

Date of last update: February 2021

What is a Subdivision Agreement?

A "Subdivision Agreement" outlines the developer's obligations to the City of Kawartha Lakes for the construction of roads, sewers, watermains, parks, and other services in your subdivision. This agreement between the City and the developer also requires the developer to incorporate some clauses and warnings into your "Agreement of Purchase and Sale".

Please ensure you obtain, review and understand the subdivision agreement that is registered on title of your property and review the Warning Clauses in your Purchase and Sale Agreement.

What is the developer's responsibility?

The developer is responsible for overall site grading and drainage; construction of sewers, watermains, roads, curbs and sidewalks; street lighting; boulevard trees and perimeter fencing in the subdivision. Landscaping of public areas and noise reduction fencing is also included in some subdivisions. The details of the developer's responsibilities are laid out in the subdivision agreement. The consulting engineer for the developer must verify that the developer has completed the subdivision and met the City's requirements before the City releases financial securities to the developer.

What is the builder's responsibility?

The builder is responsible for constructing your house and driveway, and the grading and sodding of your individual lot. The builder and the developer may be the same company or the developer may sell building lots to builders. The City of Kawartha Lakes has no contractual agreement with the builder.

What are “purchaser warning” and “advisory clauses”?

All "Builder/Homeowner Purchase and Sale Agreements" include purchaser warning clauses that alert new homeowners of potential issues regarding their subdivision (noise, odour, water & sanitary servicing, fencing, driveways, etc.). Purchasers should carefully review these clauses.

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What are Engineering Design Drawings referenced in Schedule A, in the Subdivision Agreement?

The Engineering Design Drawing package is referenced in the Subdivision Agreement and the drawings are typically listed in Schedule A. This drawing package identifies the details of the municipal infrastructure, such as water, sanitary and storm pipes, hydrants, valves, manholes, and catchbasins. The drawing package also typically identifies the locations of community mailboxes, hydro transformers, streetlights, sidewalk location and maximum driveway widths.

You should ask the developer to view a copy of the Approved Engineering Design Drawings for the lot you propose to purchase and have them identify all of the infrastructure specific to your lot.

Will there be a hydro box, sidewalk, community mailbox, hydrant or streetlight in front of my property?

Information regarding the placement of hydro boxes, sidewalks, community mailboxes, hydrants, lampposts, and other utilities abutting your property, may be obtained from the developer of your subdivision and is contained in the Approved Engineering Design Drawing package.

Sidewalks are located in the municipal right of way or boulevard and are placed to allow for snow storage in the boulevard for both road and sidewalk winter maintenance. The location of sidewalks within the boulevard also considers the other services, trees and utility locations within the boulevard. Sidewalks may be designed on both sides on the street or on only one side of the street, and are often one of the last components of municipal infrastructure to be installed in a new subdivision.

How can I obtain the site plans for my lot?

It is the Developer's responsibility to provide a copy of the approved individual house siting plan and lot grading & drainage plan to the homeowner/purchaser prior to closing.

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What does final lot grading certification mean?

When sodding has been completed around your new home, your developer's engineer will verify that the design has been followed. Once the engineer is satisfied, they will provide the appropriate documentation to the engineering department for review. Timing for the certification to be provided to the City is up to the developer.

After certification, is there a warranty on grading/sod issues?

The City does not provide or warranty grading or sod on private property. Please contact your developer's customer service department.

What if I alter the drainage patterns on my property?

Modifying the drainage patterns on your own property may have a negative impact on your neighbour's property. Once you start to landscape your property, be mindful of how the drainage patterns work and try to maintain these drainage patterns that carry water away from your home and those of your neighbours. Do not fill in ditches, move your downspouts or cause more water to run onto your neighbour's property. Damage to neighbouring properties resulting from significant modification of drainage patterns can result in civil lawsuits between private homeowners under the Drainage Act.

When can I install a fence, patio, deck, pool, or shed on my property?

For common fences between properties, both properties must be certified. If you install a fence or make other changes before the lot is certified, the developer may require that the changes be removed and restored.

Why is there a half-round swale across my back yard?

Your lot drains from your backyard property line to the municipal road at the front of your house. This apron swale is installed to distribute water from the rear yard to the side-yard swales to keep drainage away from your house and help prevent flooding of your basement.

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I gave my builder a grading deposit when I bought my home. When do I get my money back?

Typically the builder requires deposits prior to closing the sale of your home to ensure that the homeowner does not adversely alter the grading of the lot. The City does not have any involvement with, nor does it require the builder to take these deposits. If you have any questions regarding these deposits, you should discuss them with your lawyer.

I have a catch basin in my back yard. What can I do with it?

The catch basin and the surrounding drainage cannot be altered as it will affect the drainage pattern within your neighbourhood. In some cases, the City may have an easement over your property which provides City staff with access to maintain the catch basin periodically. If necessary, the City can request that homeowners, at their own expense, dismantle structures, sheds, etc., that are within the catch basin easement.

In other circumstances, the catchbasin and associated storm infrastructure on the private lot is the responsibility of the property owner. Please review the subdivision agreement for the development to clarify.

What is an "easement"?

The municipality may have obtained an easement on your property if a storm sewer, watermain or sanitary sewer crosses your property. The easement allows you to have the use of the property but gives the City of Kawartha Lakes the right to access, maintain or reconstruct the services within the easement. You should not build additions, garages, sheds, decks or other encroachment within the easement.

Who do I contact about problems or deficiencies in my new home?

Your builder is responsible for any deficiencies in your new home. First, give your builder a chance to act on your complaints. Then, if the builder fails to respond, notify TARION (formerly Ontario New Home Warranty Program) and request assistance within the proper timeframe of your warranty. It is important to record all complaints in writing to both your builder and TARION. For more information contact the offices of TARION at 1 .800.668.0124, visit the [TARION website](http://www.tarion.com) (www.tarion.com) or email info@tarion.com

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Who do I contact regarding construction nuisances?

All new subdivisions have construction nuisances such as noise, truck traffic, dust, and debris. While these are an annoyance to homeowners, the City does require the developer/builder to reduce these nuisances and to avoid them when possible. Concerns should be directed to the developer and/or developer's consulting engineer. Their contact information is contained in the subdivision agreement.

Who is responsible for the cleaning of the roadways (mud/dirt)?

The developer is responsible for maintaining clean and safe roads throughout construction and while the subdivision is unassumed. Concerns should be directed to the developer and/or developer's consulting engineer.

Please ensure you are aware of the location of all of these features before purchasing your home.

When will the permanent mailbox location be provided?

Temporary locations will be provided by Canada Post until the subdivision is substantially complete. Canada Post may send out a notification letter indicating where your permanent mail box location will be. During the original subdivision design, the City coordinates the utility locations to achieve as safe a location as possible subject to the needs of Canada Post and other utilities. Canada Post will specify the locations of their infrastructure.

Contact Canada Post directly for an issues or concerns related to mail access and delivery.

Who do I contact to get information about storm sewers and stormwater management facilities?

The developer is responsible for the construction and maintenance of storm sewers and stormwater management facilities until the subdivision is assumed by the City. Please contact the Developer for further information.

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Who do I contact to get information about water or sanitary sewers?

The City of Kawartha Lakes is responsible for providing services related to water and sanitary sewers to residents. However, the developer is responsible for construction and maintenance of water and wastewater services until the subdivision is assumed by the City. For more information, please contact the developer of your subdivision.

Who is responsible for planting street trees?

Typically your developer is responsible for planting new street trees within the right of way or boulevard within your subdivision. A streetscape design provided by the developer is reviewed by the City of Kawartha Lakes Engineering and Parks Recreation & Culture Departments. The location of street tree planting is dependent on a number of variables include proximity to utilities, street lights, and intersections etc. and as a result, a tree may not be installed adjacent to your lot. The Streetscape Landscape Plan is contained in the Engineering Design Drawing package. Please contact the Developer for further information.

There is a pond in my subdivision. What is its purpose?

Most new subdivisions include a stormwater management facility, which can appear as a landscaped pond. These naturalized ponds are designed to collect runoff after a heavy rainfall, treat it for impurities, and discharge cleaner water into rivers and creeks. Stormwater management ponds are routinely monitored and maintained by the developer until the City assumes the subdivision. Please note that these facilities are not intended for recreational use. Water levels and ice thicknesses are not monitored and will vary. The City assumes no liability or responsibility for unintended uses.

Further information regarding the City's operations of Stormwater Management Facilities, can be found in [Stormwater Management Facilities FAQs](#) (found under Utilities, Water and Sewer, Stormwater).

When will my driveway be paved?

Driveway construction within the public road allowance, also known as the driveway apron, is the responsibility of the developer. It is often recommended that paving a driveway be delayed so that natural settlement may occur. Always refer to your

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"Agreement of Purchase and Sale" and subdivision agreement registered on title with regard to construction responsibility and timing of completion.

Can I pave/landscape the area between my driveway and my neighbour's driveway?

Increasing the paved or hard surface area on your lot, can cause increased surface run off and can negatively impact the stormwater quality and quantity experienced during high volume rain events.

The small area between adjacent driveways is required to drain the back yards in many properties. If you raise this area, you will block the flow of water and cause water to flow across your driveway, which could ice in the winter and create a winter hazard. You should always maintain the existing drainage pattern on your property.

Can I widen my driveway?

Driveway locations and widths are set through the Engineering Design for the subdivisions which considers the stormwater management needs for the overall development as well as proximity to water and sanitary services, streetlights, utilities, etc.

Modifications to the widths and locations of driveways are not permitted where an engineering design has specified the location.

Can I install a gate in the black vinyl fence located at the rear of my property?

Gates are not permitted as typically fencing is a design feature to protect adjacent private properties or environmentally sensitive areas such as woodlots, hazard or creek areas subject to flooding or erosion.

Gates along the municipal trail system are not permitted.

Who can I call regarding school issues such as construction of new schools and busing?

Please contact the applicable School Board for information regarding schools and busing. School locations and potential sites are determined by each school board.

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Future schools identified on maps or signs in subdivisions are not guaranteed to be built. Should the boards declare any site surplus, the lands can be developed for other purposes depending on the zoning of the lands.

When will municipal garbage pick-up commence; and where can I get a blue box?

Waste and recycling collection is the responsibility of the City and commences as soon as you move into your home. Roads must be in a reasonable state of access and travel; free of construction activity, equipment, and material. If the collection vehicle cannot access your street due to construction activity, the waste and recycling will not be collected. If this occurs, please contact the developer.

Information is on the Waste and Recycling in the City of Kawartha Lakes.

Will my street receive winter road and sidewalk maintenance?

The City provides winter maintenance for all roads and sidewalks, including new subdivisions and commences as soon as you move into your home. Winter maintenance is subject to the following: Access chamber covers/grates on the roads must be either set to level grade or ramped with asphalt; and sidewalks must be continuous with no missing bays.

Both roads and sidewalks must be in a reasonable state of access and travel; free of construction activity, equipment, and materials.

Can I have the street light in front of my house moved to a different location?

Streetlights cannot be relocated as they are installed in specific locations to meet design standards for ample lighting on the street. The minimum distance between a street light base and the edge of a driveway is one meter.

What does "assumption" of a new subdivision mean?

Assumption of a subdivision occurs when the municipality assumes responsibility for the maintenance of all municipal services. This typically occurs when all obligations of the developer have been fulfilled. There is no set timeframe for assumption and it could occur several years after home construction. To protect taxpayers from unnecessary



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expenses, the City of Kawartha Lakes will not assume a subdivision until the infrastructure is properly installed.

How does my subdivision get assumed?

Assumption of the subdivision by the City occurs when the municipality assumes responsibility for the maintenance of all municipal services. Council typically passes an Assumption By-law for the street.