

Understanding the Consent Application Process

Your Step-By-Step Guide for
Consent-Granting Authorities

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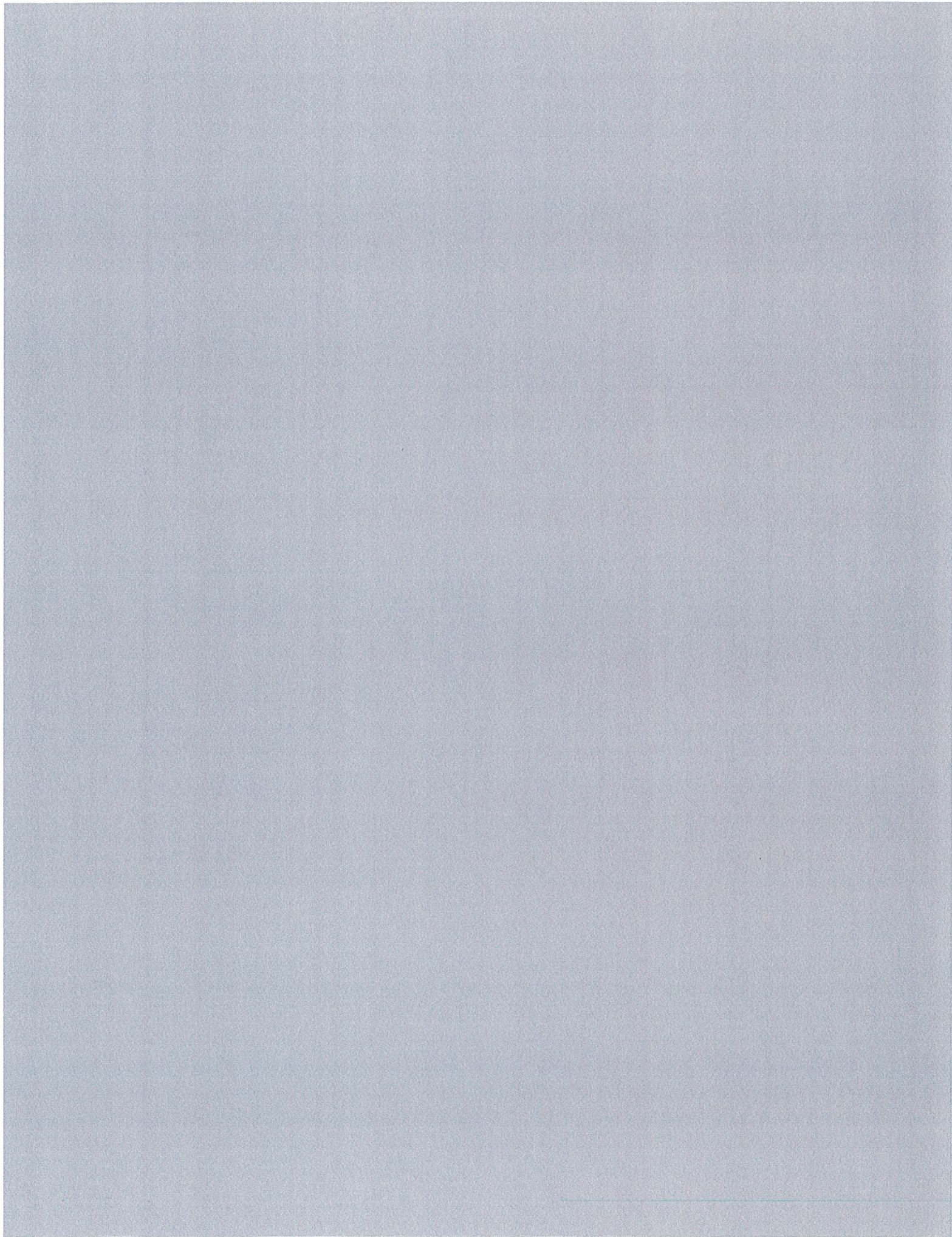
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Section 53 of the *Planning Act*

ontario.ca/municipallearning



Understanding the Consent Application Process

Your Step-By-Step Guide for Consent-Granting Authorities

Interpretation of this Document

This manual will direct you through the consent approval process in a step-by-step format. It is intended for use as a navigational guide for consent-granting authorities pursuant to section 53 of the *Planning Act*. If you are uncertain whether your municipality or planning board has authority to grant consents, please contact your regional Municipal Services Office.

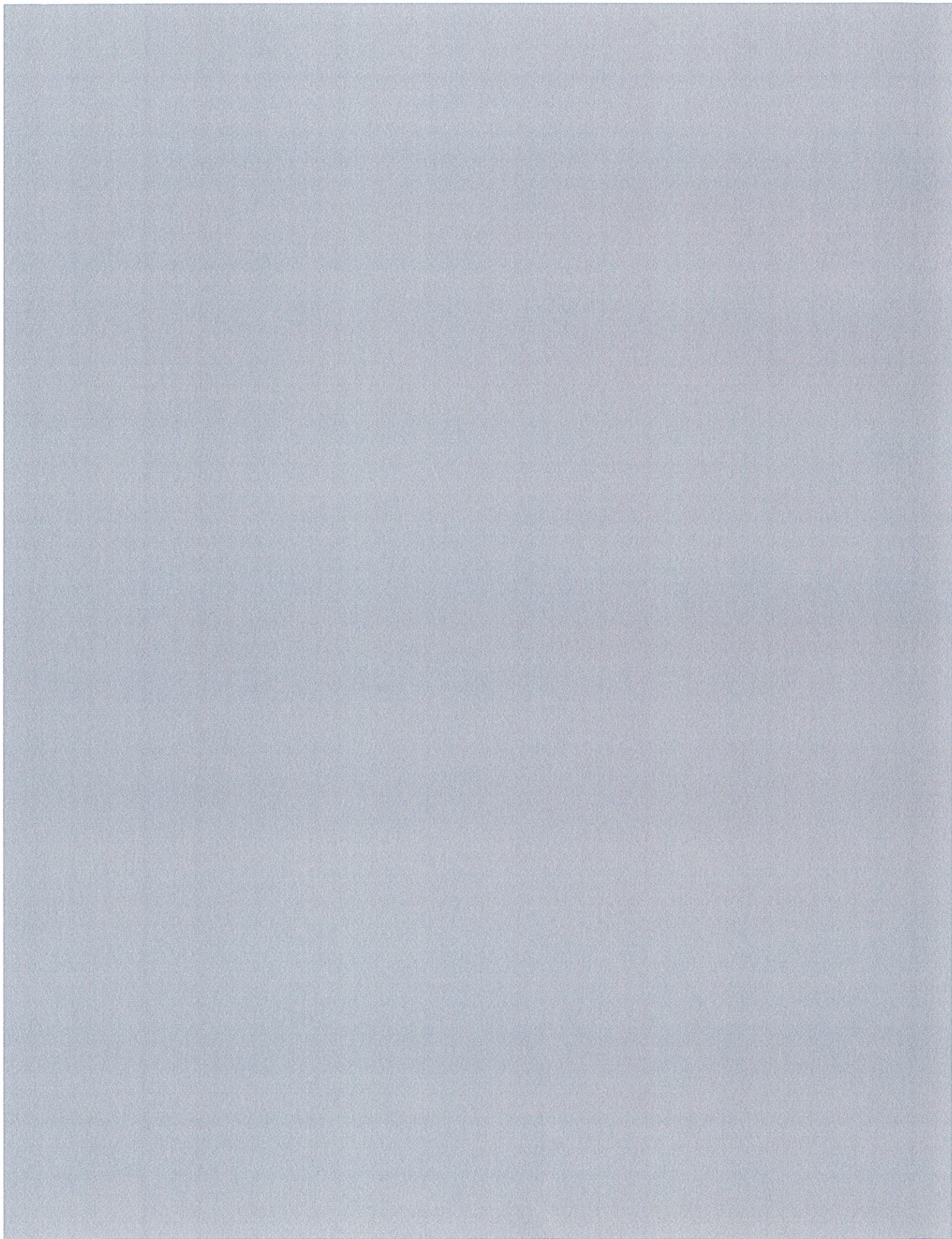


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part one



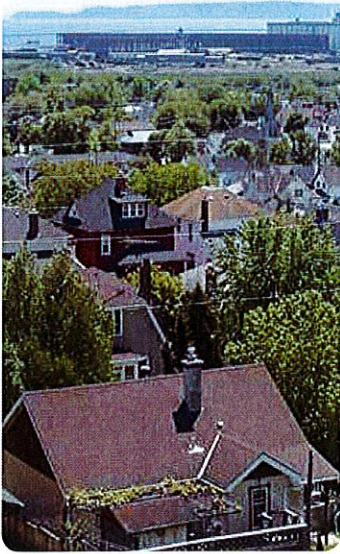
FUNDAMENTALS OF A CONSENT

Land Division in Ontario

Activities That Require Consent

Types of Consent-Granting
Authorities

Seven Essential Documents
You Should Know



LAND DIVISION IN ONTARIO

[*Planning Act*, s. 50]

Section 50 of the *Planning Act* prevents the division of land into smaller parcels unless one of the exceptions identified in the section applies. This usually means that approval of a governmental body will be required in order for land division to occur (some exceptions to this rule are identified below). As a result, whether a greenfield is being broken up into 50 buildable

lots or a single lot is being divided into two, the division of land is generally subject to a public process ensuring that provincial interests and local planning concerns (as expressed in the official plan) are both satisfied. The larger the number of lots being created, the more complex the considerations in the planning approval process will generally be.

Exceptions under the *Planning Act*

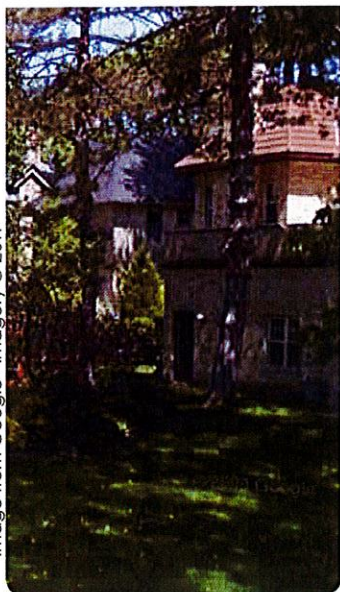
Some types of transactions that do not require an application for land division are [*Planning Act*, s. 50(3)]:

- ▶ A lease for a renewable energy project for a period of between 21 and 50 years
- ▶ Acquisition for an electricity distribution line, electricity transmission line, hydrocarbon distribution line or hydrocarbon transmission line described in Part VI of the *Ontario Energy Board Act, 1998*
- ▶ Acquisition for purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands approved under section 24 of the *Conservation Authorities Act*
- ▶ Transactions by a municipality, Her Majesty in right of Ontario or by Her Majesty in right of Canada
- ▶ The granting of an easement or covenant under the *Conservation Land Act*

	CONSENT	PLAN OF SUBDIVISION/ CONDOMINIUM
Application requirements	Less information is required for an application to be deemed complete (O. Reg. 197/96, Schedule 1)	More detailed information is required for an application to be deemed complete (O. Reg. 544/06, Schedule 1)
Time to make a decision before an applicant can appeal to the Ontario Municipal Board for non-decision	90 days [<i>Planning Act</i> , s. 53(14)]	180 days [<i>Planning Act</i> , s. 51(34)]
Time to fulfill conditions	If provisional consent is granted	If draft approval is granted
	1 year (no extension) [<i>Planning Act</i> , s. 53(41)]	A minimum of 3 years (extensions permitted) [<i>Planning Act</i> , s. 51(32)]
Time to transfer the new lots	If consent is given	If final approval is granted
	2 years (no extension) [<i>Planning Act</i> , s. 53(43)]	No timeline specified Note: If the applicant does not register a final plan within 30 days of the date of approval, the approval may be withdrawn. [<i>Planning Act</i> , s. 51(59)]. Also, if a plan has been registered for 8 years or more the local municipality can deem the plan to not be registered [s. 50(4)].

The *Planning Act* provides 4 main ways that a planning approval authority can control land division:

- 1) consent
- 2) plan of subdivision
- 3) plan of condominium
- 4) exemption from part-lot control



ACTIVITIES THAT REQUIRE CONSENT

The consent approval process (described in section 53 of the *Planning Act*) is a helpful alternative for land division proposals that are relatively less complex where a plan of subdivision is not required (e.g., the creation of one or two lots or easements).

A consent is appropriate if a landowner proposes to:

- ▶ Create a limited number of new lots (lot creation)
- ▶ Add land to a neighbouring lot (lot addition)
- ▶ Create one or more rights-of-way (easements)
- ▶ Charge over a part of a property (mortgage)
- ▶ Enter into a lease over a part of a property when the term of the lease

totals 21 years or more, inclusive of renewal options

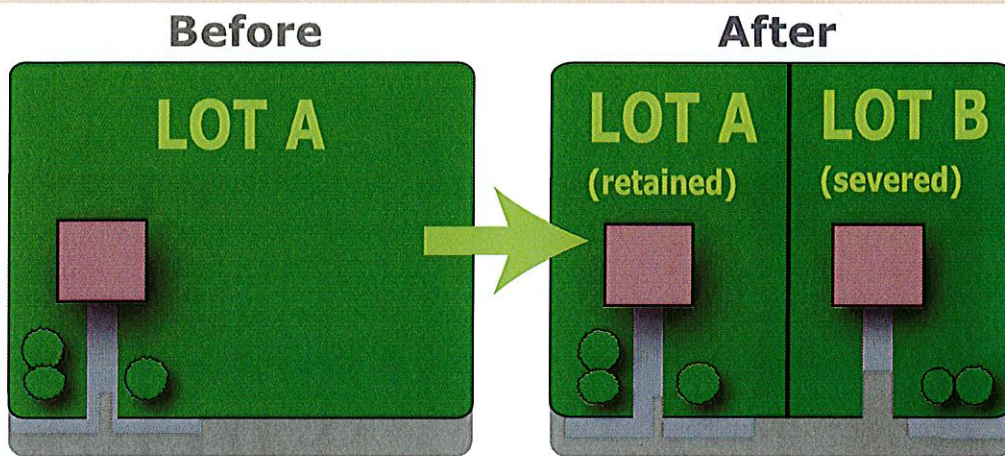
Where a property is already divided by a natural feature (e.g., the bed of a stream or lake) or a publicly owned thoroughfare (e.g., a highway or a road), consent is not required to convey the land on either side of the feature or thoroughfare separately.



For complex proposals involving multiple lots, public streets and servicing, a plan of subdivision or a plan of condominium application may be more appropriate for the landowner. Refer to "Undersanding the Subdivision and Condominium Application Process: A Step-by-Step Guide for Approval Authorities" for more information, or visit ontario.ca/municipallearning.

CONSENT APPLICATION TYPES

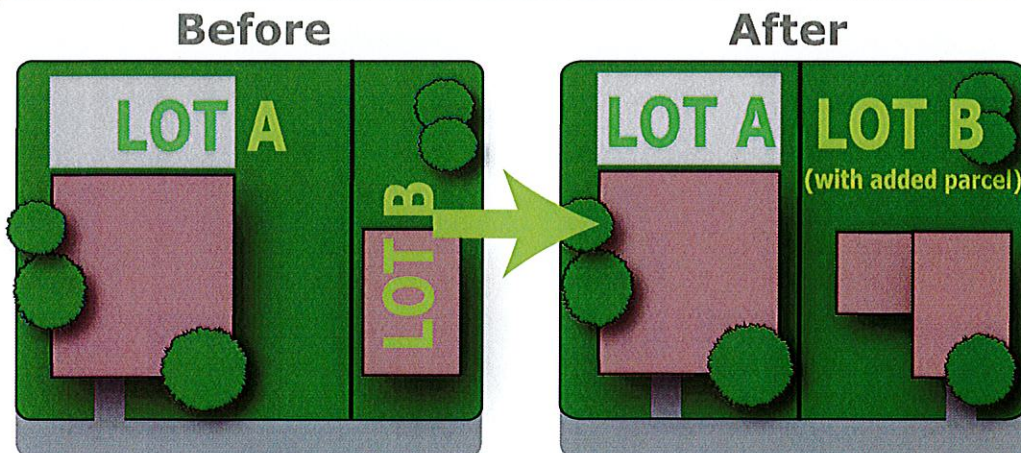
LOT CREATION: Before a landowner can sell or transfer ownership of a portion of his/her property as a standalone parcel, a new lot must be created.



A landowner wishes to sever part of his/her property and retain the remaining portion.

A consent is required for this type of transaction.

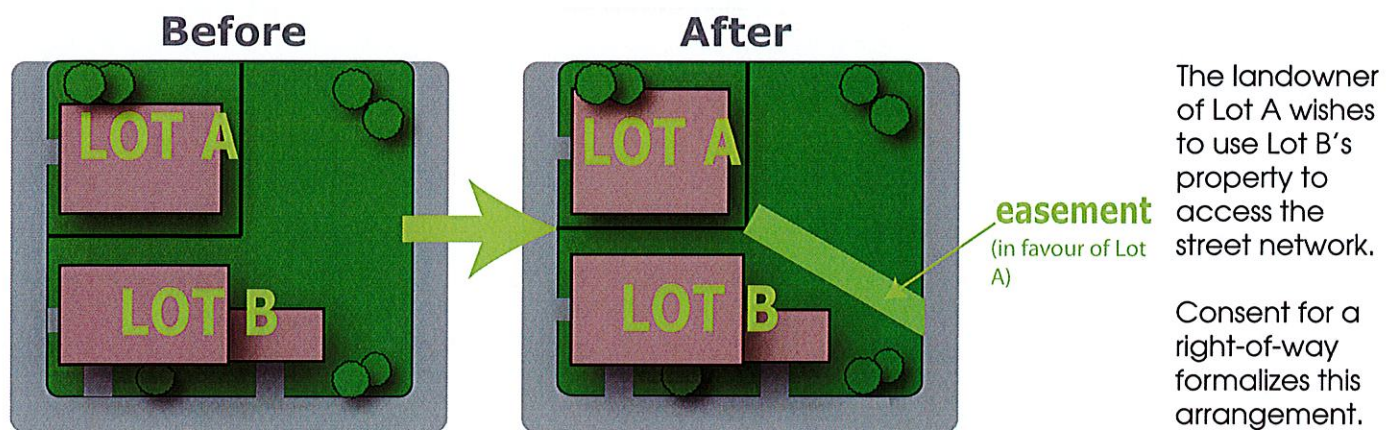
LOT ADDITION: Sometimes, a landowner wishes to sell or transfer ownership of a part of his/her land to a neighbouring (abutting) lot resulting in an increase in size of the abutting landowner's lot. This is referred to as lot addition.



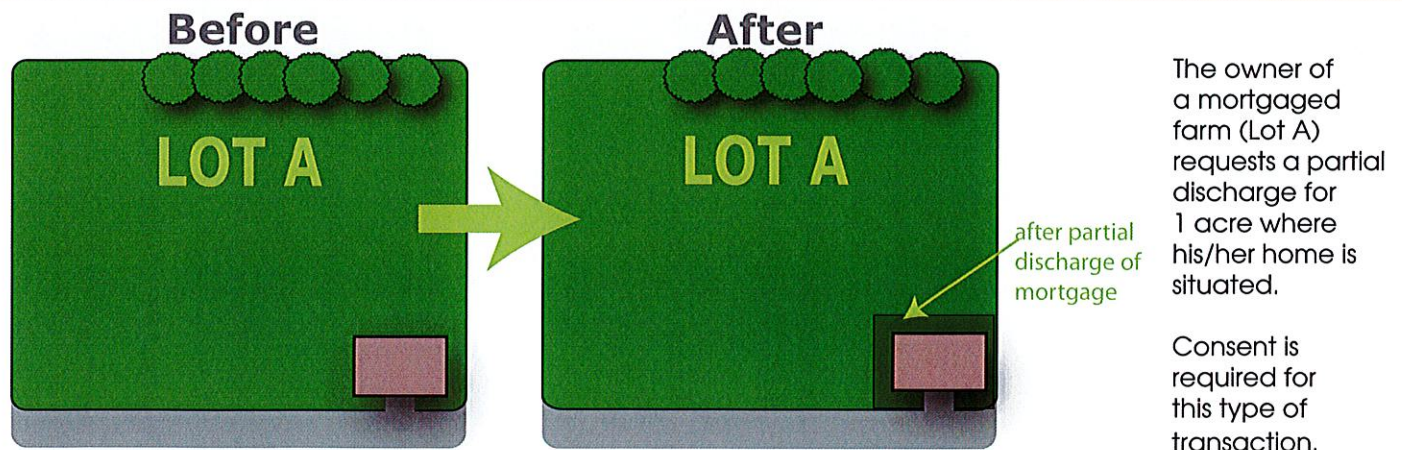
The owner of Lot A wishes to sell a portion of his/her property to the owner of Lot B to allow for an addition to an existing building.

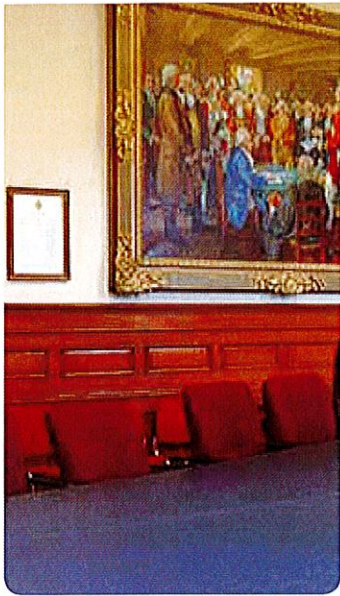
A consent is required for this type of transaction.

EASEMENTS: Easements are agreements that confer on an individual, company or municipality a right to use a landowner's property. Examples of easements include access roads, pathways and utilities (power lines, sewer/water lines, transmission lines, etc.).



MORTGAGE OR CHARGE OVER PART OF A PROPERTY: A landowner who wishes to mortgage (or charge) a part of his/her property, or a mortgagee (or chargee) who wishes to partially discharge a mortgage (or partially cease a charge) on a property must apply for consent.





PUBLIC BODIES THAT ARE CONSENT-GRANTING AUTHORITIES

[*Planning Act*, ss. 50(1) & 54]

A public body that has the authority to give consents is commonly referred to as the “consent-granting authority”.

Most single-tier and all upper-tier municipalities are assigned consent-granting authority by the *Planning Act* and Ontario Regulation 354/02. In some places, the Minister of Municipal Affairs and Housing is the consent-granting authority. This includes all unincorporated areas outside of planning boards.

Delegation of Consent-Granting Authority

The *Planning Act* provides assigned consent-granting authorities the option of delegating all or a part of their authority. In general, these delegated authorities can be grouped into three categories:

- **Lower-tier councils:**
Many upper-tier councils

have delegated their consent-granting authority to lower-tier councils within their jurisdiction. Some single-tier councils have also been delegated consent-granting authority from the Minister of Municipal Affairs and Housing.

- **Planning boards:** Most of the planning boards in Ontario have been delegated consent-granting authority by the Minister of Municipal Affairs and Housing. All authority to give consents must be retained with the planning board and cannot be further delegated.

- **Appointed officers, committees of council and municipal planning authorities:** A municipal council that has authority to grant



A detailed breakdown of approval authorities in Ontario is available at ontario.ca/landuseplanning.

consents can further delegate all or any part of this authority (as the case may be) to a municipal officer, a committee of council, a committee of adjustment, land division committee or a municipal planning authority, including:

- 1) the authority to determine if an application is complete pursuant to section 53 of the *Planning Act* (Step 2 of this Guide)
- 2) the authority for the giving of provisional consent for any or all types of consent applications (lot creation, lot addition, easements, mortgages or leases for 21 years or more) (Step 6 of this Guide)
- 3) the authority to give consent (i.e., issuing the final certificate) (Step 11 of this Guide)
- 4) the authority to change conditions of provisional consent (Step 8 of this Guide)

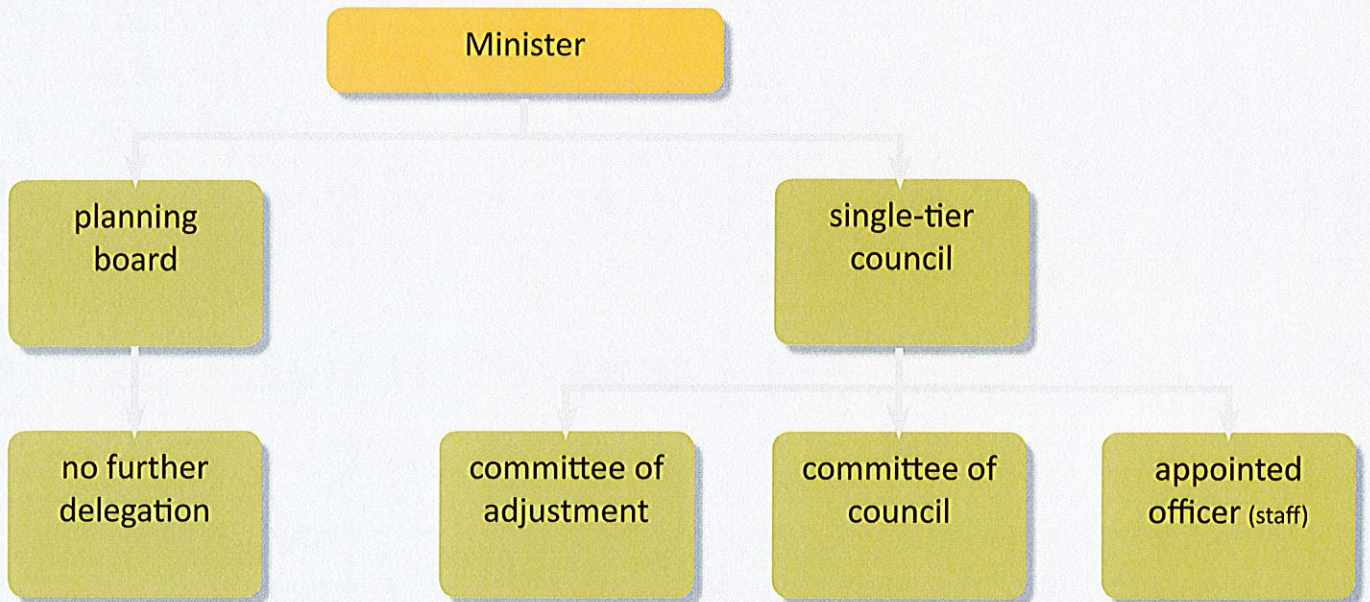
- 5) the authority to execute, amend or release agreements securing conditions imposed in respect of a consent to sever

Where a municipal officer is delegated authority, the by-law must identify the name or position of the officer. Conditions may also be attached to the delegation.

Note: The authority to give a Certificate of Validation or the authority to approve a foreclosure or an exercise of a power of sale can also be delegated by a municipal council who has this authority (see "Application for Foreclosure or Exercise of a Power of Sale" on page 54 or "Application for a Validation Certificate" on page 57 for more details).

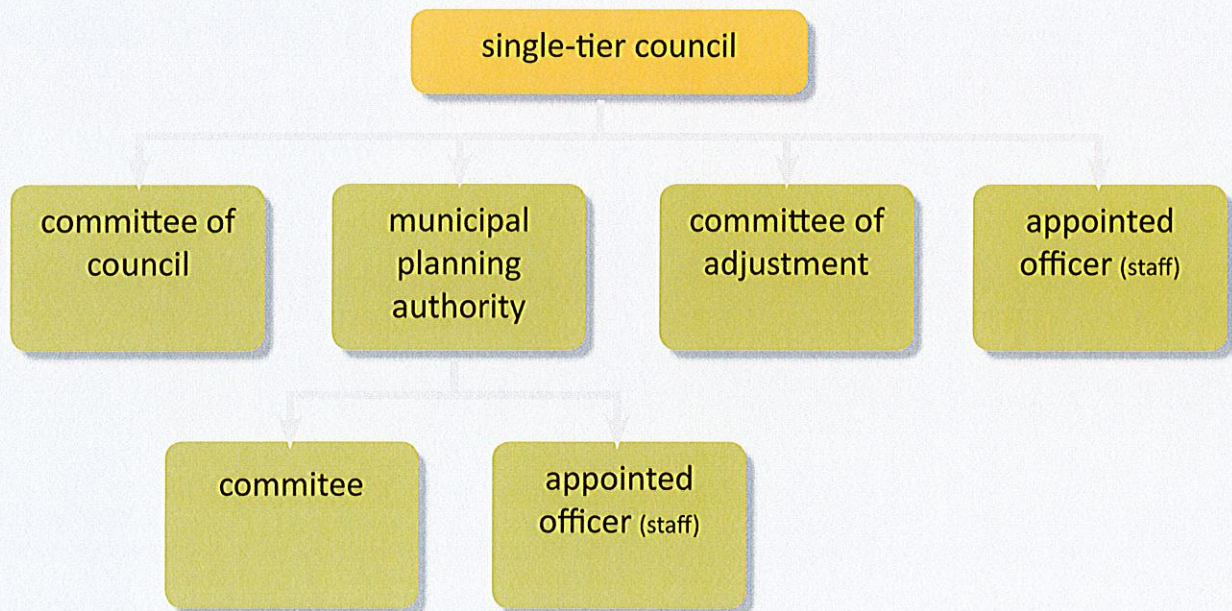
Delegation of Consent-Granting Authority

Where the Minister of Municipal Affairs and Housing is the assigned approval authority for consent applications, the Minister may delegate his/her authority as follows:



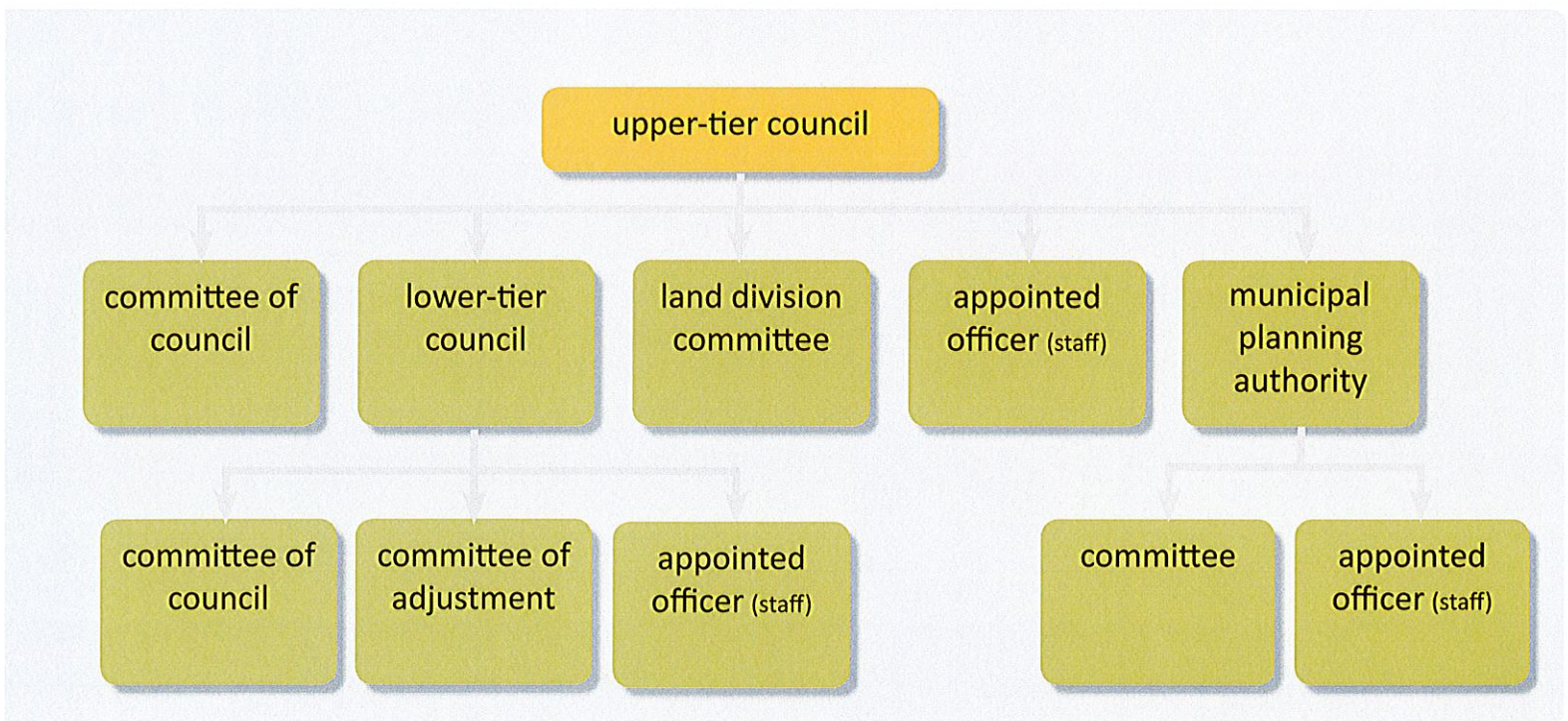
Delegation of Consent-Granting Authority

Where single-tier councils are the assigned approval authorities for consent applications, they may delegate their authority as follows:



Delegation of Consent-Granting Authority

Where upper-tier councils are the assigned approval authorities for consent applications, they may delegate their authority as follows:



SEVEN ESSENTIAL DOCUMENTS YOU SHOULD KNOW



To view the most up-to-date version of the *Planning Act*, please visit www.e-laws.gov.on.ca.

To download a copy of the Provincial Policy Statement, please visit ontario.ca/landuseplanning.

In Ontario, land division activities are regulated within a policy-led planning system that consists of seven inter-related types of legislation, rules and policies. Decisions made by a municipality or planning board on all land division matters are in accordance with these documents.

ONE

The Planning Act

The *Planning Act* provides the framework for the province's policy-led planning system and is administered by the Ministry of Municipal Affairs and Housing. The *Act* dictates which land use characteristics can be regulated, how they can be regulated and who can regulate them. This guide describes the key steps set out in the *Planning Act* for processing consent applications.

TWO

The Provincial Policy Statement

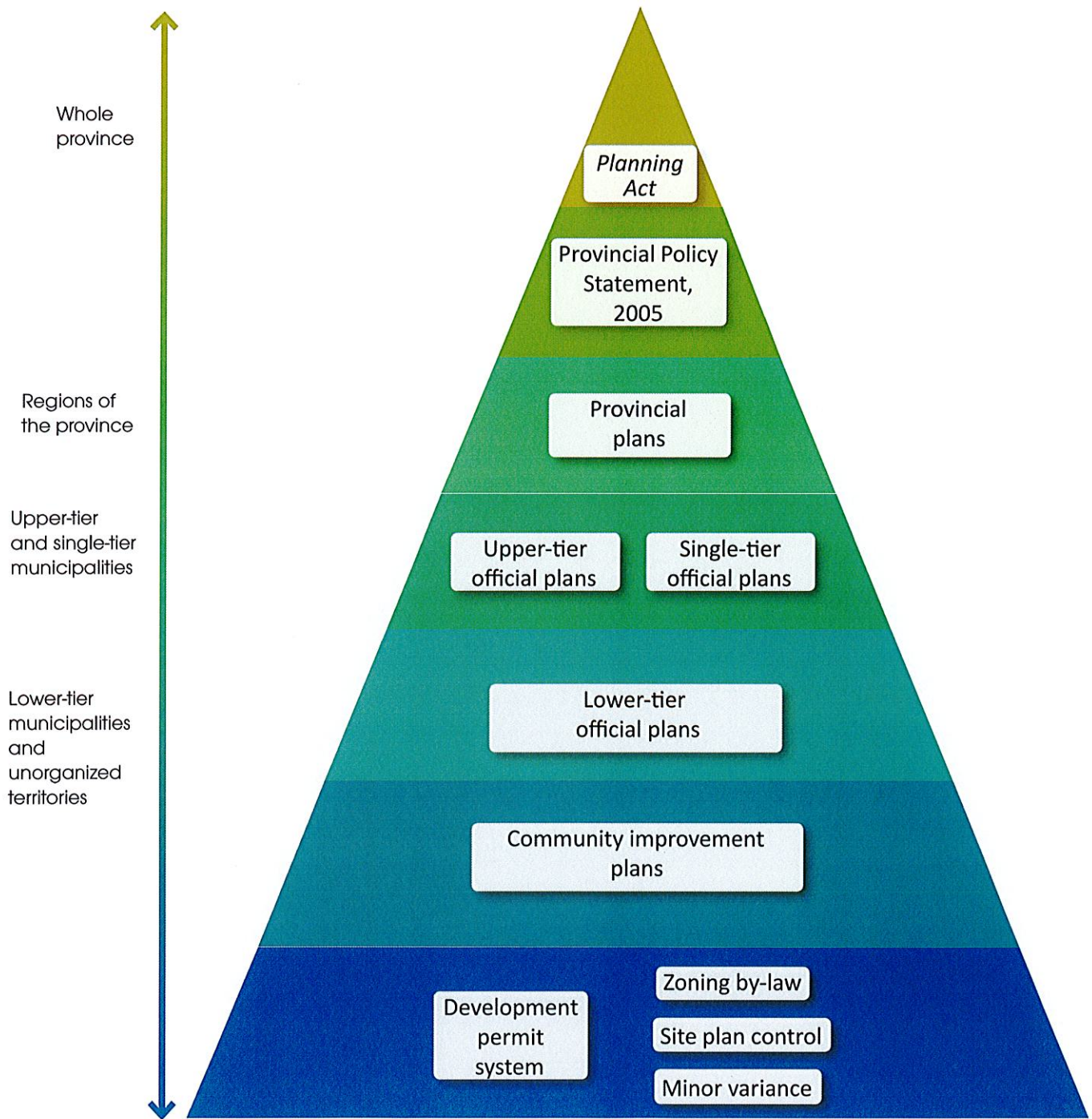
The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. It provides for appropriate development while protecting public resources of provincial interest, public health and safety and the quality of the natural environment. The Provincial Policy Statement is reviewed at least every five years from the time it was issued to ensure that the policies are up-to-date to address current planning challenges. Under the *Planning Act*, decisions in respect of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement.

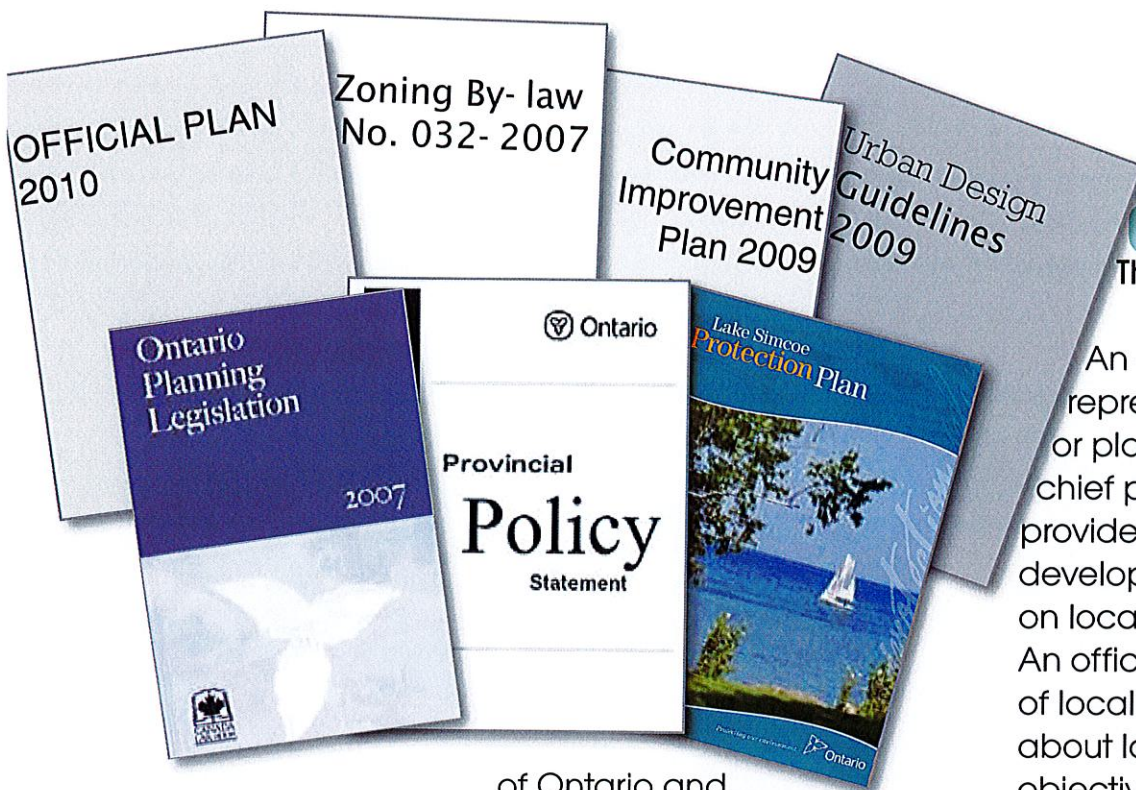
THREE

The Provincial Plan(s)

Provincial plans apply to specific geographical areas

Ontario's policy-led planning system





FOUR The Official Plan(s)

An official plan represents a municipality's or planning board's chief planning tool to provide direction to council, developers and the public on local planning matters. An official plan contains a set of locally-generated goals about land-use planning, objectives as well as policies in areas such as land use, infrastructure and servicing, transportation, the natural environment, community improvement and urban design. Certain *Planning Act* tools can be used to help achieve a community vision, if the official plan has been updated to contain the required provisions. Under the *Planning Act*, decisions that affect a planning matter must conform to the official plan(s).

FIVE The Community Improvement Plan(s)

A community improvement plan may enable municipalities to offer grants or loans to local businesses and landowners as an

of Ontario and complement the Provincial Policy Statement to form the foundation of Ontario's policy-led planning system. These plans recognize the opportunities and challenges facing Ontario's communities and provide leadership in dealing with how our communities will change over the long-term. Provisions on a wide range of issues may be included, such as land-use planning, transportation, infrastructure planning, housing, natural heritage, and resource protection. Under the *Planning Act*, decisions in respect of any authority that affects a planning matter shall conform or not conflict with provincial plans. See Appendix 4 for a list of provincial plans.

incentive to build or repair properties, including the remediation, rehabilitation and reuse of brownfields. Decisions made on planning applications should include, if applicable, considerations of how the application meets the goals, objectives and policies of the community improvement plan. Your community can use this planning tool if provisions relating to community improvement are contained in the official plan and there is a community improvement project area by-law in effect.

SIX

The Zoning By-law, Development Permit By-law or Minister's Zoning Order

A zoning by-law is another planning tool found in the *Planning Act*, which enables a council or planning board to implement the vision set out in the official plan. It identifies the permitted land uses and the required standards (e.g., lot sizes, building height, setback, parking requirements) for different areas of the community.

A development permit

system can also assist a municipality in implementing the vision set out in the official plan. This planning tool combines zoning, site plan and minor variance into one application and approval process. It promotes development by providing for faster timelines, eliminating potential duplication, incorporating flexibility for uses and development standards to provide a "one-stop" planning service. If your municipality uses a development permit system, you will have a development permit by-law in place. This by-law contains a list of permitted uses and standards, and may also set out variances to the uses and standards. Appeal rights are limited for a decision on a development permit, which helps to create more certainty in the process.

A Minister's zoning order is a regulation that is issued by the Minister of Municipal Affairs and Housing. It overrides local zoning provisions, where they exist. Like a zoning by-law, a Minister's zoning order identifies the geographic

area (zoning area) to which the order applies and contains provisions for the use of land. In other instances, it is used to apply a level of development control in relation to a matter of provincial interest in a subject area(s).

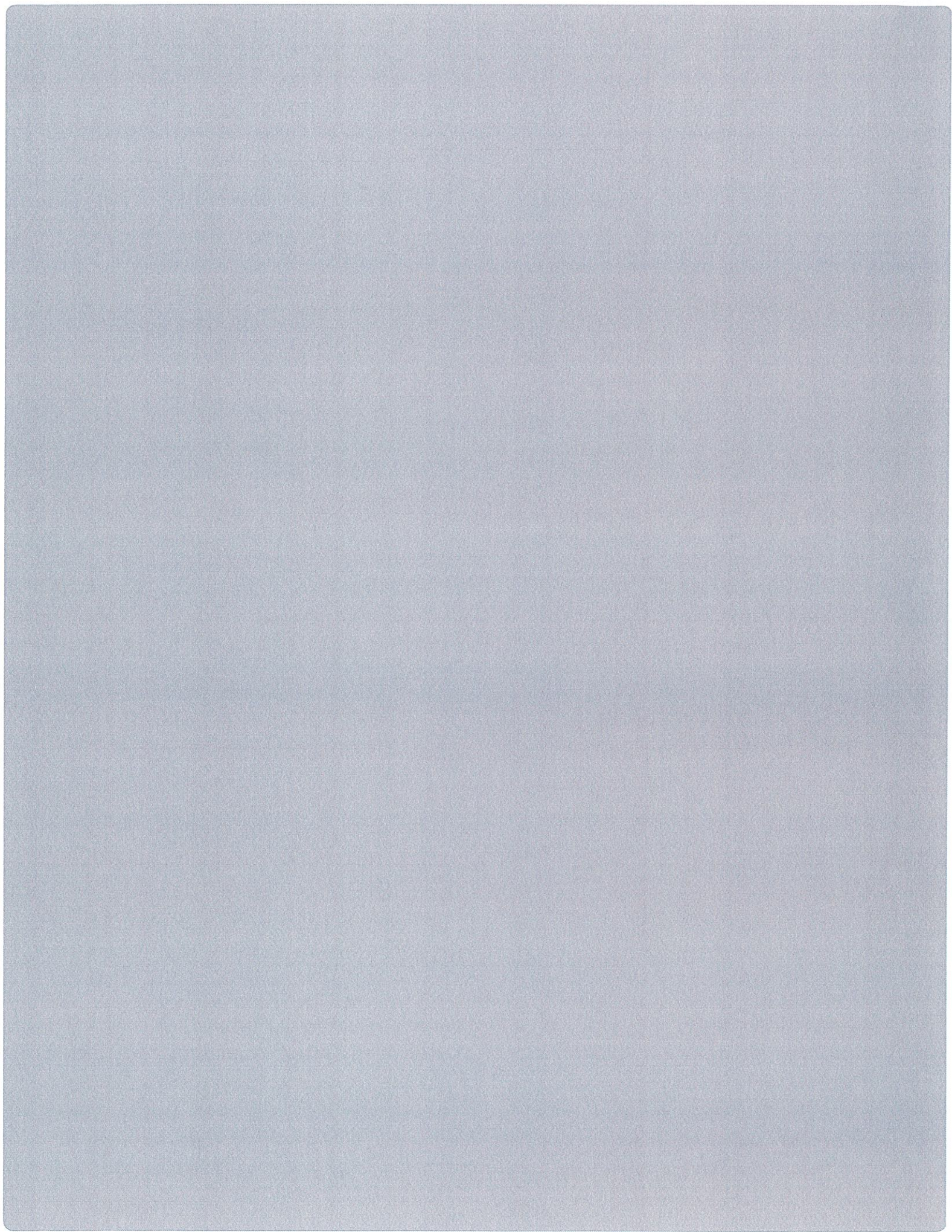
Under the *Planning Act*, decisions that affect a planning matter must comply with the applicable zoning by-law, development permit by-law or Minister's zoning order in the municipality or planning area.

SEVEN

The Site Plan Control Area By-Law

Site plan control provides a council with the added ability to control the design and the development of a site. This includes the location, design and shape (massing) of buildings, the layout of parking and service areas, public access areas, landscaping, paving materials and street furniture (e.g., bicycle facilities, benches, lampposts, recycling containers). An updated official plan that includes site plan control

policies along with a site plan control area by-law allow the implementation of site plan control.



Planning Act

Loi sur l'aménagement du territoire

ONTARIO REGULATION 338/98

DELEGATION OF AUTHORITY — EAST NIPISSING PLANNING BOARD

CURRENT

Consolidation period: November 6, 1998 - e-Laws currency date (November 26, 2025)

Last amendment: 580/98.

This Regulation is made in English only.

Legislative History

1. The Minister's authority to give consents under sections 50 and 53 of the Act with respect to applications whose file numbers are set out in the Schedule is delegated to the East Nipissing Planning Board. O. Reg. 338/98, s. 1.

2. The delegation of authority set out in section 1 is subject to the condition that the planning board comply with the rules of procedure contained in Schedule 4 to Ontario Regulation 136/95. O. Reg. 338/98, s. 2.

3. The delegation of authority set out in section 1 is not terminated by reason only that the condition set out in section 2 is not complied with. O. Reg. 338/98, s. 3.

3.1 The delegation of the Minister's authority to the East Nipissing Planning Board to approve consents under sections 50 and 53 of the *Planning Act* is withdrawn with respect to the files whose numbers are as follows:

48C-980002

48C-980012

O. Reg. 580/98, s. 1.

4. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 338/98, s. 4.

SCHEDULE

48C-970019

48C-970022

48C-970023

48C-970020

48C-980011

48C-960012

48C-970024

48C-970025

48C-980006

48C-980007

48C-980008

48C-980009

48C-980010

O. Reg. 338/98, Sched.; O. Reg. 580/98, s. 2.

WHEN A PLANNING BOARD HAS BEEN GRANTED AUTHORITY UNDER SECTION 50 OF THE ONTARIO PLANNING ACT, IT MEANS:

The Planning Board is the official subdivision control authority.

It has the legal power to grant or refuse consents (severances) and to regulate land division within its geographic jurisdiction.

More specifically:

1. The Planning Board becomes responsible for all decisions related to consent applications.

This includes authority to:

- Approve or refuse consent (severance) applications (Section 53)
- Apply conditions to consents
- Enforce subdivision control rules under Section 50
- Issue Certificates of Consent
- Determine whether land parcels merge or remain separate

Ensure proposed lot creations comply with:

- Official Plan
- Zoning
- Provincial Policy Statement
- Site conditions (access, services, frontage, etc.)

2. Section 50 authority means the Board prevents illegal land division

Section 50 is the core subdivision control provision.

Planning Boards with this authority:

- Prevent unapproved lot creation
- Review all legal instruments that might create new parcels:
 - transfers, mortgages, easements, long-term leases, etc.

Ensure no land division occurs except:

- by registered subdivision, or
- by consent granted by the Planning Board

3. The Planning Board must follow the Act and policies when deciding consents

The Board must consider:

- Provincial Policy Statement (PPS)
- Official Plan policies
- Zoning conformity
- Access (road frontage)
- Servicing (water, sewage)
- Natural hazards
- Compatibility with surrounding uses
- Cumulative impacts of multiple severances

WHEN A PLANNING BOARD IS GRANTED AUTHORITY UNDER SECTION 53 OF THE PLANNING ACT, WHAT DOES IT MEAN?

Section 53 is the part of the Planning Act that governs when and how a piece of land (or part of a piece of land) can be severed — i.e. divided — without requiring a full “plan of subdivision.”

The “consent” given under Section 53 is commonly referred to as a land severance (or “consent to sever”).

In short: if you want to split your property (or otherwise alter property boundaries, grant easements, or deal with part of your parcel — e.g. lease part, mortgage part, etc.) under certain circumstances, Section 53 sets out how you get permission from the Granting Authority (or the provincial Minister, in some cases) to do so.

What kinds of things require “Consent under Section 53”

Under Section 53 (and its companion section Section 50, which defines “consent”) — a consent is required for:

- Creating a new lot or parcels (splitting existing land into two or more) — a “severance.”
- ontarioplanners.ca
- Lot-line adjustments or boundary changes (not just whole-lot severances).
- Granting easements or rights-of-way over a portion of land.
- Mortgaging or discharging a mortgage (or partial mortgage) over part of a parcel.

- Leasing a portion of land (especially long-term leases — e.g. 21 years or more) or other long-term arrangements over part of a parcel.

Therefore, whenever you want to legally deal with part (not all) of a property in one of those ways — Section 53 consent may be required.

Who grants consent, and when is a full subdivision plan needed

The “consent-granting authority” or the Minister when there is none is responsible.

Section 53 is only used when “a plan of subdivision ... is not necessary for the proper and orderly development of the municipality.” In other words — if the property division is small/straightforward enough that a full subdivision plan isn’t required.

If more complex development or multiple lots are involved, a full subdivision plan (under Section 51/50 of the Act) may be required instead.

What the consent process under Section 53 involves

When someone applies for consent under Section 53:

They must submit prescribed information/material to the Granting Authority or Minister.

The proposed severance will be evaluated against planning criteria: e.g. whether the division is compatible with neighbouring lands, land use zoning and official plan, suitability of size/shape/access/ servicing (roads, water, sewage), environmental or natural-risk considerations (like flooding), etc.

If consent is granted, it may be “conditional.” The conditions must be met before a final “certificate of consent” is issued.

Once approved and conditions met, the consent is registered; then the new lot or changed parcel becomes legally recognized.

If the land transaction (e.g. sale) does not complete within two years of the certificate, the consent “lapses.”

Recent / Notable Legal Updates & Flexibility under Section 53

Amendments introduced by Bill 88 (Planning Amendment Act, 2019) expanded who can apply for consent: not just the land owner or their agent — but also a “chargee” (e.g. mortgage lender) or a purchaser (or their agent) may apply.

The amendments also allow applicants to amend their consent application before final decision and allow cancellation of a previously granted consent under certain circumstances.

This provides the Granting Authority with more flexibility — for example, to manage “lot addition” scenarios or to re-evaluate previously approved consents if land-use context changes.

Why Section 53 (Consent) Matters — What It’s For

It gives landowners a simpler, less-burdensome route than a full subdivision plan when dividing or adjusting property — which can save time and cost.

It helps ensure that any new parcelization or land-use change is reviewed in light of municipal planning policies, zoning, servicing, environmental and community impacts.

It maintains orderly development and helps municipalities avoid the problems that can arise from unchecked, ad-hoc lot splitting (e.g. overburdened infrastructure, incompatible development, environmental risk).