: \_\_\_\_\_ Part No. on sketch: \_\_\_\_\_
- (a) Frontage: \_\_\_\_\_ m Depth: \_\_\_\_\_ m Area: \_\_\_\_\_ sq. m. or ha.
- (b) Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_
- (c) Existing and proposed buildings and structures on the subject land:
- Existing: \_\_\_\_\_
- Proposed: \_\_\_\_\_

What were the previous uses of the subject lands?

- |                                       |                                     |                                     |                                |
|---------------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| <input type="checkbox"/> Residential  | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |                                |
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Parkland   | <input type="checkbox"/> Vacant     | <input type="checkbox"/> Other |

If industrial or commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

7. (a) Type of access to subject land:
- |   |  |
|---|--|
| <input type="checkbox"/> Provincial Highway                   | <input type="checkbox"/> Regional Road     |
| <input type="checkbox"/> Municipal Road maintained all year   | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way      |
| <input type="checkbox"/> Water Access *                       | <input type="checkbox"/> Private Road      |

\* If access is by water only, detail the parking & docking facilities to be used and the approximate distance of those facilities and the nearest public road: \_\_\_\_\_

- (b) Type of access to retained land:
- |   |  |
|---|--|
| <input type="checkbox"/> Provincial Highway                   | <input type="checkbox"/> Regional Road     |
| <input type="checkbox"/> Municipal Road maintained all year   | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way      |
| <input type="checkbox"/> Water Access*                        | <input type="checkbox"/> Private Road      |

\* If access is by water only, detail the parking & docking facilities to be used and the approximate distance of those facilities and the nearest public road: \_\_\_\_\_

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water supply	[ ]	[ ]
Lake	[ ]	[ ]
Well (private or communal)	[ ]	[ ]
Other (specify)	[ ] _____	[ ] _____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	[ ]	[ ]
Septic system (private or communal)	[ ]	[ ]
Other (specify)	[ ] _____	[ ] _____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Municipal Official Plan: \_\_\_\_\_
- (b) Regional Policy Plan: \_\_\_\_\_

11. What is the present zoning on the land(s)?

\_\_\_\_\_

12. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes [ ]      No [ ]

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: \_\_\_\_\_

Decision: \_\_\_\_\_

13. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes [ ]      No [ ]

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name: \_\_\_\_\_

Land Use on severed parcel: \_\_\_\_\_

Date parcel transferred: \_\_\_\_\_

Consent file number (if known): B-\_\_\_\_\_

14. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an official plan amendment; a zoning bylaw amendment; a minor variance?

Yes [ ]      No [ ]

(b) If the answer of (a) is "Yes", give the file number and status of the application.

\_\_\_\_\_

\_\_\_\_\_

15. As provided for in Ontario Regulation 547/06, and as required by this Committee of Adjustment, an application must be accompanied by eighteen (18) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one set of eighteen (18) drawings plus one extra copy for each additional application will suffice.

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;

- (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- (i) the location and nature of any easement affecting the subject land.

16. Is the application consistent with the policy statements issued under subsection 3(I) of the Act?

Yes [ ]                      No [ ]

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17. (a) Are the subject lands within an area of land designated under any Provincial plan(s)?

Yes [ ]                      No [ ]

18. (b) If yes, please indicate if the application conforms to or does not conflict with the applicable Provincial Plan(s).

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19. One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the Treasurer, City of Niagara Falls.

I/We \_\_\_\_\_

of the City/Town/Township of \_\_\_\_\_

in the County/District/Regional Municipality of \_\_\_\_\_

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the \_\_\_\_\_ ) TO BE SIGNED IN THE PRESENCE OF  
\_\_\_\_\_ ) A COMMISSIONER FOR TAKING AFFIDAVITS  
\_\_\_\_\_ of \_\_\_\_\_ )  
\_\_\_\_\_ )  
in the Regional Municipality of Niagara, )  
\_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_ )  
A.D. \_\_\_\_\_ ) \_\_\_\_\_ )  
(Signature of applicant(s), solicitor or authorized agent)

\_\_\_\_\_  
A Commissioner, etc.

**PLEASE NOTE:**

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to:

**The Freedom of Information and Privacy Coordinator,  
4310 Queen Street, P.O. Box 1023, Niagara Falls, ON L2E 6X5; 905-356-7521, extension 4241.**

## APPENDIX 1

### Environmental Site Screening Questionnaire

In order to assist in determining if the subject lands are potentially contaminated, applicants are to complete the following. It should be acknowledged that if there is reason to suspect contamination, further studies will be required and that a Record of Site Condition will also be required in the event of remediation.

1. Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?  
 Yes     No     Unknown
2. Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?  
 Yes     No     Unknown
3. Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes     No     Unknown
4. Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes     No     Unknown
5. Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?  
 Yes     No     Unknown
6. Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes     No     Unknown
7. Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?  
 Yes     No     Unknown
8. If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes     No     Unknown
9. Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*

Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

10. If current or previous use of property is industrial or commercial, or if the answer is YES to any of 1 to 9 above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

### ACKNOWLEDGEMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## OWNER'S AUTHORIZATION FORM

Location of Subject Lands

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I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize:

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Of the \_\_\_\_\_ of \_\_\_\_\_  
(Municipality)

to make application(s) on my/our behalf to the Committee of Adjustment for the City of Niagara Falls for consent to convey an interest in the land in accordance with Subsection 1 of Section 53 of the Planning Act, R.S.O. 1990.

Dated at the \_\_\_\_\_ of \_\_\_\_\_ in the Regional  
Municipality of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Name of Owner (printed)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Name of Owner (printed)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Name of Owner (printed)

**NOTE:**

This form is only to be used for applications which are to be signed by someone other than the owner(s). If the applicant is a corporation, the corporate seal is to be affixed over the owner's signature(s).

## SUGGESTIONS TO THE APPLICANT

In accordance with Ontario Regulation 197/96 made under the Planning Act, the Committee of Adjustment is required to serve notice of your application for consent to convey an interest in land to a number of authorities. All written responses will be taken into account by the Committee in reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate authorities from the list below, prior to submitting a formal application to the Committee. This could provide you with information about the Regional Policy Plan, servicing, the concerns of various Provincial Ministries and other relevant information which may have direct effect upon the final decision on your application.

Municipal Works Division.....905-356-7521  
City of Niagara Falls

- ▶ Availability of services, roadway requirements

The Director, Planning and Development Department.....905-685-1571  
Regional Municipality of Niagara 1-800-263-7215

- ▶ Regional Policy Plan

- AND -

- For Concerns of
- ▶ Ministry of Natural Resources
  - ▶ Ministry of Environment
  - ▶ Ministry of Agriculture, Food and Rural Affairs.

The Director, Public Works Department .....905-685-1571  
Regional Municipality of Niagara 1-800-263-7215

- ▶ Land fronting on or adjacent to Regional Roads

The Medical Officer of Health, Niagara Regional Public Health Department.....905-356-1538

- ▶ If either municipal sewer or water services are unavailable.

Niagara Escarpment Commission.....905-877-5191  
232 Guelph Street  
Georgetown, Ontario L7G 4B1

- ▶ All applications which fall within the Planning Area of this authority.

Niagara Peninsula Conservation Authority .....905-788-3135  
250 Thorold Road West, 3<sup>rd</sup> Floor  
Welland, Ontario L3C 3W2

- ▶ Land which may be zoned as “Hazard” in the local zoning by-law; lands which are or may be proposed for park acquisition, lands adjacent to watercourses.

Ministry of Transportation.....905-704-2913  
301 St. Paul Street, 2<sup>nd</sup> Floor South  
St. Catharines, Ontario L2R 7R4

- ▶ Land bordering on provincial highways.

Niagara Parks Commission.....905-356-2241  
P.O. Box 150  
Niagara Falls, Ontario L2E 6T2

- ▶ Land in proximity to property under the control of the Niagara Parks Commission.