

Frequently Asked Questions: Consents/Severances

1. What is the Committee of Adjustment?

The Committee of Adjustment is a group of 5 members appointed by Cambridge City Council to make decisions regarding minor variance and consent/severance applications in the City of Cambridge.

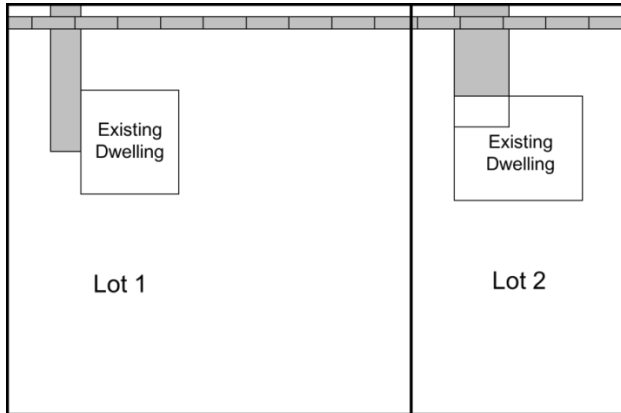
2. What is a consent/severance?

Consent/severance is an authorized division of land which includes the following:

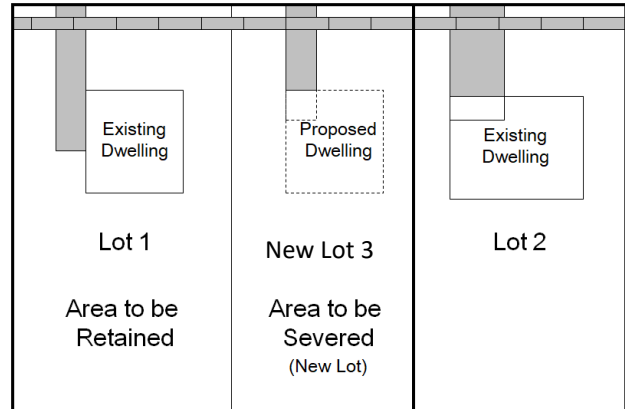
- Severances: The division of a lot to create one or more lots
- Boundary or Lot Line Adjustments: The addition of land to an adjacent property
- Easements: Creation of the right to cross/use another's land for a specified purpose (i.e. access right-of-way or servicing)
- Leases over 21 years: An agreement that grants the use of or right in land for 21 years or more
- Validation of Title: A certificate used to make a document or documents valid that previously contravened the Planning Act

Examples

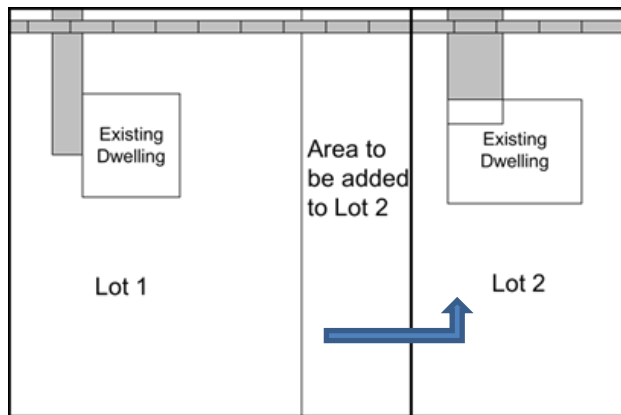
Current Lot Configuration



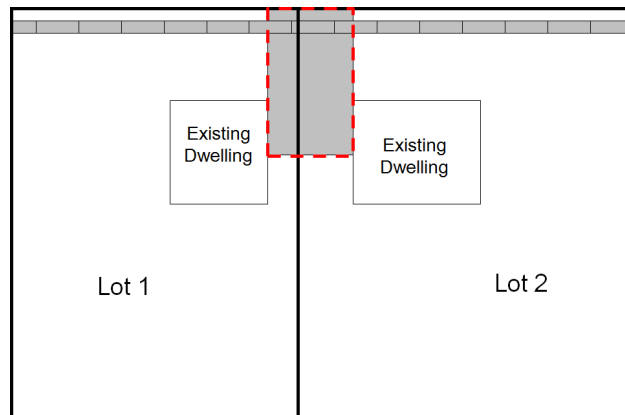
Severance/Consent



Boundary Adjustment



Easement (Access right-of-way)



3. How is the consent/severance application evaluated?

The Committee of Adjustment evaluates the merits of each proposal against criteria found in **Section 51(24) of the Planning Act** including but not limited to:

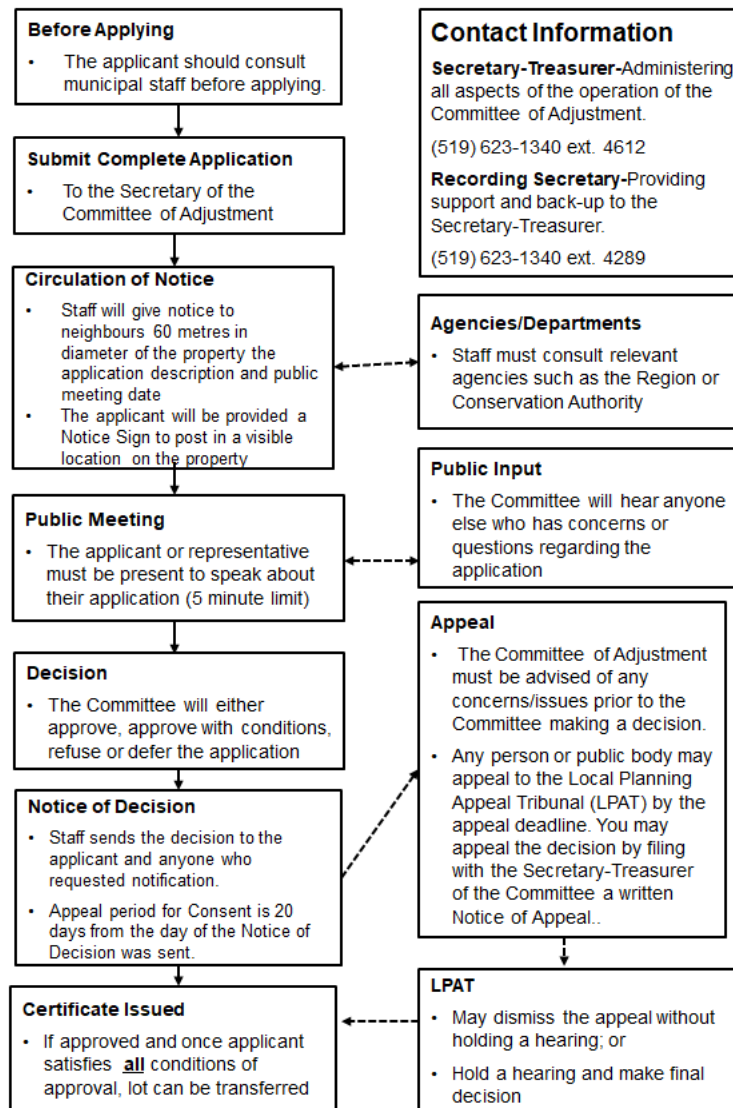
- Consistent with Provincial, Regional, and Local policy
- Compatibility with adjacent land uses- Will it fit in with existing fabric of the neighbourhood? Will the severed and retained lot have similar lot areas, frontages, front yards, and rear yards to existing properties?
- Suitability of the land for the proposed purpose
- The size and shape of the lot(s) being created
- Road access, water supply, and sewage disposal

- Protection from potential flooding

4. What types of decisions can the Committee make?

Approval	The Committee may approve the severance as proposed by the applicant.
Approval with conditions	The Committee may grant provisional consent with specific conditions that must be satisfied by the applicant within one (1) year of the Committee's decision. Under legislation this deadline cannot be extended. If all conditions are not satisfied within this time period, the application is considered to be refused and the approval will lapse as per Section 53(41) of the Planning Act.
Refusal	The Committee may refuse the severance as proposed by the applicant.
Deferral	The Committee may defer the application to a later date to allow the applicant to provide additional required information.

5. What is the process for to submit a complete severance application?



Please see the [Committee of Adjustment Information Brochure](#) for more detail on the process.

6. How long will the consent/severance process take?

The process generally takes 8-10 weeks depending on the complexity of an application. More complicated applications can take more time. The following timeline is an estimate and may be subject to change if any significant issues are raised during circulation and review of the application:

- 5 weeks from application submission deadline until the hearing date
- 15 days after the hearing until the written decision is issued
- 20 day appeal period from the date the decision is mailed out
- The decision is final and binding following the appeal period if no appeals are received

7. What if a Minor Variance application is needed with your Consent/Severance application?

When a building permit application is made for new construction of any type, your proposal will be reviewed against the minimum development requirements set out in the Zoning By-law. If one or more requirements cannot be met, you are provided the option of seeking minor variance approval. You may apply for a minor variance application at the same time as your severance/consent application. Both applications will have separate fees- please refer to the fee schedule for more information.

You are encouraged to consult with staff in the Planning Services Division in the Community Development Department prior to making an application.

8. What is my role at the public meeting?

The applicant or representative is expected to be present at the public meeting. The applicant will be made aware if staff is recommending refusal of the application in advance of finalizing the staff recommendation report. At the meeting, staff will provide a PowerPoint presentation overviewing each application and staff's recommendation.

The applicant or representative will then have the opportunity to make a brief presentation (not a requirement). A copy of any digital presentation should be provided to the Recording Secretary before the meeting. The applicant or representative may be asked questions by the Committee regarding the application. Please note there is a 5 minute speaking limit. The Committee will also hear anyone else present who has questions or concerns regarding the application.

Citizen's Role

The Committee will also hear anyone else present who has questions or concerns regarding an application. This gives citizens the opportunity to get involved in the decision making process and to share any potential comments/concerns at the meeting at the meeting. Interested parties will have the opportunity to speak after the applicant's presentation. Each speaker will have the opportunity to address the Committee with their comments or concerns. Speakers will be given five (5) minutes to speak and large groups will be given fifteen (15) minutes to speak. The Committee of Adjustment will consider these comments or concerns before making a decision on a particular application.

9. What conditions may be imposed?

The City and other public bodies may require additional plans and studies as a condition of approval. These requirements may include but are not limited to the following:

- Plan of survey
- Road widening
- Easements
- Parkland fees – based upon the value of the land
- Planning applications (i.e. Minor Variance)
- Development agreements
- Source Water Protection
- Lot grading and drainage plans
- Traffic, transportation, or parking studies
- Noise, nuisance, or hazard studies
- Archaeological and/or cultural heritage resources*
- Environmental studies
- Source Water Protection
- Draft Consent Certificate
- Ensuring municipal property taxes are up to date

The cost of preparation of these studies by qualified professionals will be 100% the responsibility of the owner/applicant.

* If a property has cultural heritage significance and a heritage impact assessment is required for the proposal, the City's Municipal Heritage Advisory Committee will need to review the heritage impact assessment and make a recommendation to the Committee of Adjustment. This will be required prior to the Committee of Adjustment making a decision about the application.

10. How much will it cost?

The cost for a severance application can be found on the Planning Application Fee Summary. An application fee is required for each new lot created. In addition to the application fee(s), there may be associated costs incurred through the process of fulfilling conditions imposed by the Committee.

Typical Costs as of 2021 (Fees are Subject to Change):

Common Conditions of Consent	Cost Estimate
Survey	Contact a licensed surveyor
Review fees – Region of Waterloo	\$350.00
Review fees – Grand River Conservation Authority	\$260.00 (minor) - \$1,030 (major)
Grand River Conservation Authority Permit Fee	\$400.00 (minor) - \$8,695 (major)
Building Permit Fee	See Simplified Building Permit Fee Schedule
Planning Application Fees	See Planning Application Fee Summary
Development Charges	See Development Charges Info Brochure
Parkland Fees	Residential: 5% of the appraised value Industrial/Commercial: 2% of the appraised value
Agreements (legal fees)	\$450.00
Installation/relocation of Hydro	Contact Energy+ Inc. at (519) 621-3530
Installation/relocation for Water and Sanitary Servicing (Residential)	\$15,000.00 - 20,000.00/per lot (Formal estimates prepared by the City based on site conditions and may vary)
Road Widening	Compensation provided for partial land taking (includes reference plan and legal bill)
City stamping of certificate to create lot	\$250.00
Draft Consent Certificate	\$200.00

Note: Not all of these costs may be applicable.

11. What can I do if my application is turned down?

Any person or public body may appeal the decision. Each appellant must fill out the A1 Appeal form which can be downloaded from the [Environmental & Land Division Tribunals Ontario](#) website in addition to the Appeal Guide. The completed form must be submitted to the City within the time frame noted on the decision and include a **\$400 fee** (per appeal) made out to the Minister of Finance. The City will forward the appeal to the Local Planning Appeal Tribunal.

If no appeals are received, the applicant will be notified and instructed to remove the Notice Sign from the subject property.

12. What are the next steps after receiving conditional approval?

Clear any conditions imposed by the Committee within the **one (1) year time frame** by consulting the respective departments and/or agencies for more information. This deadline cannot be extended under the Planning Act.

When the applicant has fulfilled all the conditions, the Secretary of the Committee of Adjustment issues a Certificate for the new lot(s) and the severance goes into effect. The following must be provided to the Secretary-Treasurer before the Certificate is issued:

- Two (2) copies of the deposited Reference Plan for the subject property that accurately reflects the approved severance application.
- Draft Consent Certificate prepared by a lawyer including the legal description of the land that is the subject of the severance.
- In the case of a property line adjustment or a lot addition, the owner/applicant must provide a draft transfer from a lawyer that the severed lands will be merged on title with an abutting parcel.
- The applicable fee (see <https://www.cambridge.ca/en/build-invest-grow/resources/Planning-Application-Fee-Summary-2021.pdf>) for the stamped certificate

The stamped certificate **must be registered on title within two years** from the date of issuance or it will lapse as per **Section 53(43) of the Planning Act**. The applicant must provide proof of registration to the Secretary-Treasurer. If the transaction originally applied for - sale of property, for example - is not carried out within two years of the date of the certificate, the severance is considered lapsed.

13. Can these conditions be changed??

The Committee of Adjustment may approve a change to conditions of a severance/consent at any time prior to the lapsing date of the approval. The owner/applicant may request a revision of conditions. A formal written request and the required fee must be submitted to the Recording-Secretary of the Committee of Adjustment. Notice is required to be circulated unless the change is considered minor. If the change of condition is accepted, the one (1) year timeline to fulfill conditions resets to the new date of decision.

14. What happens if the severance lapses?

A new application would need to be submitted (with the applicable fees) to reactivate the application and the process starts at the beginning. A new one (1) year timeline would commence upon conditional approval.

For additional resources, please refer to the [Ministry of Municipal Affairs and Housing](#) website for Citizens Guide to Land Severances.