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the*

**Health files**

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## On-Site Sewage Disposal System Permits For Undeveloped Lots

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### Is it necessary to get a Sewage Disposal Permit for an undeveloped lot?

You are legally required to get approval from your local health authority BEFORE installing any kind of sewage disposal system (such as a septic field). These sewage disposal system permits are NOT a right of ownership. They are only granted after the site has been inspected by an Environmental Health Officer (EHO) and certain conditions have been met. The lot must have the appropriate soil and drainage characteristics that will safely support an on-site sewage disposal system, and adequate "set back" distances from property lines and water courses.

### What does this mean for someone buying an empty lot?

Never assume that ANY undeveloped lot will automatically qualify for installation of a sewage disposal system. Anyone buying an undeveloped lot as a future home site is responsible for finding out if that lot will qualify for a sewage disposal permit. Always remember the rule of "buyer beware." If you make an offer to purchase a bare lot with the intention of building a house on it, you should consider including a "subject to" clause which makes successfully getting an on-site sewage disposal permit a condition of the sale. Discuss this with your realtor and/or lawyer.

Keep in mind that just because neighbouring lots may have existing sewage systems, that fact does NOT guarantee

that a new permit will be granted for YOUR lot. Standards are much stricter now than they used to be. The only way to find out if you can get a proper permit for your planned sewage system is to go through your local health authority.

## **How do you apply for a permit?**

Only the property owner can apply for an on-site sewage disposal system permit for that property. You can get an application form from the environmental health office of your local health authority. The EHO can give you guidance on how to complete the application form. You must provide a \$250 administration fee when you submit your application form. Generally, your fee will cover the initial lot inspection and final inspection. If your system fails an inspection, you may be required to pay an additional fee of \$100 for each re-inspection. The permit -- if given -- is only valid for one year, and is not transferable. If the permit is allowed to expire, you must reapply and you will be required to pay your fees again.

Once you have filled out the application and provided all the information requested on the form, an EHO will inspect your lot to confirm the information you have provided is accurate, and the property meets the requirements of the Sewage Disposal Regulation and is suitable for a sewage disposal system. If, in the opinion of the EHO the property meets the specifications (i.e., appropriate soil depth, drainage, slope, water table, etc.) you will then be issued a permit to construct your sewage disposal system.

It is the responsibility of the applicant to provide all the necessary information, and undertake all the work needed to support the application (i.e. site plan, "perc" tests, etc.). Because different owners often have different site plans for sewage disposal systems, the specifics of each proposed system have to be judged on their own merits. It is NOT the responsibility of the local EHO to design your system for you.

## **Possible delays**

In some cases, the EHO may postpone the required inspection/testing procedures until the winter time so that the drainage/absorption characteristics of the lot may be determined during the wetter winter months.

In other cases, particularly in the colder regions of the province, assessments cannot be made during the winter.

Prospective builders should therefore plan to have all necessary tests performed at the time of year appropriate for local weather conditions. Your EHO can advise you further.

## **What about the "appeal" period?**

Once your construction permit has been approved, your neighbours will then have 30 days in which to appeal the granting of the permit to the Environmental Appeal Board (see Environmental Appeal Board brochure). You must post a notice of the proposed sewage disposal system in a conspicuous place on your property, including a site map clearly showing the system's exact location and extent.

The appeal process is open to anyone who feels that they might be negatively affected by your proposed sewage disposal system -- for example, if they draw their drinking water from a nearby shallow well, or are "downstream" of your sloped property.

Alternatively, anyone whose application for a sewage disposal permit is turned down also has 30 days to appeal that

decision to the Environmental Appeal Board.

## How does the appeal process work?

Appeals regarding the issuance (or non-issuance) of a sewage disposal permit are heard by an independent body known as the Environmental Appeal Board. Whenever the issuance of a permit already granted is being grieved, the property owner's or lot buyer's interests will be represented by an Environmental Health Officer from the local health authority. The EHO will defend his or her decision to have granted the sewage disposal permit in the first place. Anyone interested in filing an appeal -- either regarding the issuance OR the non-issuance of a permit -- should ask at their local health authority for a brochure that explains this appeal procedure in more detail.

## What else should you be aware of?

Generally, land buyers are advised to give themselves plenty of time when planning to buy an undeveloped lot. Aside from the 30-day notice-of-appeal period once a construction permit has been issued, it can take up to 60 days more before a grievance may be heard by the Environmental Appeal Board.

## Important Notice:

**A person who decides to proceed with the construction of a sewage system AFTER the permit has been issued but BEFORE the 30 day appeal period has passed must realize that there is a risk that the permit may be appealed, and that the Environmental Appeal Board may overrule the EHO's decision and revoke or cancel the permit.**

**Under these circumstances, the board has the authority to have the offending system removed. For this reason, property owners are strongly advised NOT to proceed with ANY construction on-site until the 30 day appeal period has passed and no appeals have been submitted.**

NOTE: See also Health File [#21a - Operation and Maintenance of Sewage Disposal Systems](#).

**If you have any further questions about obtaining sewage disposal approvals, please call your local Public Health Office.**



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