

What is an Easement (Consent)?



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An easement is a type of consent application. An easement is a right held by one property owner to make use of the land of another property owner for a limited purpose. For instance, an individual, company or municipality may wish to have a legal agreement to use another property owner's land. This is referred to as a consent for an easement under the *Planning Act*. Easements can be created for access, such as a right-of-way, or for utilities such as power or telecommunication lines. Official plans have specific policies and requirements for consent applications. For instance, the Township Official Plan sets out the minimum standards for new rights-of-way, or private lanes, including where how they are constructed.

Consents are approved by the Township Council. When considering a consent application, Council evaluates the application using the Section 53(12) criteria of the *Planning Act*, including:

- The effects of the proposal on matters of provincial interest;
- Compliance with the Township Zoning By-law;
- Suitability of the land for the proposed use, including size and shape of the lot;
- Adequacy of vehicular access, water supply, and sewage disposal; and
- The need to ensure protection from potential flooding or other natural hazards.

All decisions of Council must be consistent with the Provincial Policy Statement and conform to the Township Official Plan and the County of Frontenac Official Plan.

How Does Council Make Decisions on Easement Applications?

Council makes a decision by considering:

- The application and supporting studies;
- Public input from written comments and/or presentation at the public hearing;
- Reports from planners, and other applicable agencies, including the local conservation authority; and
- Applicable tests and criteria under the *Planning Act* and other legislation.

What are Conditions of Consent?

A consent approval will have conditions attached which may include requirements for surveying, road widening, parkland dedication (up to 5% of the value of the land), a rezoning to allow a new land use, minor variance or entering into an agreement with the Township. Conditions must be met within **one year** of the date of the Notice of Decision.

How Do I Get Involved?

Consent applications are required to have public notice, which includes posted signage at the property, as well as notification to neighbouring properties. Comments may be submitted through email or mail or by attending and speaking at the public hearing in support of or in opposition to the application. **Please note:** only people who have submitted comments or presented at the meeting can appeal the Committee's decision to the Local Planning Appeal Tribunal.

What is the Process for an Easement (Consent)?

Pre-Application

Before submitting an application, applicants are required to meet with planning staff to discuss the application and understand requirements. Pre-application meetings must be booked in advance. Applicants should review the official plan designation and zoning for the property; [Frontenac Maps](#) is a helpful tool for this. Applicants may also be advised to speak with the Conservation Authority or other agencies and Township departments in advance of the meeting.

Submission of a Complete Application

Once all the requirements for the application have been submitted, including any required studies and fees, the application will be deemed complete. Typically, the Township will require the application a minimum of one month in advance of the upcoming Council meeting. Applications are not processed until they are deemed complete.

Public Notification and Circulation

Once deemed complete, the application will be scheduled for a Council meeting. Staff will notify the applicant and property owners within 60 metres of the subject property by mail at least 14 days before the meeting. The applicant will be provided with a notice to be posted on the subject property or on the closest public road accessing the property. Members of the public are invited to send in comments or attend the hearing. The application is also circulated to the commenting agencies as well as to applicable Township departments. If a member of the public wishes to receive a copy of Council's decision, they must make a written request. All comments submitted will be reviewed by Council and become public documents.

Township Council Meeting

The application will be reviewed at a Township Council meeting. The agenda for the meeting is posted on the Township's website in advance of the meeting and will include the planner's report, comments from the commenting agencies and any public comments. The applicant, members of the public and agencies may attend the public meeting. The applicant/agent may be asked to speak to the application and answer questions from Council. All others in attendance will have the opportunity to speak in support of or opposition to the application.

Notice of Decision and Appeal

Council will conditionally approve, deny, or defer an application. When a decision is made, a Notice of Decision will be mailed out outlining the decision and any conditions within fifteen (15) days of the hearing. The notice will also be posted on the Township website. There is a 20 day appeal period that follows every planning application decision of Council. For more information about appeals, including appeal rights and fees, please visit the [Local Planning Appeal Tribunal](#) website.

Fulfilling Conditions

For the decision to be finalized, the applicant is responsible for completing all conditions attached to the conditional approval. Applicants have **one year** from the date of decision to fulfill the conditions. When all conditions have been met, a Certificate of Official is issued by the Township. The Certificate of Official is sent to the owner's lawyer to be reported to the Land Registry Office.

For More Information

For more detailed information on the consent process, to see when meetings are, and to learn more about planning, please visit the [Township's planning website](#).

Consent Application Process

