

COMMITTEE OF ADJUSTMENT CONSENT APPLICATIONS - FEE SCHEDULE

Application	\$3400
Each additional application for the same lands	\$ 510
Concurrent Consent and Minor Variance	\$4125
Rescheduling/Renotification	\$ 200
Change of Conditions	\$ 200
Regional Review (if required)	
▪ Within Urban Area Boundary	\$ 475
▪ Outside Urban Area Boundary	\$1075
- (includes private septic system review fee)	
Niagara Peninsula Conservation Authority Review	\$ 570

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

Under Section 41(3.1) of the Planning Act, and subject to the provisions of By-law No. 2008-189, the applicant is required to consult with Planning and Development staff prior to the submission of any application for consent. Depending on the complexity and circumstances associated with the proposal a preconsultation meeting may be required.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by advertising in a newspaper which has general circulation in the area. In addition, and by policy of the Niagara Falls Council and the Committee of Adjustment, other agencies will be consulted if the location of the subject land falls within their respective field of responsibility. Refer to "Suggestions to the Applicant".

Section 69(3) of The Planning Act states that a filing fee may be paid "under protest" and thereafter appealed to the Ontario Municipal Board against the levying of the fee or the amount of the fee, by giving written notice of appeal to the Ontario Municipal Board within 30 days of payment of the fee.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application. To assist the members and other interested persons or agencies in locating the lands under consideration, and to satisfy notice requirements under the Planning Act, a public notice sign(s) will be posted on the land subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Ontario Municipal Board within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Ontario Municipal Board. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Ontario Municipal Board.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

The requirements to complete one application are:

- A signed Preconsultation Checklist.
- Fifteen (15) Copies of the completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Fifteen (15) copies of a preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information in metric referred to in item 14 of the application form.
- A copy of the deed must be filed with the application.
- Payment of the appropriate fees. Cheques are to be made payable to "Treasurer, City of Niagara Falls" (see attached fee schedule).

If an application is being made to convey a parcel of land together with or subject to a right-of-way or easement, a separate application form and fee will not necessarily be required for the right-of-way or easement.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

- That payment of 5% of the value of the subject parcel be made to the City for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.
- That an agreement with the City be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.
- That land be deeded gratuitously to the City or Region for road widening purposes.