



Municipality of Highlands East

Application for Use of or Encroachment onto Municipal Land

Information Sheet for Applicants

1. **Completion of Application**

The attached application form is to be completed and submitted to the Highlands East Planning Department. In all cases, please ensure that you keep a copy for your files. The applicant is advised to approach the Planning Department for policy information before making a formal application. Every application must be complete. All applicable information requested on the application form must be provided before the application will be considered by Council.

2. **Authorization of Agent**

The application should be completed by the property owner or his authorized agent. Where the application is being submitted by an agent, the written authorization of the owner is required. Section "3" of the application is provided for this purpose.

3. **Application Fee and Planning Services Acknowledgment**

Each application shall be accompanied by payment (cash, e-transfer, a cheque) made payable to the Municipality of Highlands East, in the amount of \$750.00, and shall be accompanied by one signed, witnessed and dated copy of the attached "Planning Services Acknowledgment".

4. **Plans Required**

Each application shall be accompanied by two (2) hardcopies and one (1) digital copy of a plan showing:

- (a) The boundaries and dimensions of both the applicant's property **and** the municipal land for which the request is being made.
- (b) The accurate location, size and type of all proposed and existing buildings and structures on the property (the applicant's property and the municipal land, if applicable).
- (c) The distance (setbacks) from side, rear and front lot lines of all existing or proposed buildings.
- (d) The location, width and names of all roads within or abutting the property, indicating whether they are public traveled roads, private roads or rights of way or unopened road allowances. The location and number of parking and loading spaces, ingress, egress and direction of traffic.
- (e) The location of all natural and artificial features on the property (i.e. railways, wells, septic tanks, drainage ditches, watercourses, slopes, swamps, wooded areas), the location of any of these features on adjacent lands which may affect the proposal, and any proposed changes to the land, such as grading, blasting, planting or channelization.
- (f) The use of adjoining lands (i.e. residential, agricultural, commercial, etc.).
- (g) The location and nature of any restrictive covenant or easement affecting the property.

Note: A plan of survey prepared by an Ontario Land Surveyor is not required for submission with the application, however a plan of survey, produced in compliance with the use of municipal land policy in force, is required prior to the execution of the agreement and may be required in advance of permission being granted in the case of existing encroachments. Construction shall not be permitted on municipally owned land prior to receipt of the survey.

5. **Additional Information**

Additional information may be required to properly process the application, and will be requested if necessary.

6. **Responsibility of Applicant**

The filing of this application is considered as an undertaking by the applicant to accept all conditions as herein set forth.

7. **Effective Date**

The effective date of this application shall be deemed to be that on which it is received with sufficient information.

8. **Submission**

Mail, deliver or email the application to: Municipality of Highlands East
Planning Department
2249 Loop Rd
P.O. Box 295
Wilberforce, Ontario
K0L 3C0
info@highlandseast.ca



Application for Use of or Encroachment onto Municipal Land

The undersigned hereby applies to the Municipality of Highlands East for the use or encroachment onto municipally owned land herein.

1. **Application Type:**

Nature of Request: (check all that apply)	<input type="checkbox"/> Building/Structural Encroachment on Municipal Property	<input type="checkbox"/> Construct a driveway or access road over Municipal Property
	<input type="checkbox"/> Permit a Dock on Municipal Shore Road Allowance	<input type="checkbox"/> Other (clarify in Section 2. (c))

2. **Applicant and Ownership Information:**

(a) Applicant's Name: _____

Mailing Address: _____

Postal Code: _____

Telephone Number: Home: _____ Bus: _____

Email: _____

(b) Registered Owner's Name
(if different from above): _____

Mailing Address: _____

Postal Code: _____

Telephone Number: Home: _____ Bus: _____

Email: _____

(c) Reason for Request: _____

(d) Civic Address (911 Address if assigned): _____

(e) Tax Roll Number: 46 – 01 - _____ - 000 - _____

- (f) Legal Description of the Applicant's Land:
 Lot: _____ Concession: _____ Geographic Township/Ward: _____
 Lot: _____ Registered Plan: _____ Geographic Township/Ward: _____
- (g) Access to Applicant's land is by: Private Road
 (check applicable) Public Road (Municipal/County/Provincial)
 Water Access Only
- (h) Legal Description of Municipal Land subject to driveway/access road/encroachment:

- (i) If the Council of the Corporation consents to the use or encroachment onto the land, will any person(s) be deprived of a means of ingress and egress to and from their land or place of residence?

- (j) If so, a written authorization from the person(s) so affected is required to be submitted with the application.
- (k) The Municipality may only permit use of municipal land or an encroachment onto municipal land to the adjacent property owner. The Municipality will circulate a notice to neighbouring land owners in compliance with the Use of Municipal Land Policy.
- (l) Applicants will be responsible for any and all legal, survey, advertising and circulation costs incurred.

3. Authorized Agent(s):

If the applicant is not the owner(s) of the land that is subject of this application, the owner(s) must complete the following or a similar authorization:

I/We, _____, am/are the registered owner(s) of the lands subject of this application and I/we hereby authorize _____ to prepare and submit this application on my/our behalf and, for the purposes of the Freedom of Information and Protection of Privacy Act, to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: _____ Owner(s) Signature: _____

4. Consent of the Owner(s):

I/We, _____, are the registered owner(s) of the lands subject of this application and, for the purposes of the Freedom of Information and Protection of Privacy Act, I/we hereby 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. I/we also authorize and consent to representatives of Council, committee members, municipal staff and/or any consultant/professional employed by the municipality for the purpose of processing this application, entering upon the lands subject of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of this application.

Date: _____ Owner(s) Signature: _____

5. Affidavit:

I/we _____ of the Township/Town/City of _____ in the County/District/Region of _____ solemnly declare that all of the above 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".

DECLARED before me at the _____)
_____)
of _____ in the _____)
_____)
of _____ this _____)
_____)
day of _____, 20____)

Signature of Owner(s) - or Authorized Agent

Signature of Commissioner, etc.

6. Planning Services Acknowledgement

The filing of this application is considered as an undertaking by the registered owner(s) to accept all terms and conditions as set forth herein:

Applicant's Responsibility:

1. The Applicant agrees to provide the Municipality with the following:
 - (a) Any information in the Applicant's possession concerning all planning matters with respect to this application.
 - (b) All surveys, drawings, sketches or plans as required for processing of this application.

- (c) The required application fee of \$750.00.
 - (d) Should the legal agreement require registration, an additional \$750.00 will be provided as a deposit against legal fees and disbursements prior to the execution of the agreement. Should legal fees be higher than the deposit received, the applicant shall pay the invoiced fee within 30 days of receipt of an invoice from the Municipality.
2. The applicant acknowledges that they have read and understand the Municipality's current policy for the Use of Municipal Land for the Municipality of Highlands East.
 3. The applicant acknowledges and understands that the Use of Municipal Land Policy outlines specific conditions that must be fulfilled prior to permission being granted for the use of municipal land, and that receipt of an application by the Municipality does not constitute permission.
 4. The applicant acknowledges that they are responsible for the payment of all legal fees and disbursements incurred in the processing of this application.
 5. The applicant acknowledges that they are responsible for the payment of all fees and disbursements incurred by the Municipality, should the services of an engineer, surveyor, solicitor or other professional be required for the processing of this application.
 6. The applicant acknowledges that shoreline structures that have been constructed in contravention of the Zoning Bylaw or Ontario Building Code may be required to be removed or brought into compliance prior to the execution of the agreement. An application to amend the zoning bylaw may be required to bring buildings on the property into compliance.

Municipality's Responsibility:

7. The Municipality agrees to process the application in accordance with the provision of the Municipal Act, 2001.

Site Visits:

8. The Applicant acknowledges that Municipal staff, Councillors or Committee members may be required to visit the property which is the subject of this application in order to process this application. The Applicant consents to site visits as may be required.
9. The Applicant acknowledges that the processing of this application may require the taking of pictures, of the subject property. The Applicant consents to such pictures as may be required.

Witnessed by:

Per: _____
Owner's Signature

Per: _____
Owner's Signature

DATE: _____, 20____