

What is a Validation of Title?

A validation certificate, authorized by Section 57, provides for the correction of a previous contravention of the Planning Act.

Typically, the land involved is already recognized practically as a separate parcel of land. This has the effect of retroactively confirming the effect of a historic conveyance, despite it having contravened the Planning Act.

There are various scenarios where a contravention has taken place. Here are some examples:

- Abutting lands merging together and then part of the property being sold to a new owner.
- A quiet claim deed being declared invalid on a property.
- A property that has been subject to an expropriation that has not been reflected in the deed.
- A mortgage for one part of a recently merged property.

The validation application validates the legal title to a property already identified for all purposes as separate. The validation cures the title problem that arose as a result of a technical contravention of the Planning Act.

Who is the Committee of Adjustment?

The Committee of Adjustment hears applications under Section 45 of the Planning Act and Section 50/52 & 57 of the Planning Act R.S.O. 1990 c.P13, as amended. They are an independent body appointed by Township of Wainfleet Council and is comprised of five members of the public.



For more information

Contact the Township of Wainfleet's
Planning Department

Office Hours:

Monday to Friday 8:30 a.m. – 4:30 p.m.
*closed on Statutory holidays

Address:

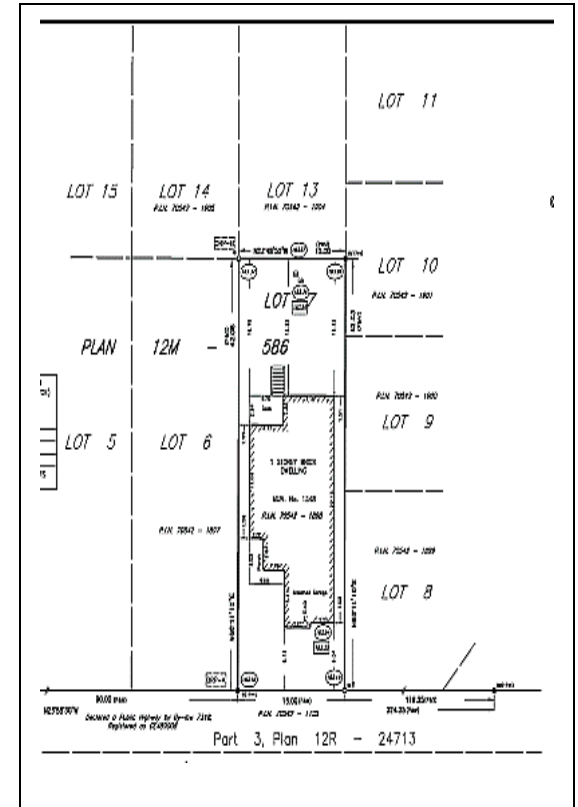
31940 Highway #3
P.O. Box 40
Wainfleet, ON
L0S 1V0

Contact Information:

Phone: 905-899-3463
Fax: 905-899-2340
www.wainfleet.ca

This brochure is intended to provide preliminary information only.

Validation of Title



TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

Application Process

1. Pre-consultation

A formal pre-consultation meeting is not required for a validation of title application. However, it is recommended that applicants contact the Planning Department to discuss prior to filing an application.

2. Submit a Complete Application

In order for an application to be deemed complete it must include a completed application form, a legal analysis of the history of title of the subject property along with any relevant documents, a survey or sketch and the required fees.

3. Public Hearing

There is no public notification requirement under the Planning Act for a validation of title application. A public hearing will be held and the applicant will be given an opportunity to address the Committee of Adjustment.

4. Recommendation Report & Decision

The Planner will present a recommendation report to The Committee of Adjustment. The recommendation report will review all applicable planning policies. The Committee will make a decision on the application. They may include conditions that the applicant must fulfill before provisional approval can be deemed a final approval.

A "Notice of Decision" is mailed to the applicant within 15 days after the decision of The Committee.

6. Decision in Effect

There is no appeal for a decision regard validation of title. A validation certificate can be issued once the committee has made a decision.

The average time to process an application from start to finish is about 2 to 3 months.

IMPORTANT: The recent amendment to Section 57(6) and repeal of Section 57(7) remove the obligation to comply with official plans and by-laws, and specify that the criteria for obtaining a validation certificate are the same criteria that apply to granting a consent (which give regard to the municipality's official plan and zoning by-laws, but do not require strict compliance).

When reviewing a Validation of Title application, regard must be given to the provisions of Sections 51(24) and 51(25) of the Ontario Planning Act. Some of the items to consider are:

1. Does the plan conform to the official plan;
2. Is the plan suitable for the land and for the purposes for which it is being subdivided;
3. The dimensions and shape of the proposed lot;
4. Conservation of natural resources and flood control.

These are just four of the many items that the Committee of Adjustment must have regard to when reviewing a validation application. Each case is decided upon its own merit, based on the facts presented in the application and during the hearing.

Further Information on Validation of Title

Planning Act:

<https://www.ontario.ca/laws/statute/90p13#BK90>

Township Of Wainfleet:

<https://www.wainfleet.ca/coa>

Township Application:

<https://www.wainfleet.ca/sites/24/files/2024-06/Validation-of-Title-Application.pdf>

