

# **LAND SEVERANCE IN DURHAM**

A Consent (Land Severance) is required to sell, mortgage, charge for, or enter into any agreement of at least 21 years for a portion of a land in the Regional Municipality of Durham which includes Pickering, Ajax, Whitby, Oshawa, Scugog, Uxbridge, Brock, Clarington, Port Perry, Bowmanville, Courtice, and Newcastle.

Once a Consent (Land Severance) has been approved by the Regional Municipality of Durham's Land Division Committee, conditions have been satisfied, and the Certificate of Severance has been issued by the Regional Municipality of Durham, the new lots may be sold or mortgaged without further approval.

A Consent (Land Severances) must be compatible with the overall future planning goals and policies of the Regional Municipality of Durham which includes Pickering, Ajax, Whitby, Oshawa, Scugog, Uxbridge, Brock, Clarington, Port Perry, Bowmanville, Courtice, and Newcastle.

Regional Municipality of Durham's Land Division Committee consider the effects of the proposal of land severance on neighbours, and the whole community to grant or refuse the application for a lot severance (consent).

In considering a Consent (Land Severance) application, the Regional Municipality of Durham's Land Division Committee will refer to the Planning Act.

When reviewing a Consent (Land Severance) application, consideration will be given to

- its conformity with the Regional Municipality of Durham's Official Plan and compatibility with adjacent uses of lands and neighbourhood character;
- its compliance with the Regional Municipality of Durham's Zoning By-Laws;
- the suitability of the lot for the proposed purpose, including the size and shape of the lot(s) being created;
- the adequacy of vehicular access, water supply, sewage disposal for the lot(s) being created;
- the need to ensure protection from potential flooding;
- heritage conservation;

**Always contact us to find out if a severance would be granted for a lot in the Regional Municipality of Durham.**

**If the proposed lot severance is viable, we would proceed with a land severance application to the Regional Municipality of Durham.**

Our fee for

- ✓ applying to the Regional Municipality of Durham for a land severance on behalf of the property owner
  - ✓ attend the Regional Municipality of Durham Land Division Committee meeting to introduce the land severance application and
  - ✓ answer any questions that the public or the Regional Municipality of Durham's Land Division Committee may have
- is \$795 plus tax.

### **BUILDING EXPERTS CANADA**

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If deemed necessary, Regional Municipality of Durham, may request to provide plans, drawings, and reports in support of the land severance application.

Depending on the scope of work, the fee for preparing the required reports, plans and drawings by the Regional Municipality of Durham to support the land severance application may vary. Granted land severances are typically given conditional approval.

The conditions of approval of land severance must be completed no less than one year of the date of the Regional Municipality of Durham's Land Division Committee decision as mandated by the Planning Act and no extensions are permitted.

Failure to complete the conditions of land severance approval by the Regional Municipality of Durham's Land Division Committee within one year will result in the land severance application lapsing, and the owner having to re-apply for land severance approval from the Regional Municipality of Durham's Land Division Committee.

Conditions of land severance approval by the Regional Municipality of Durham's Land Division Committee that are typically applied could include and are not limited to:

- ✓ Providing water and sewer laterals to the lands to be severed and lands to be retained to the satisfaction of the Regional Municipality of Durham
- ✓ If more than one lot is created the submission of an overall lot grading plan prepared by a professional engineer to the satisfaction of the Regional Municipality of Durham
- ✓ If the subject lands are a corner lot, the dedication of a site triangle at the intersection of the street lines to the Regional Municipality of Durham.
- ✓ The submission of a registered reference plan to show all the lot to be severed and all of the lot to be retained;
- ✓ The payment of all outstanding taxes, charges, fees, and local improvement charges (which could include costs for water and sewer, drainage, street lights, roads etc.) to the Regional Municipality of Durham;

- ✓ The payment of cash in lieu of parkland dedication to the Regional Municipality of Durham as provided by the Planning Act
- ✓ That all conditions of the decision be fulfilled and the documents (ie the new deed prepared by the solicitor) be presented to the Regional Municipality of Durham's Planning Department for issuance of the Certificate of Consent within a period not to exceed 12 months from the date of decision by the Regional Municipality of Durham's Land Division Committee.