



Municipality of Shuniah

Application for Consent

Under Section 53 of the Planning Act

Committee of Adjustment of the Municipality of Shuniah

Note to Applicants:

The pre-consultation fee is non-refundable whether the application moves forward to a hearing or not. The application fee is non-refundable whether the application is approved or denied at the hearing. An application to the Committee of Adjustment may not be considered without the following:

1. approval of the Thunder Bay District Health Unit. Contact the TBDHU Septic and Land Division Section for guidelines and fee structure at 807-625-7990.
2. finalization of the pre-consultation and submission of a complete application with the required fees.

In this form the term "subject property" or "the property" means the land to be severed and the land to be retained. A site visit is required. Submission of this application constitutes tacit consent for authorized Municipality of Shuniah staff to inspect the subject property or premises. The Hearing agenda and supporting documents will be made available to the public on our website, www.shuniah.org, for further information please contact our office.

Application:

The information required by the applicant is prescribed by the Schedule to Ontario Regulation 547/06 amending O. Reg. 197/96 made under the Planning Act. A Site Plan/Sketch (see Notes 3) and a Planning Justification Report (see Schedule B) are also required. The application form also sets out other information that will assist the Municipality and others in their planning evaluation of the consent application. To ensure the quickest and most complete review, all information should be submitted at the start of the pre-consultation. In the absence of this information, it may not be possible to complete the pre-consultation process and the application may be refused. Applications to the Committee of Adjustment are processed in accordance with Provincial Legislation and information provided by the applicant. It is the responsibility of the applicant to ensure the information accuracy prior to submission to this office. Once the pre-consultation has been finished and the application is complete, the completed application can be submitted along with the applicable fees. The time period referred to in subsection (14) begins and a hearing date will then be determined. Once the application is determined complete and submitted any revisions and/or changes to the application, including dimensions, will not be allowed. Please ensure the accuracy of your application. Errors or omissions may require a further application and additional expense.

Submission Process

Pre-Consultation:

A Pre-Consultation process with the Municipality must be finished before the application is deemed complete. During the pre-consultation your application will be reviewed and (if necessary) returned to you for further revisions until it has been deemed complete. The following documents are to be included in the package submitted for pre-consultation:

- pre-consultation fee (non-refundable)
- the application (unsigned) in paper or electronic PDF format
- owners authorization letter (Schedule A)
- sketch/site plan (Notes 3)
- planning justification report (Schedule B)

Next Step:

Once the pre-consultation process has finished and the application has been deemed complete, the appropriate fees can be paid and the completed application can be signed and submitted. The application must be signed by the owner(s) or authorized agent in the presence of a Commissioner, Notary Public, etc. A Committee of Adjustment Hearing will then be scheduled. The application and supporting documents will be made available to the public on the Shuniah website, www.shuniah.org. The applicant or authorized agent is requested to attend the hearing to respond to questions or concerns the committee or members of the public may have. In the absence of authorized representation, the committee may defer an application or render a decision.

Disclosure of Information:

All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultant(s) or solicitor(s). The Municipality of Shuniah is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The Municipality of Shuniah is also permitted to provide copies of the application and any supporting information to any member of the public or other third party which requests the information.

FOR OFFICE USE ONLY		Application No.: _____
Date of Pre-consultation	_____	
Pre-Consultation Fee (Shuniah) \$	_____	Receipt No.: _____
Date Complete App Received	_____	
Application Fee (Shuniah) \$	_____	Receipt No.: _____
Fee (LRCA) \$	_____	Cheque No.: _____
Date Notice Given	_____	

1. Registered Owner: (List Association Name if Applicable)

Owner's Name: _____
 Owner's Mailing Address: _____
 City: _____ Prov.: _____ Postal Code: _____ Phone: _____
 Cell _____ Email Address _____

2. Applicant/Agent Information: (If different from Registered Owner, An Owner's authorization is required, see Schedule A)

Applicant's Name: _____
 Solicitor/Authorized Agent/Firm: _____
 Applicant's Mailing Address: _____
 City: _____ Prov.: _____ Postal Code: _____ Phone: _____
 Cell: _____ Email Address: _____

Send Correspondence To? (Check all that apply) Owner Applicant Agent/Solicitor

3. Type and purpose of the proposed transaction:

<p><i>Transfer:</i> <input type="checkbox"/> Creation of a New Lot <input type="checkbox"/> Addition of a lot <input type="checkbox"/> an easement <input type="checkbox"/> Other _____</p>	<p><i>Other:</i> <input type="checkbox"/> a charge <input type="checkbox"/> a lease <input type="checkbox"/> a correction of title</p>
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3.1 If a lot addition, identify the lands to which the parcel will be added.

3.2 What is the existing land use to which the parcel will be added?

3.3 If known the name of the person to whom the land or an interest in the land is to be transferred, charged or leased?

4. Location of subject land:

Property Address: _____

Property Roll Number - 58-28-0__0-00____ - _____ (obtained from tax bill or assessment notice)

Concession No.	Section No.
Registered Plan No.	Lot(s) No.
Mining Location	Reference Plan No. Pts.
Geographic Township:	<input type="checkbox"/> MacGregor <input type="checkbox"/> McTavish

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5. Description of subject land:

	Severed	Retained
Frontage (m)		
Depth (m)		
Area (ha)		

6. **Building and structures** - include description, dimensions, and dates of construction. Add an additional page if necessary:

Description (main, shed, garage, etc.)	Dimensions (m)	Construction year	Location
1.			<input type="checkbox"/> Severed <input type="checkbox"/> Retained
2.			<input type="checkbox"/> Severed <input type="checkbox"/> Retained
3.			<input type="checkbox"/> Severed <input type="checkbox"/> Retained
4.			<input type="checkbox"/> Severed <input type="checkbox"/> Retained

7. **Access - Road ownership****Severed Parcel**

Common Name of Road _____

- Municipality of Shuniah
 Ministry of Transportation
 Private

Other: _____

Retained Parcel

Common Name of Road _____

- Municipality of Shuniah
 Ministry of Transportation
 Private

Other: _____

8. **Access - Road maintenance****Severed Parcel**

Common Name of Road _____

- Municipality of Shuniah
 Ministry of Transportation
 Private

Other: _____

Retained Parcel

Common Name of Road _____

- Municipality of Shuniah
 Ministry of Transportation
 Private

Other: _____

9. **Access - Water access**

If the proposed access is by water, please describe the nearest public boat launching and car parking facility.

How far is it from the property and what facilities are there?

Other Access (Specify)

10. **Encumbrances:**

10.1 Restrictions – Please indicate the nature of any restrictive covenants or easements affecting the subject property and describe each easement or covenant and its effect.

10.2 If known, the name of person(s) to whom the land or interest in land is to be conveyed, leased or mortgaged.

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11. Designation and zoning of subject property /current and proposed land use:

	Severed	Retained
Official plan designation		
Zoning		

12. Explain how the application conforms with the official plan policies (read official plan and cut and paste relevant sections into the Planning Justification Report - see Schedule B for example):

13. If the land is covered by a Minister’s Zoning Order, what is the regulation number? What uses are permitted by the order?

CURRENTLY, THIS DOES NOT APPLY.

14. Use of the property:

	Severed	Retained
Existing uses		
Proposed uses		

15. What are the surrounding land uses?

East _____

West _____

North _____

South _____

16. Former use of subject property and adjacent lands (check as applicable):

	Does the Owner own Adjoining Property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
1	Is there any reason to believe that the site or adjacent site may be environmentally contaminated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
2	Has an industrial or commercial use, or an orchard, been on or adjacent to the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
3	Has lot grading been changed by adding or removing earth or other material?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
4	Has a gas station been located on the subject land or adjacent land at any time?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
5	Has there been petroleum or other fuel stored on the subject land or adjacent land?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
6	Has the Ministry of the Environment, Conservation and Parks, or any other agency formally or informally advised the owners that the property is or may be contaminated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

16.1 What information did you use to determine the answers to the above questions on former uses?

16.2 If you answered YES to any of the Section 16 table above, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land is needed. Is the previous use inventory attached? Yes No

If the inventory is not attached, please explain.

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16.3 If you answered Yes to any of the questions related to the Section 16 table above, was an Environmental Site Assessment (ESA) conducted under the Environmental Assessment Act or has a Record of Site Condition (RSC) been filed? Yes No Unknown

If no, why not? Explain on a separate page, if necessary.

17. Status of current and other applications under the Planning Act:

17.1 Is this a resubmission of an earlier proposal? Yes No Unknown

If yes, and if known, describe how it has been changed from the original application.

17.2 Has any land been severed from the parcel as it existed on January 15, 1979? Yes No

If yes, how many times? (See official plan Consent policies in Section 4)

18. Other planning applications

18.1 Has the subject property ever been the subject of any other planning application, including applications before Ontario Land Tribunal (OLT), for approval of (check all that apply): Yes No

Zoning By-law Amendment Consent Minor Variance Site Plan Approval

Official Plan Amendment Plan of subdivision/condominium Minister’s zoning order

If yes, and if known, specify: the file number; the approval Authority; the land it affects; its purpose; its status, and its effect on the proposed amendment:

18.2 Are there applications for additional Consents on the subject property? Yes No

If yes, provide details.

19. Provincial Policy

19.1 Is the proposal consistent with Provincial Policy Statement (PPS) issued under subsection 3(1) of the *Planning Act*? Yes No

Explain why yes or no and paste applicable sections below or in a separate attachment if necessary. (Read the Provincial Policy Statement in its entirety to identify the most relevant sections.)

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19.2 Are any of the following uses or features on the subject property of the proposed consent or within 500 metres of the subject property of the proposed Consent, unless otherwise specified. (See 2020 Shuniah Official Plan Schedule B1 Development Constraints to assist).

Significant Features Checklist (Please check all appropriate boxes, if any apply.)

	Use or Feature	On the Subject property	Within 500m of Subject Property Provide Distance	N/A	Potential information needed
1	Class 1 Industry*				If sensitive land uses proposed within 70m from the boundary lines, a noise/odour/particulate study may be needed
2	Class 2 industry**				If sensitive land uses proposed within 300m from the boundary lines, a noise/odour/particulate study may be needed
3	Class 3 industry***				If sensitive land uses proposed within 1000m from the boundary lines, a noise/odour/particulate study may be needed
4	A landfill site (closed or active)				If sensitive land use is proposed, and if within 500 m of the perimeter of the fill area, address possible leachate and groundwater impacts, noise, methane gas control, odour, vermin and other impacts may be needed.
5	A sewage treatment plant or waste stabilization pond				Assess the need for feasibility study for residential and other sensitive land uses.
6	Provincial Highway				Consult Ministry of Transportation if access to provincial highway is proposed. (If located in proximity to provincial highway, a traffic impact and a stormwater management report may be needed.)
7	An active railway line and major highways				Evaluate impacts of noise within 100m
8	Electricity generating station, hydro transformer, railway yard, etc.				If sensitive land use is proposed, and if within 1000m, a noise study may be needed to determine possible noise impacts and appropriate mitigation measures.
9	High voltage electric transmission line				Consult the appropriate electric power service.
10	Transportation, infrastructure & utility corridors				Will there be a negative impact on a planned corridor?
11	Cultural heritage and archaeology				Adverse impact on significant built heritage resources and significant cultural heritage to be mitigated. Development is only allowed on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved.
12	An agricultural operation, including livestock facility or stockyard				Development to comply with Minimum Distance Separation Formulae (MDS)
13	An active mine site or an aggregate site operation site within 1000m of the subject land				Will development hinder or be incompatible with continued operation or extraction?
14	Mineral aggregate resources areas				Will development hinder access to the resource or the establishment of new resources operations?
15	A non-operating mine site within 1000m of the subject property				Demonstrate that the mine has been rehabilitated OR all potential impacts have been investigated and mitigated.
16	A rehabilitated mine site, abandoned mine site or mine hazard				If proposal is on, adjacent to, or within 1000m, consult with the Ministry of Energy, Northern Development and Mines.
17	A significant coastal wetland A significant habitat of endangered species and threatened species A provincially significant wetland within 120 metres of the subject lands species				Development and site alteration are not permitted in the features. Are any significant coastal wetlands or unevaluated wetlands present on the subject lands or within 120 m? Are any known significant habitats present on the subject lands or within 50 m? Has there been preliminary site assessment to identify whether potentially significant habitats are present?
18	A significant wildlife habitat A significant Areas of Natural and Scientific Interest (ANSI)				Development not permitted, unless demonstrate no negative impacts. Indicate if there are any significant wildlife habitat, and Areas of Natural and Scientific Interest (ANSIs) on the subject lands or within 50 m.

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	Continued Use or Feature	On the Subject property	Within 500m (Provide Distance)	N/A	Potential information needed
19	Fish habitat				Development and site alteration are not permitted in fish habitat except in accordance with provincial and federal requirements. Is any fish habitat on the subject property or within 30 m? Is any lake trout lake on the subject lands or within 300 m? If yes to any of the above, an environmental impact study may be required.
20	Adjacent lands to natural heritage features and areas				Not permitted unless demonstrated that ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts.
21	Floodplain				Identify if located in floodplain and address accordingly, as per official plan policies and Lakehead Region Conservation Authority.
22	A contaminated site				Assess an inventory or previous uses in areas of possible soil contaminations.
23	Hazardous sites****				Demonstrate that hazards can be address.
24	Erosion hazards				Determine feasibility within the 1:100 year erosion limits of river valleys and streams.
25	Sensitive surface water features and sensitive groundwater features				Restricted in or near sensitive surface water features and sensitive groundwater features. (Demonstrate suitable mitigation measures and/or alternative development approaches to protect, improve or restore sensitive surface water features, sensitive groundwater features and their hydrologic functions.)
26	Crown land (identified by the Ministry of Natural Resources and Forestry as being of special interests, such as a lake access point)				Consult Municipality for assistance in dealing with planning issues relating to proposals requiring the acquisition or use of Crown lands. Contact the Ministry of Northern Development, Natural Resources and Forestry (MNDMNR) District Office regarding the actual acquisition or use of Crown land.

*Class 1 industry: Small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

**Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

***Class 3 industry: Processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

****Hazardous sites: property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils or unstable bedrock.

19.3 Is the subject property within an area designated under any provincial plan or plans? [] Yes [] No
If yes, explain how the application conforms or does not conflict with the provincial plan.

CURRENTLY, THIS DOES NOT APPLY.

20. Indigenous Land Claims

20.1 Does the proposed application for consent apply to lands subject to any indigenous land claims or provincial/Indigenous co-management agreement?

[] Yes [] No

If known, provide any information you may have as an attachment to the application.

CURRENTLY, THIS DOES NOT APPLY.

20.2 Have you consulted with Indigenous Peoples on this request for a proposed Consent?

[] Yes [] No

If yes, provide any information you have on the consultation process and the outcome of the consultation. Please explain (and attach) on a separate page.

21. Archaeology

21.1 Does the subject property contain any know archaeological resources or area of archaeological potential?

If yes, is the proposal consistent with the official plan Cultural Heritage Resources and Archaeology Policies?

[] Yes [] No If yes, please explain. Attach a separate page, if needed. Submit a copy of technical report(s), if applicable.

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22. Servicing - Water supply

Severed

Retained

[] Private: Well / Lake / Shared well (specify)

[] Private: Well / Lake / Shared well (specify)

[] Other: _____

[] Other: _____

Development on a communal or individual well system may need a servicing options report and a hydrogeological report. Non-residential development on a communal well system may need a hydrogeological report.

23. Servicing – Sewage

Severed

Retained

[] Private: Septic (Class _____)

[] Private: Septic (Class _____)

[] Other: _____

[] Other: _____

If the requested change would permit development on individual or communal septic system and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report may be needed. If the proposal would produce less than 4,500 litres per day, a hydrogeological report may be needed.

24. Other information

Is there any other information you think may be useful to the Municipality of Shuniah or agencies in reviewing this application? If so, explain below or attach explanation on a separate page.

Four horizontal lines for providing additional information.

AFFIDAVIT OR SWORN DECLARATION

I/We, _____ of the City/District/Regional Municipality of _____ in the City/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.

SWORN/AFFIRMED /DECLARED before me at the _____) _____ In the Province)

Of Ontario this _____, day of _____ 20____)

SIGNATURE

A Commissioner for taking Affidavits. _____

signature

stamp

CONSENT OF THE OWNER:

AUTHORIZATION OF OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION

Complete the consent of the owner concerning personal information set out below.

I, _____, am the owner of the land that is subject of this application for a consent and for the purposes of the Freedom of Information and Protection of Privacy Act I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Date

Signature of Owner

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NOTES:

1. **Each application must be accompanied with the fee in accordance with the most recent Fees and Tariffs By-law.**
2. **ALL** mandatory information **MUST** be submitted, and the sketch completed **BEFORE** the application(s) will be accepted for processing.
3. **A sketch must accompany the application** showing,
 - a) the boundaries and dimensions of any land abutting the subject property that is owned by the owner of the subject property;
 - b) the distance between the subject property and the nearest municipal lot line or landmark such as a bridge or railway crossing;
 - c) the boundaries and dimensions of the subject property, 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 property;
 - e) the approximate location of all natural and artificial features on the subject property and on the land that is adjacent to the subject property that, in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, slopes (contour lines), drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks. See also Official Plan Schedule B1 Constraints Map. (NOTE: the LRCA Regulates 30m around all wetlands);
 - f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - g) the locations, width and name of any roads within or abutting the subject property, 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 property 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 property.

PLEASE ENSURE **ALL** PERTINENT INFORMATION IS CONTAINED ON A SINGLE SKETCH ONLY. THE MAXIMUM SIZE FOR THE ACCOMPANYING SKETCH SHALL BE **11" X 17"**. It is up to the applicant to ensure that the information provided is accurate.

EXAMPLE OWNERS AUTHORIZATION LETTER

If there are multiple owners, an authorization letter must be provided by each

Schedule A

Date: _____
 Owner Name: _____
 Address: _____
 Phone Number: _____
 Email: _____

Attention: Committee of Adjustment, Secretary-Treasurer
 Subject: Letter of Authorization

RE: Subject Lands at
 Lot: _____
 Plan: _____
 Address: _____

Dear Approval Authority:

I, _____, am the owner of the land that is the subject of this consent application for a (check all that apply) Creation of New Lot/ Addition of a Lot/ Easement/ Other(describe) _____ and I authorize _____ to make this application on my behalf as described in the attached site plan. For the purposes of the Freedom of Information and Protection of Privacy Act, I authorize _____ as my agent for this application, to provide any of my personal information that will be included in this application or collected during the process on of the application.

Please do not hesitate to contact me if there are any further questions.

Yours truly,

 Owner Signature

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Schedule B

A Planning Justification Report is a report provided by an applicant as part of a complete application which:

- describes the subject property, its existing physical conditions, and its context within the surrounding community;
- outlines the Proposed Application;
- provides an overview of the relevant planning policy and regulations that affect the planning application, including Provincial Policy Statement, Growth Plan for Northern Ontario, the Shuniah Official Plan and any other related policy, regulations and guidelines;
- details potential adverse effects or impacts;
- summarizes each of the technical studies triggered by the potential adverse effects or negative impacts;
- details how adverse effects or negative impacts will be minimized or the mitigation measures with contingency plans; and,
- provides planning opinion and justification for the proposed development Application.

The level of detail for the planning justification shall be appropriate to the complexity or potential impact of the proposal; and/or in accordance with relevant official plan policy sections and as determined by staff. The application must refer to the specific sections of the Planning Justification Report that provide the required information.

In the case of a Consent, the Planning Justification Report briefly summarizes the information required by the Planning Act (because most of it has been stated in the application form already); but primarily gives the applicant an opportunity to explain in their own words what they are seeking to achieve and why. It needs to conclude by addressing potential adverse effects and compatible development (see *below).

Sample Planning Justification Report for a Consent

Title: *Planning Justification for a Consent application to allow:....., located at.....*

1. In summary, the reason for the request is to
2. The proposed development is to..... because.....
3. The proposed development is desirable and appropriate because.....
4. The proposed consent meets the consent policies in section 4 of the Official Plan, including allowable numbers.
5. The potential adverse effects are.....; but will have little to no impact because the following (mitigation) measures will be implemented.....

Therefore, the resulting development will be compatible. (See *below for explanation of compatible development and adverse effects).

***Compatible Development (excerpt from the 2020 Shuniah Official Plan)**

In order to proceed, all new development requiring a Planning Act approval shall be compatible with existing uses in the vicinity by avoiding adverse effects or minimizing adverse effects to acceptable or negligible levels, and where applicable, in accordance with Provincial guidelines and Shuniah staff.

Where a development initiative has the potential to be incompatible with or cause adverse effects to other land uses/users in the vicinity, appropriate technical studies evaluating compatibility; and mitigation using avoidance, buffering, separation distances or other measures, shall be part of the planning justification in a complete application (see section 4).

Potential Adverse Effects

Common potential adverse effects of a proposed development relate to, but are not limited to:

- pattern, scale, massing, design of development, servicing levels of existing and future development;
- visual impacts relating to outdoor storage;
- shadowing, lighting and/or visual impacts on surrounding land uses including privacy of adjacent residential uses
- traffic volume and safety
- vehicle access and parking
- hydrological and hydrogeological functions
- surrounding natural heritage features and cultural heritage resources; and,
- noise, vibration, odour, dust and other contaminants or emissions.

Potential adverse effects for sensitive uses as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.