

Municipality of Dysart et al
Procedure for a License of Occupation Application

1. The applicant submits a complete application form (with required application fees, site plan, and necessary authorizations) to the Municipality of Dysart et al Planning and Land Information Department.

Application Form: Each application shall be accompanied by:

- A completed application form;
- A \$1500 deposit towards the costs to process the application (please see below for summary of applicable fees);
- A detailed site plan (see below); and
- The necessary authorizations.

Site Plan: Each application shall be accompanied by one (1) hardcopy and one (1) digital copy of a site plan showing:

- The boundaries and dimensions of the property.
- The accurate location, size and type of all proposed and existing buildings and structures on the property.
- The distance from side, rear and front lot lines of all existing or proposed buildings.
- 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.
- 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.
- The use of adjoining lands (*i.e. residential, agricultural, commercial, etc.*).
- The location and nature of any restrictive covenant or easement affecting the property.

2. Upon receipt of an application, it will be reviewed for completeness.
3. Once the application is deemed complete, a file will be opened and reviewed by the Planning and Land Information Department.

Short-term rental: Steps 4 to 6 pertain to license of occupation applications for short-term rentals. If the application is not for a short-term rental, proceed to Step 7.

4. A license of occupation agreement is prepared by staff based on a template that was pre-approved by Council.

If the application is for a short-term rental located on a shore road allowance or public land, a council meeting is not required.

5. The Clerk will make arrangements for signatures once all conditions (fees, insurance etc.) have been completed. A copy of the agreement will be returned to the applicant(s) upon execution by the Clerk and Mayor.
6. Upon signature of the agreement by all parties, the account is reconciled, and file completed. Any outstanding balance on the application will be refunded to the applicant. This is the final step to complete the application process for short-term rentals.
7. The application is scheduled for the next Council Meeting. Council meetings are held on the fourth Tuesday of each month. Applications must be received and deemed to be complete at least three weeks in advance of this Council meeting to accommodate the processing requirements.
8. A staff report, together with the draft license of occupation agreement and submitted to Council for consideration.

Docks located on a shore road allowance: Steps 9 to 13 pertain to license of occupation applications for docks located on a shore road allowance abutting a public road. If the application is not for a dock located on a shore road allowance, proceed to step 14.

9. Council reviews the staff report. If all information is complete and the application is deemed advisable by Council, the application is approved/rejected for processing.
10. If the application is for a dock located on a shore road allowance which abuts a public road, a public notification process is required. If approved for processing, Council will direct staff to begin the public notification process.
11. A public notification process is conducted by staff at the applicant's expense. The applicant is charged an **administration fee of \$150.00** towards the cost of the public notification process. Notice will consist of the following:
 - circulation to various departments (Public Works, Building/By-law and Planning);
 - circulation by regular mail to every owner of land within 250 metres of the area to which the encroachment applies;
 - posted notice to the Municipality of Dysart et al website; and

- posted notice in a location clearly visible and legible from the public highway at the area to which the encroachment applies, or where posting at the area is impractical, at a nearby location as deemed appropriate by municipal staff.

Written comments are accepted at the Municipal office at any time prior to the Council meeting. Written comments are included in the staff report and reviewed during the Council Meeting.

12. Upon completion of the public notification process, the application is scheduled for the next Council Meeting.
13. A staff report, together with the draft License of Occupation Agreement and all comments received during the notification process are submitted to Council for consideration.
14. Council reviews the staff report. If all information is complete and the proposed agreement is deemed advisable by Council, a by-law is passed.

The decision to permit use of public land, including a road allowance will be at the sole discretion of Council and subject to whatever conditions are deemed appropriate.

Council will consider the merits of the specific request, including a review of the site conditions, the neighbourhood, and all public comments received through the public notification process.

The Municipality may require removal or correction of any compliance issues.

15. The Clerk will make arrangements for signatures once all conditions (fees, insurance etc.) have been completed. A copy of the agreement will be returned to the applicant(s) upon execution by the Clerk and Mayor.
16. Upon signature of the agreement by all parties, the account is reconciled, and file completed. Any outstanding balance on the application will be refunded to the applicant.

Costs Associated with a License of Occupation Application

- ❖ Questions concerning license of occupation applications should be directed to the Municipal Planning and Land Information Department at (705) 457-1740 or planning@dysartetal.ca
- ❖ The entering into a license of occupation agreement will not be construed as creating "an interest in land."
- ❖ The user will acknowledge that the Municipality intends the use to cease in the long term and that the permission will not be extended to future owners of his/her property.

- ❖ The user will pay an annual fee, established at the sole discretion of Council, for use of the road allowance or public land. For applications for short term rentals, the annual fee is set at \$500/year.
- ❖ The user will maintain liability insurance to the satisfaction of the Municipality covering use of the road allowance or public land. For applications for short term rentals, the minimum liability insurance is set at two million dollars (\$2,000,000.00) naming the Municipality and the applicant as insured.
- ❖ A survey may be requested by Council. The applicant is responsible for making all arrangements for the survey with an Ontario Land Surveyor. All costs associated with the survey are to be paid directly to the surveyor.
- ❖ The user will acknowledge that the road allowance or public land may be required for municipal purposes at any time in the future and in such case, his/her occupation of the road allowance or public land is to cease.
- ❖ The applicant is responsible for all costs incurred by the Municipality.
- ❖ The Municipality's solicitor may be required to act on behalf of the Municipality. All legal fees associated with the License of Occupation Agreement, are the responsibility of the applicant.
- ❖ The costs set out below are estimates only and are provided for information purposes only. The application will not be accepted without payment of the required application fees.

Applicable Fees:

Administration Fee - License of Occupation - New:	\$750.00
Administration Fee - License of Occupation - Renewal:	\$500.00
Administration Fee - License of Occupation - Short Term Rental	\$500.00
Legal Deposit	\$750.00
Annual License Fee	Set by Council
Annual License Fee – Short Term Rental	\$500.00
Liability Insurance	Set by Council
Liability Insurance – Short Term Rental	2 million
Legal Fees	As billed by Lawyer
Survey Fees	As billed by Surveyor