

**CERTIFICATE FOR POWER OF SALE/FORCLOSURE**

Under Subsection 54(2.1) of The Planning Act, 1990, as amended, the Committee of Adjustment of the City of Kingston has the authority to approve a consent under the Planning Act for a power of sale/foreclosure and issue certificates therefore;

Documents that must be provided to form a complete application for Consent to a Power of Sale/Foreclosure:

1. Provide a completed and signed Committee of Adjustment Consent form.
2. Provide a copy of the power of sale/foreclosure notices indicating the date of the power of sale/foreclosure.
3. Provide a copy of the document indicating resale of the parcel (e.g. copy of an executed Agreement of Purchase and Sale and/or executed transfer but not registered). This indicates there is a pending purchaser for the subject property and approval is required.
4. Provide a copy of the charge (mortgage) charging the lands (this provides evidence of the mortgage covering the parcel to be conveyed and the abutting lands).  
Provide a copy of the legal description for the property which is described in the approval, (e.g. reference plan).
5. Provide an up to date abstract of the title (parcel register) for the mortgaged lands from the date the property was mortgaged
6. Provide a sketch of the property with all information (land, buildings, setbacks, etc.) required for a normal consent, showing lands affected by the sale and the abutting lands in which the applicant has an interest.  
Provide a copy of any registered plans and reference plans for the subject property registered on title.
7. Provide such other material as may be determined for the specific application.

**PROCEDURE UNDER SECTION 50(18) OF THE PLANNING ACT**

The normal Consent procedure will be used except that:

- Public Notice will not be given.
- The Application will be circulated to normal Departments and the usual public circulation for Consents will not be required.
- Conditions may be imposed.
- No appeal period is required.
- The Certificate under Section 54(2) and 50(18) replaces the Certificate (stamp) under Section 53(42).



**City of Kingston  
Consent Application Package**

Amended May 2010

**REASONS TO APPLY FOR A CONSENT**

- To divide (sever) land to create a new building lot. You may not be able to sever more than two new lots from an original parcel or without a Plan of Subdivision and in certain areas no consent may be available if two consents have already been granted from the original parcel – discuss this with a Planner.
- To register a mortgage or to discharge a mortgage on a part of a parcel of land.
- To register a lease for a term of 21 years or more including renewal options.
- To register an easement or a right-of-way.
- To add land from your parcel as a lot addition to an abutting parcel of land. The lot addition must merge in title.
- To adjust a lot boundary in an existing Plan of Subdivision. This does not create a new building lot.
- To Validate Title to a parcel of land – Section 57 of the Planning Act. This requires a separate application form and will only be used where the original parties are not available to sign an application for Consent to the lot.
- For an action under a Power of Sale for a part of a lot – Section 50(18) of the Planning Act. This requires a separate application form.

Where a consent or consents are applied for – every individual parcel to be consented to, must be the subject of a separate consent application and fee with the exception of the retained lot. The applicant may also choose to apply for a consent to the retained lot if the order of transfer of the parcels is in doubt at the time the application(s) is/are made.

When severing a relatively small building lot from a large holding of land it is often the choice of the applicant to refer in the application to the smaller parcel as the severed lot, since a condition of severance will be to have a survey prepared of the severed parcel. If no survey currently exists for the original parcel it is usually less expensive to have a new survey prepared on the smaller parcel of land.

**TECHNICAL CONSENT**

- i) an application along a common party wall of an existing building provided that no minor variance is required;
- ii) an application to create or extend a right-of-way or easement;
- iii) an application to adjust a lot boundary in a Plan of Subdivision or to facilitate a simple lot addition;
- iv) an application for consent to a power of sale or mortgage on a part of a parcel of land;
- v) an application for consent to a lease in excess of 21 years;
- vi) an application for validation of title.

**STEP 1: Pre-consultation with Planning Staff (at no cost to you) is mandatory under the provisions of the Provincial Planning Act prior to submitting an application.**

Detailed sketches and in some instances a survey with dimensions and elevations may be necessary. Other details mandated by Provincial Regulation are included in the application form. Finalize the drawings and a draft of the application. Include a brief written explanation of the purpose for filing the application. The applicant is responsible to file a complete application. Staff may not complete an application on behalf of an applicant.

Please call ahead to ensure a Planner is available to assist you and complete the pre-consultation.

Information provided by you in the application and to support your application is considered to be public information.

**STEP 2: Submit the finalized application and plans, along with the required fee prior to the cut-off date deadline.**

An application is only considered complete when all sections of the application pertaining to your proposal are filled out and this includes the Official Plan and Zoning review form and all related information, drawings, survey (if required) and the application has been properly signed and Commissioned.

Payment shall be made at the time of submission of the application. The City accepts cheques (made payable to “The Corporation of the City of Kingston”), debit, credit card or cash. Fees are non-refundable regardless of the decision by the Committee or the Consent Authority.

**STEP 3: The application will begin to be processed for the next meeting.**

A letter of acknowledgement will be sent to you that will include the meeting date once the application is deemed complete. During the circulation of the application other internal and external Departments and Agencies may require additional information.

**Application Forms, Official Plans and Zoning By-Laws are now available on-line for download at [www.cityofkingston.ca](http://www.cityofkingston.ca)**

**Official Plan Documents**      <http://www.cityofkingston.ca/business/development/planning/officialplan/index.asp>  
**Zoning By-Laws**                <http://www.cityofkingston.ca/cityhall/bylaws/zoning/index.asp>

If you have any questions, contact the Planning and Development Department, by phone 613-546-4291 ext. 3180 or by fax 613-542-9965 or by e-mail [tstratford@cityofkingston.ca](mailto:tstratford@cityofkingston.ca) or [tfisher@cityofkingston.ca](mailto:tfisher@cityofkingston.ca).

## COMMITTEE OF ADJUSTMENT APPLICATION TIPS AND INFORMATION

The following tips are meant to be helpful to Applicants. The tips are compiled from years of previous experiences encountered by staff and applicants. Experience has determined that if you follow the suggestions offered, fewer problems and delays occur during the process.

### WHY PROBLEMS OCCUR WITH APPLICATIONS

The most numerous problems and lengthy delays associated with applications have resulted from applicants ushing to complete and file an application prematurely simply to meet a cut-off date for a meeting, or from not completing pre-consultation before attempting to file.

The Committee of Adjustment and Planning staff will give assistance to an applicant throughout the process but staff is not permitted by the City for obvious reasons, to fill out an application on behalf of an applicant.

Provide a simple, clear, written description and justification for your request and file it with your application. We write the public notice based on the description that you provide. If the information lacks detail or is unclear the notice may be in error or incomplete and this could result in delays and additional costs to process the application.

Carry out Pre-consultation with staff. It is mandatory by the Province, free of cost to you and can resolve difficulties with an application that may come up later in the process causing delays to the applicant.

Before entering into the pre-consultation:

- Prepare an accurate scaled sketch or set of sketches to portray the request. A picture is truly worth a thousand words.
- The sketch must be provided to the Planner in pre-consultation in order that the zoning compliance form can be completed and it can be determined if any relief is required to the regulations established by the Zoning By-Law.
- If a Consent Application is being filed and zoning relief is identified and required, then either a Minor Variance Application must be filed with the Application for Consent, OR it may be that a full rezoning of the property will be required before the consent can proceed. This is determined by the Planner.

Do not rush the application to a meeting cut-off date. Take the necessary time to ensure the application is complete in all respects.

Do not mail an application without consulting first with the Planner and having the zoning compliance form completed.

Even where an application is deemed by staff to be complete, the Committee of Adjustment has the authority to, and has from time to time requested further information and clarification, even at the hearing.

Provide the names of all owners, mortgagors and anyone with an interest in the property – they have a right to notice and comment. City staff is a resource and commenting body to the Committee and cannot represent an applicant at a hearing.

The Committee of Adjustment is a quasi-judicial body appointed by the Council of the City of Kingston. It makes a final decision on an application. No further local review of the decision is or can be made. This is not a political process. The only appeal from a decision is to the Ontario Municipal Board with their fee.

The fees for an application to the Committee of Adjustment are established by the Council and are adjusted on a yearly basis. The fees are payable and non-refundable regardless of the decision of the Committee.

No staff member has the authority to pre-determine a decision of the Committee of Adjustment.

Site inspections are carried out by Committee members and planners. If there are features present that have not been identified by you in the application, your application could be negatively affected. If the sign(s) that is/are provided to you has/have not been posted for the appropriate time and in the appropriate location(s), the Committee may postpone the application until the notice requirements have been met.

The Committee of Adjustment does not set precedent. Each application is unique and each application is considered on its own merit.

This is a public process legislated by the Province of Ontario with notice and signage. All owners according to the last revised assessment roll, within 60 metres (200 feet) of the subject property are notified of the hearing and a summary of the application. The public may comment on the application at the hearing, or appeal the decision during the 20 day appeal period following the hearing. The applicant also may appeal the decision during the appeal period.

If the decision is appealed to the Ontario Municipal Board with the appropriate fee, the Ontario Municipal Board is then seized with the application and will decide whether a new hearing on the application will be held. The Ontario Municipal Board hearing and procedural rules will apply and the application and decision are no longer in the hands of the City of Kingston. The Ontario Municipal Board conducts its hearings in the municipality where the subject property is located. In the case of the City of Kingston the hearings are normally conducted at City Hall, 216 Ontario Street.

### What Is the Committee of Adjustment

The Committee of Adjustment is a quasi-judicial body appointed under the authority of the Planning Act that makes a final decision much in the same way as a Tribunal or other formal hearing panel, that is not reviewable by the City Council or any other local body. The only appeal from a decision of the COA is to the Ontario Municipal Board in Toronto.

The COA is appointed by the Council, for the term of the Council (except Council representatives, if appointed, who are appointed annually). The COA has had its powers delegated from the Council and the Minister under the Planning Act.

The COA has the duty under legislation to provide a fair hearing to an applicant and others, therefore, a member of the Committee must hear all of the evidence through an open public hearing. If there have been a series of adjournments that reconvened through to a final decision, only those members who have been present throughout the full series of public hearings may participate in the final decision.

Members must not discuss the matter under consideration with members of the public or the applicant outside of the hearing room, or they may potentially have to disqualify themselves from the balance of the hearing process and participation in the final decision.

### **What Is Delegated Authority and Who Is the Consent Authority**

City of Kingston By-Law 2006-209 provides the Delegation of Consent Granting Authority to the Director of Planning and Development for Technical Consents only.

A consent application processed through Delegated Authority does not require a Public Hearing. This can reduce the processing time considerably. The requirements for signage and mail out of notices to the public still apply where required. The 20 day appeal period where required begins after the signing of the Notice of Decision. The Decision is binding after the appeal period has elapsed, if no appeals are filed.

Should the City receive a valid concern, in writing, that, in the opinion of the Director of Planning & Development, cannot be resolved by way of a Condition of Consent, the application must then be heard at a Public Meeting of the Committee of Adjustment. In such cases it is possible for the process to be delayed due to the schedule of the regular meetings of the Committee of Adjustment.

A Technical Consent is:

- i) an application along a common party wall of an existing building provided no minor variances are required;
- ii) an application to create or extend a right-of-way or easement;
- iii) an application to adjust a lot boundary or facilitate a simple lot addition;
- iv) an application for consent to a power of sale (no public notice or appeal period is required) or mortgage;
- v) an application for consent to a lease in excess of 21 years;
- vi) an application for validation of title (no public notice or appeal period is required).

### **Application to the Committee of Adjustment or the Consent Authority**

An application to the Committee of Adjustment is subject to Provincial legislation and Regulations under the Ontario Planning Act. This is a public process whereby the owners within 60 metres (200 feet) of the subject property are notified. The applicant must also post signage (provided by the Committee of Adjustment Office) on the property frontage(s).

Anyone may support or object to the application verbally or in writing to the Committee of Adjustment before or at the hearing. All submissions received by the Committee are considered in reaching a decision. The Committee will make a decision publicly the night of the hearing and a written decision will be provided following the hearing only to the applicant and to those who have made a written request for the decision.

All decisions are final unless appealed.

A written appeal with the fee may be made to the Ontario Municipal Board in Toronto during the statutory appeal period. The applicant will receive a letter at the end of the appeal period stating the results of the appeal period.

The Committee of Adjustment has the authority to require that evidence be given under oath or affirmation and may administer oaths and affirmations under the provisions of the Statutory Powers Procedure Act.

In the best circumstance the total process takes about three (3) months from the cut-off date prior to the meeting date. It can take longer if the application is found to be incomplete, a deferral is encountered, or an appeal is received after the decision.

When a favourable decision is made and the appeal period has passed it is all in the hands of the applicant to complete the conditions and receive a Certificate within one year. The consent is considered to be provisional at this stage and can be completed as quickly as the applicant can meet all of the conditions. If a Certificate is not issued within one year of the decision, the Consent is considered to be deemed to be refused. A new application and fee is required if the applicant wishes to continue to pursue the Consent.

### **Application Information Requirement**

Pursuant to subsection 53(2) of the Planning Act, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require – see Plans Requirements in the application form. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information and the required plans and the fee are received.

### **Plans Requirements**

Because the official acceptance of an application form will commence the statutory time requirements of the appropriate legislation, an application will not be officially accepted until it is **complete** to the satisfaction of the City and all fees have been paid.

We require:

- One copy of the completed, signed and Commissioned application and plans with all of the requirements detailed in the application and measurements must be in metric. If the plans you are submitting are on paper are larger than 8½” x 14”, please submit 1 (one) copy of the plan on 8½” x 14” paper and **fold** your larger plans;
- If you are submitting as an example, a variance for a garage (attached or detached), an addition, a new dwelling, additional dwelling units or application for variance for an increase in height, you must include elevation drawings and detailed floor plans;
- For a commercial, industrial, all multi-residential and other applications please include on your plans the following additional information, (where applicable):
  - ▶ Parking layout
  - ▶ Amenity Area
  - ▶ Parking space sizes
  - ▶ Landscaping

### **Municipal Fees (2006)**

Determine the appropriate fee – see Planner or Secretary Treasurer.

### **Other Fees**

The Health Unit which is circulated for every application for Consent has review fees.

The Cataraqui Region Conservation Authority which is circulated if required where wetlands, watercourses and environmentally sensitive lands are involved also has review fees.

### **Application Form Required**

A separate application form and fee is required for each transaction being requested. Consult with the Planner for further clarification of your specific situation. Example a Minor Variance may also be required for a zoning regulation when applying for a severance.

### **Number of Copies of Application Required**

One originally signed and commissioned copy for each of the applications required including plans must be filed with the Secretary-Treasurer.

## **Other Contacts**

- Planning and Development Department**  
For comments on a specific application request 546-4291 extension 3215  
For Committee of Adjustment process and procedures 546-4291 extension 3274
- Strategic Planning and Sustainability - Environment City Hall.**  
For all rural applications on private services please discuss well construction standards, and hydrogeological (water quality, quantity and interference) requirements with an **Environmental Engineer**, 546-4291 extension 1368. Draft interim standards are attached to the back of the application form.
- Public Works and Emergency Services - Engineering 1211 John Counter Boulevard**  
For entrance permits Engineering Technician 613-546-4291- extension 3147  
For grading and drainage questions extension 3172
- Utilities Kingston Technical Services 1211 John Counter Boulevard**  
Call ahead and request a severance locate (the **severance locate** is done free of charge) and ensure the information is shown on the survey/site plan provided. Customer technical contact telephone is 613-546-1181 extension 2280.
- Heritage Properties**  
If your site or structure is designated under the Ontario Heritage Act (Heritage Designation) or is a listed property as outlined by the Kingston Municipal Heritage Committee, or is situated beside one of these properties then a Heritage Permit may be required or a review of the property may need to be undertaken prior to submitting your application to the Committee of Adjustment. Customer technical contact 613-546-4291 extension 2176
- The Ministry of Transportation Ontario** – permission for entrance permits where applicable 613-748-5270.

## **Hydrogeological Assessments In Support of Rural Land Severances**

A copy of the draft City of Kingston hydrogeological standards is attached to this instruction package.

## **Zoning Relief**

Any zoning relief identified by the Zoning Administrator will require either a separate Minor Variance Application or Rezoning Application with the appropriate fee.

A Minor Variance Application must be filed concurrently with the Consent Application. In some instances the requirement to file a Rezoning Application may be able to be made a condition of the Consent or may be required to the Consent being processed.

## **Electronic Registration of Transfer**

In order to provide a certificate for electronic registration we require the following information to be submitted to the Secretary Treasurer for review:

- An itemized explanation as to how each of the Conditions of Provisional Approval has been met including supporting documentation.
- The schedule page or acknowledgement and direction transfer page, including the names of the Transferor and Transferee and the legal description of the property as it would have appeared on the deed if deeds had been presented.
- A solicitor's undertaking to register the electronic certificate on title.

Once we are in receipt of the required information we will provide an electronic certificate via e-mail to your office.

We will alternatively stamp the Certificate on the deeds if that is the option requested.

## **Some Conditions That May Be Imposed**

The Planning Act provides the authority for the Committee of Adjustment to impose conditions on its decision. Each application is unique and different conditions may apply to each situation.

Some conditions that may be imposed include:

- Copies of a new survey for the severed land.
- Payment of money in lieu of the conveyance of land for parks or other public recreation purposes.
- Conveyance of road widening if required.
- Setbacks for development from wetlands or water bodies.
- Zoning By-Law compliance.
- If on private services (well and septic system) proof of satisfactory water quantity, quality and non-interference on neighbouring wells and construction of any well in accordance with City of Kingston standards. A report from a qualified hydro-geologist may be required for this purpose. Otherwise in urban areas, provisions of adequate services to each of the lots.
- If on a municipal agricultural drain, an apportionment of the charges.
- A new or amended civic address.
- Confirmation of the location of servicing in serviced areas. Each lot must be serviced by separate laterals from the mains.
- Confirmation that the taxes are paid to date and that there are no outstanding other charges.
- Entrance permit. A higher standard may be required for a residential entrance permit over an existing farm entrance.
- Conditions respecting archaeology or heritage impacts if applicable.
- Such other conditions as may be requested by any commenting body.



The Corporation of the City of Kingston  
 Planning and Development Department  
**APPLICATION FOR CONSENT UNDER SECTION 50(18), SECTION 53 AND SECTION 54(2.1) OF  
 THE PLANNING ACT, AS AMENDED  
 POWER OF SALE-FORECLOSURE**

**OFFICE USE ONLY**

**DATE RECEIVED (stamp all pages & attachments)**

File Number: \_\_\_\_\_ B- \_\_\_\_\_

Related File Number(s): \_\_\_\_\_

OMB Submission: \_\_\_\_\_

**PART I THE SUBJECT PARCEL OF LAND (prior to the consent process)**

Civic Address: \_\_\_\_\_  
 Assessment Roll No.: \_\_\_\_\_ (from tax bill)  
 Concession No. \_\_\_\_\_, Lot No. \_\_\_\_\_  
 Subdivision Plan No. \_\_\_\_\_, Lot No. \_\_\_\_\_  
 Reference Plan No. \_\_\_\_\_, Part No. \_\_\_\_\_

**No application will be accepted or considered complete without a civic address for the subject property and the assessment roll number from the tax bill\***

Frontage on which Street: \_\_\_\_\_  
 Other Frontage (corner lot) \_\_\_\_\_  
 Nearest Intersection \_\_\_\_\_  
 Depth: \_\_\_\_\_ metres  
 Width (frontage): \_\_\_\_\_ metres  
 Total Lot Area: \_\_\_\_\_ hectares/square metres  
 Existing Use(s): \_\_\_\_\_

**PART II PURPOSE OF CONSENT – Check the Appropriate Box**

- |  |   |
|--|---|
| <input type="checkbox"/> Create a New Lot      | <input type="checkbox"/> Lot Addition (answer Section 2.2, below) |
| <input type="checkbox"/> Charge/Mortgage       | <input type="checkbox"/> Lease                                    |
| <input type="checkbox"/> Easement/Right-of-Way | <input type="checkbox"/> Correction of Title                      |
| <input type="checkbox"/> Other: _____          |   |

2.1 Is this parcel subject to another application  Yes or  No If yes, explain \_\_\_\_\_

**2.2 PROPERTY TO RECEIVE THE LOT ADDITION**

Owner(s): \_\_\_\_\_  
 Civic Address: \_\_\_\_\_  
 Assessment Roll No.: \_\_\_\_\_ (from tax bill)  
 Concession No. \_\_\_\_\_, Lot No. \_\_\_\_\_  
 Subdivision Plan No. \_\_\_\_\_, Lot No. \_\_\_\_\_  
 Reference Plan No. \_\_\_\_\_, Part No. \_\_\_\_\_

Frontage on which Street: \_\_\_\_\_  
 Other Frontage (corner lot) \_\_\_\_\_  
 Depth: \_\_\_\_\_ metres  
 Width (frontage): \_\_\_\_\_ metres  
 Total Lot Area: \_\_\_\_\_ hectares/square metres  
 Existing Use(s): \_\_\_\_\_

**PART III: REGISTERED OWNER/AGENT INFORMATION**

**3.1 REGISTERED OWNER INFORMATION**

**Name** (All persons with an interest in the subject lands must be identified by the applicant with an address and postal code as the legislation requires that they receive notice. This includes a spouse or partner where there is an interest in law.)

Registered Owner(s):

Company Name:

\_\_\_\_\_

\_\_\_\_\_

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

Telephone: \_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Postal Code \_\_\_\_\_

E-Mail \_\_\_\_\_

Communications are to be sent to  Applicant or  Agent

3.2 **AUTHORIZED AGENT/ SOLICITOR**

Agent's Name \_\_\_\_\_

Agent's Firm Name \_\_\_\_\_

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

Telephone: \_\_\_\_\_

\_\_\_\_\_

Fax: \_\_\_\_\_

Postal Code \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Authorization Letter Attached from Owner

Yes

No.

Note: If this application is signed by an agent on behalf of any applicant(s), all the owners or persons with an interest in the property must be identified and their authorizations must accompany the application. If the applicant is a corporation acting without agent, the application must be signed by an officer of the corporation and the corporation's seal (if any) and the capacity of the person signing must be affixed.

3.3 **MORTGAGE/HOLDERS**

Names and addresses of any mortgagees, holders of charges, or other encumbrances:

Name: \_\_\_\_\_

Mailing Address/ P.O. Box \_\_\_\_\_

City, Province \_\_\_\_\_, Postal Code \_\_\_\_\_

**PART IV: OFFICIAL PLAN & ZONING BY-LAW INFORMATION – To be copied from the Official Plan & Zoning Review Form**

**HERITAGE DESIGNATION**

4.1 Is the land or any structure designated under the Ontario Heritage Act? Yes  No

4.2 Is the subject site a listed property? Yes  No

**OFFICIAL PLAN**

4.3 What is the existing **Official Plan designation(s)** of the subject land? \_\_\_\_\_

4.4 Does this application **comply** with the Official Plan designation?  
Yes  No

4.5 If **NO** have you applied for an amendment?  
No  Yes  If **YES** please provide amendment no.: \_\_\_\_\_

4.6 Are there any constraints to development? \_\_\_\_\_

4.7 Are the lands subject to a **Hydro-geological Assessment**? Severed Yes or No, and Retained Yes or No.

**ZONING**

4.8 What **Zoning By-Law** is affected? \_\_\_\_\_

4.9 What is the **current Zone** of the subject lands? \_\_\_\_\_

4.10 Does this application comply with the **Zoning By-Law**?  
Yes  No

4.11 If **NO** have you applied for relief (minor variance)?  
No  Yes  Nature of relief applied for: \_\_\_\_\_

**PART V: DESCRIPTION OF LANDS**

Measurements from the Sketch, Plan or Survey **MUST** be transferred to this and the following sections since all information on this form is part of the affidavit of the Applicant and all parts of the application must be complete. Do not simply make reference to the Plan attached.

**USE A SEPARATE SHEET IF THERE IS NOT ENOUGH ROOM ON THIS PAGE.**

5.1 Has **previous severances occurred** from **this land holding**? No  Yes  Unknown  .

If **Yes**, please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's name \_\_\_\_\_ Relationship (if any) to owner \_\_\_\_\_

File Name or Number \_\_\_\_\_ Date parcel created \_\_\_\_\_

5.2 Have the subject lands ever been the subject of an application for approval of a Plan of Subdivision under Section 51 of the Planning Act?  
No  Yes  If **Yes**, please indicate the file number \_\_\_\_\_ and decision Approved  Denied

5.3 Is the owner or his/her authorized agent **applying** for **additional consents** on this holding **simultaneously** with this application, or considering applying for additional consents **in the future**?  
No  Yes  If **Yes**, explain: \_\_\_\_\_

5.4 If known, whether the subject land is the **subject of any other application under the Planning Act**, such as an application for an amendment to an Official Plan, a Zoning By-law Amendment (rezoning), a Minister's zoning order, a minor variance, an approval of a plan of subdivision or a consent.  
No  Yes   
If the answer is **yes** and if known, the file number and status of the application: \_\_\_\_\_

**IMPORTANT NOTE:** The subject lands MUST have a civic address. If no civic is assigned, please contact the Planning and Development Department to have a Civic Address assigned @ 613-546-4291 ext 3183

**5.5A DESCRIPTION OF LOT TO BE SEVERED**

**5.5B DESCRIPTION OF LOT TO BE RETAINED**

Civic Address: _____ Road Frontage: _____ metres Other Frontage (Corner Lot) : _____ metres Depth: _____ metres Total Lot Area: _____ hectares/square metres Existing Use(s): _____ Proposed Use(s): _____ Total Number of Existing Residential Units: _____ Total Number of Existing Bedrooms: _____ <b>For multiple unit structures, the applicant shall provide an additional page outlining each unit and its area and their number of bedrooms.</b>	Civic Address: _____ Road Frontage: _____ metres Other Frontage (Corner Lot) : _____ metres Depth: _____ metres Total Lot Area: _____ hectares/square metres Existing Use(s): _____ Proposed Use(s): _____ Total Number of Proposed Residential Units: _____ Total Number of Proposed Bedrooms: _____ <b>For multiple unit structures, the applicant shall provide an additional page outlining each unit and its area and their number of bedrooms.</b>
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**5.6A SEVERED LOT - STRUCTURES & LOCATION**

**5.6B RETAINED LOT - STRUCTURES & LOCATION**

<b>CHECK HERE IF THE SEVERED LOT IS VACANT</b>	<b>LOCATION of each structure as shown on the survey/plan provided:</b>	<b>CHECK HERE IF THE RETAINED LOT IS VACANT</b>	<b>LOCATION of each structure as shown on the survey/plan provided:</b>
<b>Principal Structure/Building</b>		<b>Principal Structure/Building</b>	
Ground Floor Area _____ m2	Front Lot Line _____ m	Ground Floor Area _____ m2	Front Lot Line _____ m
Gross Floor Area _____ m2	Side Lot Line _____ m	Gross Floor Area _____ m2	Side Lot Line _____ m
No. of Storeys _____	Other Side _____ m	No. of Storeys _____	Other Side _____ m
Length and Width _____	Rear Lot Line _____ m	Length and Width _____	Rear Lot Line _____ m
Height (if known) _____ m	High Water Mark or Floodplain _____ m	Height (if known) _____ m	High Water Mark or Floodplain _____ m
Number of Parking Spaces _____	Top of Bank _____ m	Number of Parking Spaces _____	Top of Bank _____ m
Number of Loading Areas _____		Number of Loading Areas _____	
<b>Detached Garage</b>		<b>Detached Garage</b>	
An Attached garage is considered part of the Principal Structure	Front Lot Line _____ m	An Attached garage is considered part of the Principal Structure	Front Lot Line _____ m
Ground Floor Area _____ m2	Side Lot Line _____ m	Ground Floor Area _____ m2	Side Lot Line _____ m
Gross Floor Area _____ m2	Other Side _____ m	Gross Floor Area _____ m2	Other Side _____ m
Length and Width _____	Rear Lot Line _____ m	Length and Width _____	Rear Lot Line _____ m
Height (if known) _____ m	High Water Mark or Floodplain _____ m	Height (if known) _____ m	High Water Mark or Floodplain _____ m
	Top of Bank _____ m		Top of Bank _____ m
<b>Shed or Other Structure</b>		<b>Shed or Other Structure</b>	
Type: _____	Front Lot Line _____ m	Type: _____	Front Lot Line _____ m
Ground Floor Area _____ m2	Side Lot Line _____ m	Ground Floor Area _____ m2	Side Lot Line _____ m
Gross Floor Area _____ m2	Other Side _____ m	Gross Floor Area _____ m2	Other Side _____ m
Length and Width _____	Rear Lot Line _____ m	Length and Width _____	Rear Lot Line _____ m
Height (if known) _____ m	High Water Mark or Floodplain _____ m	Height (if known) _____ m	High Water Mark or Floodplain _____ m
	Top of Bank _____ m		Top of Bank _____ m
<b>Shed or Other Structure</b>		<b>Shed or Other Structure</b>	
Type: _____	Front Lot Line _____ m	Type: _____	Front Lot Line _____ m
Ground Floor Area _____ m2	Side Lot Line _____ m	Ground Floor Area _____ m2	Side Lot Line _____ m
Gross Floor Area _____ m2	Other Side _____ m	Gross Floor Area _____ m2	Other Side _____ m
Length and Width _____	Rear Lot Line _____ m	Length and Width _____	Rear Lot Line _____ m
Height (if known) _____ m	High Water Mark or Floodplain _____ m	Height (if known) _____ m	High Water Mark or Floodplain _____ m
	Top of Bank _____ m		Top of Bank _____ m

5.7 Name of Person(s) (purchaser, lessee, mortgagee, etc.) and Relationship to whom land or interest in land is intended to be conveyed, leased or mortgaged:

\_\_\_\_\_

5.8 Are there any **Easements** or **Restrictive Covenants** affecting the subject lands? No  or Yes

If Yes, describe the easement or covenants and its effect: \_\_\_\_\_

5.9 Is this property **assessed or does it receive a benefit** under the Municipal Drainage Act (former Township of Pittsburgh).  
No  Yes

If Yes, provide details of the drainage works (the property may need to be re-apportioned): \_\_\_\_\_

**PART VI: SERVICING OF THE PROPERTY**

6.1 What type of **water supply** exists or is proposed for each lot? (Check appropriate space)

TYPE	SEVERED LOT		RETAINED LOT	
	Existing	Proposed	Existing	Proposed
Municipally Owned and Operated Public Piped Water Supply				
Public or Private Communal Well				
Individual Private Well				
Lake				
Other (specify)				

6.2 What type of **sewage disposal system** exists or is proposed for each lot? (Check appropriate space)

TYPE	SEVERED LOT		RETAINED LOT	
	Existing	Proposed	Existing	Proposed
Municipally Owned and Operated Public Piped Sewage System				
Public or Private Communal Septic System				
Individual Private Septic System				
Other (specify)				

(If Known) When will water supply and sewage disposal services be available? \_\_\_\_\_

**PART VII: CONTAMINATED SITES SCREENING QUESTIONNAIRE**

THE FOLLOWING QUESTIONS MUST BE ANSWERED ACCURATELY.

7.1 Are any of the following **uses or features** on the **subject or retained** land or **within 500 metres** of the **subject** land? Please check *yes* or *no* to each question in **both columns** (1) on the subject land and (2) within 500 metres of the subject land.

USE OR FEATURE	ON SUBJECT OR RETAINED LAND		WITHIN 500 METRES OF SUBJECT LAND (indicate approximate distance)		
	YES	NO	YES	NO	APPROX. DISTANCE
An <b>agricultural operation</b> , including a livestock facility (barns) or stockyard.					
A <b>landfill</b> – currently or no longer operating					
A <b>sewage</b> treatment plant or a <b>waste</b> stabilization plant					
A <b>wetland</b> area					
A natural <b>gas or oil pipeline</b> (Main Pipeline)					
A <b>flood plain</b>					
A <b>pit or quarry</b> site					
An active <b>railway</b> line					
An <b>industrial or commercial use</b> (specify)					
Has a <b>gas station</b> been located on the subject land at any time?					
Has there been petroleum or other <b>fuel stored</b> on the subject land?					
Is there any reason to believe the subject land may have been <b>contaminated by former uses</b> on the site or adjacent sites?					
Does the application involve land or is it adjacent to lands where <b>filling</b> has occurred?					
Has the <b>grading</b> of the subject land been changed by adding earth or other material?			n/a	n/a	n/a
Does the application propose development on <b>private</b> services (septic system) or redevelopment on a site where private services either are or were used?			n/a	n/a	n/a
Has an <b>Environmental Site Assessment</b> been done or is one being prepared for the site?			n/a	n/a	n/a

7.2 What **information** did you use to determine the answers to the above questions?

\_\_\_\_\_



**PART IX: SIGNATURE AND STATUTORY DECLARATION**

**OWNER'S AUTHORIZATION (If an agent is used, the owner must also complete the following:)**  
I/WE, \_\_\_\_\_ being the registered owner(s) of the subject lands hereby authorize \_\_\_\_\_ to act in all matters on my/our behalf pertaining to this application.  
\_\_\_\_\_  
Signature(s) Date

**PERMISSION TO ENTER**  
I/We \_\_\_\_\_  
(Please print legibly or type the full name of all of the owners)  
the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Kingston Committee of Adjustment and City of Kingston staff members, to enter upon the property that is the subject of this application for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or Consent.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Signature(s) of the owner(s), or where the owner is a firm or corporation, the signature of an officer of the owner.  
\_\_\_\_\_  
Where the owner is a firm or corporation, please print or type the full name and capacity of the person signing.

**This section shall be signed in front of the Commissioner of Oath**

I, \_\_\_\_\_ of the City of Kingston in the County of Frontenac solemnly declare that:  
By my signature below I acknowledge that I have read all parts of the subject application and I have accepted the responsibility to provide the names, addresses and postal codes for any other owners or persons who may have an interest in the property that is the subject of this application; and that there is no one else who has an interest in the property other than the individual(s) and addresses included with the subject application.  
All of the above statements contained herein and all exhibits transmitted herewith including an Application for \_\_\_\_\_  
dated \_\_\_\_\_ and attached hereto are true, and I 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.  
DECLARED before me at the City of Kingston in the County of Frontenac  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
A Commissioner, etc. Applicant  
NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed hereto.

**NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION.**

**AN APPLICATION IS CONSIDERED COMPLETE WHEN:** all sections of the application pertaining to your proposal are filled out and include: a detailed survey, sketch or plot plan showing all dimensions (see attached sheet for more details), elevation drawings with dimensions and materials used, Official Plan & Zoning Review, Letter of Authorization (if agent is being used).

**NOTICE OF COLLECTION  
MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**  
Personal information collected on this form and at any hearing on this matter is collected under the authority of the *Planning Act*, R.S.O. 1990 as amended, and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments will be made available for public disclosure. Questions regarding this collection should be forwarded to: The Secretary Treasurer, Committee of Adjustment, Planning and Development Department, 1211 John Counter Boulevard, c/o City of Kingston, 216 Ontario Street, Kingston, Ontario, K7L 2Z3, Telephone (613) 546-4291, Ext. 3274.

### Sample Sketch

Please Use Metric Units

To Convert	Multiply by	To Find
Feet	0.3048	Metres
Acres	0.4046	Hectares

