



Policy Title: Land Division Applications

Policy Number: 07-06-02

Section: **Community Development**

Effective Date: **February 2, 2017**

Approved by:

Leadership Team

Subsection: **Committee of Adjustment**

Last Review Date: **September, 2021**

Owner Division/Contact:

Committee of Adjustment, Support Services staff, Office of the City Clerk, Corporate Services Department

Policy Statement

Property owners may apply to the Committee of Adjustment for consent to convey part of their land. Property owners are also required to apply for approval when the terms of an agreement, such as a lease, easement or mortgage commits the land to a use for a period in excess of twenty-one (21) years. Purpose (mandatory section).

Legal Authority

The Regional Municipality of Peel delegated the authority to grant consents under Section 53 of the *Planning Act* on January 1, 1998 to the Council of the Corporation of the City of Mississauga by By-law 65-97. Under Subsection 54(2) of the *Planning Act*, the authority for giving consents defined by Section 53, approvals under Subsection 50(18) and issue certificates of validation under Section 57 of the *Planning Act* was delegated by the Council to the Committee of Adjustment of the Corporation of the City of Mississauga by By-law 607-97.

Applications

Application forms may be obtained from Committee of Adjustment staff, Office of the City Clerk or the City of Mississauga web site. Application forms are available in alternative formats upon request.

The completed application package is submitted to the Committee of Adjustment staff and must include:

- One (1) original application form
- One copy of a sketch plan/survey
- "Appointment and authorization" form (when the application is being signed by an agent)
- "Permission to Enter" form
- "Posting of Advisory Sign" form, and
- Applicable fee payment

The Committee of Adjustment may reduce or waive application fees under Section 69(2) of the *Planning Act* when it is determined that:

- The application resulted from an error on the part of the City, or
- The application fee would exercise an extreme hardship upon the applicant, as determined by the Committee

Hearing

All applications are to be considered at public hearings. All hearings shall be located in meeting rooms that are accessible to the general public or, alternatively, virtually livestreamed on the Mississauga.ca webpage

Notice of Hearing

The Committee of Adjustment staff shall provide notices of the public hearing in accordance with Ontario Regulation 197/96 under Section 3 (2) and (6) where required.

- Notice of the public hearing shall be provided by giving notice by personal service or prepaid first class mail to every owner of land within 60.00m (196.85ft.) of the area to which the application applies. However, if a condominium development is located within 60.00m (196.85ft.) of the area, notice may be given to the condominium corporation, according to its most recent address for service or mailing address as registered under Section 3 of the *Condominium Act*, instead of being given to all owners assessed in respect of the condominium development.
- A notice shall be posted, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Secretary-Treasurer.
- Every person and public body that has given the Secretary-Treasurer a written request for notice of a hearing on an application for consent or permission under subsection 53(5)(a) of the *Planning Act* shall be given notice of the hearing by personal service, prepaid first class mail or telephone transmission of a facsimile of the notice.

Procedure

Applicants are required to attend the public hearing to present their application or request a deferral of the application. Written requests may be accepted in certain circumstances and only at the discretion of the Committee. All deferral requests shall be addressed at the beginning of the meeting and all other matters shall be addressed in the order as they appear on the agenda or at the discretion of the Committee. Applicants will be required to make a brief presentation of their application if required by the Committee.

A request for an application to be withdrawn from the scheduled hearing date by the applicant or authorized agent must be for reasonable cause. The request for withdrawal must be set out in

writing if made prior to the hearing or the request may be made orally at the commencement of the hearing.

If a request for withdrawal of an application is made in writing prior to the commencement of the hearing, on the basis of reasonable cause, the Secretary-Treasurer shall make a record that the application has been withdrawn and shall immediately give notice to all property owners within 60 metres (197 feet) of the subject lands that the application has been withdrawn. Where the Secretary-Treasurer has made a record that an application has been withdrawn, the Committee shall take no further action in respect of that application.

Where a written request for withdrawal of an application fails to set out reasonable cause for the withdrawal, or where the Secretary-Treasurer is unable to determine whether the written request for the withdrawal sets out reasonable cause, the request for withdrawal of an application shall be presented to the Committee at its next scheduled hearing and the Committee shall determine what further action to take in respect of that application.

Where a request for withdrawal of an application is made orally at the hearing, the Committee shall become seized of the matter and shall determine whether to grant the request or whether to continue with a hearing on the application. If the Committee grants the request for withdrawal of an application, upon the conclusion of the hearing the Secretary-Treasurer shall immediately give notice to all property owners within 60 metres (197 feet) of the subject lands that the application has been withdrawn.

Any interested parties may attend the hearing and will be given an opportunity to speak in favour of or against the application, within the time limit set out in the Committee's Procedure By-law.

Decisions

All Committee decisions shall be made in accordance with the Committee's legislated powers under Section 54 (2) and (6) of the Planning Act.

The decision of the Committee is only valid where it is concurred by the majority of the members of the Committee that heard the application and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision and shall be signed by the members who concur in the decision.

The Committee may subject an application to conditions and/or restrictions for such time and subject to such terms and conditions as the Committee considers advisable and as are set out in the decision.

Requests for Decisions

The Secretary-Treasurer shall, no later than 15 days from the making of the decision, send one copy of the decision certified by them to the applicant and to each person who appeared in person, virtually or by counsel at the hearing or who filed a written request for notice of the decision.

Appeals of Decisions

Decisions of the Committee of Adjustment may be appealed to the Local Planning Appeal Tribunal in accordance with the Section 53(19) of the *Planning Act*.

Role of Committee of Adjustment Staff

The Committee of Adjustment, Support Services Staff must:

- Accept, process and follow up on all Land Division Applications for the Committee of Adjustment
- Refer any questions concerning possible charges for City requirements to the Development Services Section, Planning & Building Department and/or the Development Engineering Section, Transportation & Works Department
- Carefully consider and limit any information given out on the telephone to established facts
- Not advise anyone on any possible decision of the Committee of Adjustment as this is a qualified privilege of authority by the Committee of Adjustment members at a scheduled hearing
- Not distribute any information concerning any decision made by the Committee of Adjustment members prior to the official signing of the decision
- Have the approval of the Secretary-Treasurer or Committee Chairman before giving out any information concerning a deferred application to the Applicant, Agent or Solicitor
- Never loan out Committee of Adjustment files or leave them unattended at any time
- Allow the public to view application forms and plans prior to the hearing
- Allow the applicant to review departmental and agency comments in the office (copies must not be given out without the approval of the Secretary-Treasurer)
- Prior to the hearing, not allow the public to view departmental and agency comments, letters or other material addressed to the Committee of Adjustment or any councillor's comments, unless required under the *Planning Act*, if said information has not been provided to the Committee, and
- Ensure that in the event of an interruption in mail service, the correct procedures are implemented in order to provide the best services possible in those circumstances

Revision History

Reference	Description
SMT - 2010-03-31	
June 20, 2013	Scheduled review; admin changes to Application requirements
February 2, 2017	Scheduled review. Revised to reflect current legislation and practices.
August 29, 2018	Housekeeping to rename the OMB to Local Planning Appeal Tribunal.
September 21, 2021	Scheduled review. Minor edits; referenced virtual hearings.
August 22, 2023	Housekeeping revision to correct subsection.