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A Guide to the Subdivision and Condominium Approval Process

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1. What is a Subdivision?

Subdivision is the division of land into multiple parcels. To subdivide land, you need approval of a Plan of Subdivision from the City Council.

Subdivision approval ensures that:

- The land is suitable for its proposed new uses; and,
- The proposal conforms to the applicable Official Plan in the City, as well as to provincial policies.

If your proposal involves subdividing land on a smaller scale (i.e. creation of one or two lots), you may be able to seek approval for land severance / consent instead. For more details, see a Guide to the Land Severance Process on the City of Kawartha Lakes website.

2. What is a Registered Plan of Subdivision?

A Registered Plan of Subdivision is a legal document that shows:

- The exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built.
- The location, width and names of streets.
- The sites of any City parks, elementary and secondary school sites.
- The location and dimensions of lands identified for service easements, etc.
- The plan does not show specific buildings locations; these are set out in the zoning by-law and site plan approval. The plan of subdivision must be:
 - Prepared by an Ontario Land Surveyor;
 - Approved by City Council; and
 - Registered in the Land Registry Office.

A Registered Plan of Subdivision creates new, separate parcels of land and can be used for the sale of lots. It should not be confused with a “Registrar’s Compiled Plan” or a “Reference Plan”, which are used simply to describe parcels of land.

3. What is the process for Subdividing?

Please see attached Figure 1.

Submit a Preconsultation Application

Before you apply for a Plan of Subdivision, you are required to go through the Preconsultation Process. A Pre-consultation Process is an opportunity to present a proposal to Staff and receive feedback. Additionally, it allows City staff to identify, on a preliminary basis, the required process, fees, studies for a complete submission, and ensures that the application is processed efficiently.

For more information about Preconsultation Process, please refer to the Preconsultation Info Sheet available on the City’s website.

Submit a Plan of Subdivision Application

The Plan of Subdivision Application and the associated fees are available on the City's website.

As an applicant, you will be required to fill out an application form. Staff will then review your application. Once the Planning Division is satisfied that all of the required submissions have been received they will deem it complete.

On occasion, background studies submitted by an applicant, such as traffic and hydrogeological studies, will require peer review. Applicants are responsible for all costs associated with municipal peer reviews of background reports.

The development process is a legal and public proceeding. As such, you may wish to hire a professional to help you through the application and submission process. Feel free to ask Planning staff for a list of development consultants.

Notice of a Public Meeting

The City, usually through a sign posted on the property and by mail, must give notice to the public that an application for a subdivision has been received.

The City is required to also consult with agencies, boards, authorities or commissions before making a decision.

Staff Evaluate the Subdivision Application

In considering a plan of subdivision, the City evaluates the merits of the proposal against criteria such as:

- Conformity and consistency with the provincial documents
- Conformity with the Official Plan
- Compliance with the zoning by-laws
- Suitability of the land for the proposed use, including the size and shape of the lots being created
- Adequacy of vehicular access, water supply, sewage disposal
- The need to ensure protection from potential flooding
- The adequacy of parks, schools, and facilities for the proposed new lots

Draft Approval

Having considered your application, the City may either "draft approve", request revisions, or refuse your subdivision proposal.

If your application is draft approved, you will be advised of any conditions to be met in order to obtain final approval and registration. Conditions of draft approval may include: road widenings, the naming of streets, parkland requirement, rezoning of the area to reflect the new uses in the subdivision, and any other City requirements. In addition, draft approval includes a timeframe within which the conditions must be met or the draft approval will lapse. The City has the authority to grant an extension of draft approval.

The developer will be required to sign a subdivision agreement with the City to ensure that certain services such as sidewalks and roads are provided after the plan has been registered.

Draft approval amounts to a commitment to proceed with the subdivision, once all the conditions of draft approval have been met. Lots may be offered for sale after draft approval, but cannot be sold until after the plan of subdivision has been registered.

4. Rights of appeal

When a Notice of Decision is given, a 20-day appeal period follows. Appeal rights are limited to the applicant, the City, and a few other stakeholders in accordance with the Planning Act.

The Notice of Decision will notify you on how you should file your appeal. Appeals are filed with the City, and the Clerk is required to forward the appeal to the Local Planning Appeal Tribunal (LPAT). You must submit your appeal within the legislated timelines, with the filing fee, completed appeal form, and grounds for appeal.

As part of the Ontario Land Tribunals (OLT), LPAT is an adjudicative tribunal that conducts hearings, mediations, and makes decisions on land-use planning disputes. For a better understanding on the land use planning and appeal process in Ontario, please visit the OLT website (<https://olt.gov.on.ca/>).

5. When can a Subdivision be registered?

When all conditions of the draft approval have been satisfied or fulfilled, final approval is given and the plan of subdivision is registered in the provincial land titles or registry system. The developer may then proceed with the sale of the newly registered lots in the subdivision.

6. When must services be provided?

Although many services for new subdivisions are not provided until well after registration, the City insists that they be in place before residents move in to their new home. The applicant will be required to sign a detailed subdivision agreement, which is registered on the title of the property and legally binds the developer and future owners to its conditions.

7. What are Condominiums?

Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in a residential building, is held by an individual together with a share of the rest of the property, which is common to all of the owners.

Condominiums can involve a brand new development, or an existing rental project which is converted to condominium ownership. They can apply to any type of residential building as well as commercial and industrial areas. Vacant land and parks are also eligible as a common-use condominium.

Plans of condominium must be approved by the City. Applications for draft plans of condominium are subject to the same statutory process as the plans of subdivisions.

Associated Fees, Required Documents, and Estimated Timeframe

There are a number of fees and documents to be submitted throughout the process. Fees and studies may include (but are not limited to):

- Planning Division Preconsultation application fee
- Planning Division Subdivision application fee
- Building Division review and permit fees, such as:
 - Development charges
 - Security deposits
- Review and permit fees from other agencies, such as the Conservation Authority
- Plans and/or special studies etc. in support of the application:
 - Surveyed plan
 - Geotechnical report
 - Environmental review
 - Servicing report
 - Hydro-geological report
 - Traffic impact study
 - Stormwater management plan
- Cost of consultant(s) or specialist(s) to prepare applications and reports
- Fee for the review, clearance of conditions, and stamping the deed(s).

The time frame for a Subdivision is dependent on the length it takes to submit all of the required studies and documents to the Planning Division, in addition to the number of required revisions.

8. Further information

For more information related to individual applications, please submit an inquiry to planningadmin@kawarthalakes.ca.

Please note:

This information is meant for guidance only and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan (where applicable), the relevant Official Plan policies, Zoning By-Laws, and other documents for definitive requirements and procedures.

Figure 1: Plan of Subdivision and Condominium Approval Process

