



A Guide to the Subdivision and Condominium Approval Process

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1. What is a Subdivision?

When you divide a piece of land into two or more parcels, you are subdividing property, and the provisions of the Planning Act come into play.

To subdivide land, you need approval of a plan of subdivision from City Council.

Subdivision approval ensures that:

- The land is suitable for its proposed new use or mixed uses; and,
- The proposal conforms to the applicable official plan in the City, as well as to Provincial legislation and policies.

You, your neighbours and your community are protected from developments which are inappropriate or might put an undue strain on community facilities, services or finances.

If your proposal involves creating only a lot or two, you may be able to seek approval for a “Land Severance” instead. For more details, see a Guide to the Land Severance Process.

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;
- In general conformity with the City Official Plan as well as provincial policies;
- Approved by City council;
- Registered in the land registry or land titles system.

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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)

If you are thinking about subdividing your property, first, discuss your proposal with staff of the Development Services Department – Planning Division. They will explain the process, how to apply, what information you will need to provide and whether the official plan and/or zoning by-law will have to be amended before your application can be processed.

Subdivision applications are made directly to the City, which is the approval authority. You will be charged a fee for processing the application. Staff will advise you of the amount of the processing fee.

As an applicant, you are required to fill out a subdivision application form provided by the City, which is attached to this guide. The application form is available at each Service Centre or on the City’s website.

The application form contains both the information which is prescribed by provincial regulation as well as other additional information which the City may require about the draft plan of subdivision. The more information provided, the less likely delays will occur in the review.

You should be aware that if you do not provide all the information prescribed by the provincial regulation, the City may refuse to accept or to further consider your application and the 90-day time frame for making a decision does not begin until all the prescribed information is received. You are encouraged to contact staff if you need help in assessing what information is required.

The City must give notice of your application and hold a public meeting before a decision is made. Notice of the public meeting is given at least 14 days in advance, through posting the property with a sign and by mail. Anyone present at the meeting has a right to speak about the proposal.

The City may consult with agencies, boards, authorities or commissions before making a decision.

On occasion, background studies, such as traffic and hydrogeological studies, submitted by an applicant will require peer review. Applicants are responsible for all costs associated with municipal peer reviews of background reports. Deposits are required for peer review in accordance with the City’s Tarff of Fees By-law.

4. How are Applications for Subdivision Evaluated?

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

- 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.

The City shall have regard to the Provincial Policy Statement when making a decision.

The Provincial Policy Statement contains, overall policy directions on matters of Provincial interest related to land use planning and development. The “shall have regard to” rule means that the City is obliged to consider the application of all relevant and specific policies when carrying out its planning responsibility. The City will implement the Provincial Policy Statement in the context of other planning objectives and local circumstances.

5. What is Draft Approval?

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

The City must provide a written notice of its decision to the applicant and each person or public body requesting to be notified of a decision within 15 days of its decision. When a notice of decision is given, a 20-day appeal period follows.

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 requirements, rezoning of the area to reflect the new uses in the subdivision, and any other City requirements. In addition, draft approval includes a lapsing provision which establishes a (3) three year time frame within which the conditions must be met or the draft approval will lapse.

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.

6. Rights of Appeal

If you are not satisfied with the City's decision on a subdivision, you can appeal to the Ontario Municipal Board (OMB).

Appeals to the Ontario Municipal Board (OMB) can be made in four (4) different ways:

1. Any person or public body (utilities, etc.) may appeal the City's decision, conditions and/or lapsing provision within 20 days of the notice of decision being given.
2. The applicant or any public body may appeal conditions of approval at any time before final approval of the plan of subdivision.
3. The applicant may appeal if no decision is made within 90 days from the date of receipt by the City of the application containing the prescribed information.
4. Any person or public body may appeal any changed conditions imposed by the City within 20 days after the notice of changed conditions has been given.

Appeals must be filed with the City Clerk, accompanied by reasons for the appeal and the fee required by the OMB. The OMB is an independent administrative tribunal responsible for hearing land use planning appeals. Contact the Development Services Department – Planning Division for more information on an appeal.

Applicants are responsible for all costs associated with third party OMB appeals. Deposits are required upon receipt of an appeal in accordance with the City's Tariff of Fees By-law.

7. 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.

You should be aware that considerable time may pass between draft approval and actual registration of the plan. However, the City has the authority to give a further extension of draft approval.

8. 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 new 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.

9. Are Condominiums a Form of a Subdivision?

Yes. Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in a high-rise 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 is now eligible. A park is now also eligible as a common-use condominium.

A condominium plan is like a plan of subdivision in that it is a way of dividing property. Plans of condominium must be approved by the City.

Applications for draft plans of condominium are not subject to the requirements of giving notice of application and holding a public meeting. However, the City is still required to give a notice of decision and the 20-day appeal period following the giving of the notice of decision applies.

Condominium conversions can be governed by official plan policies dealing with the rental vacancy ratio, as well as other matters.

10. What Other Approvals and Review Fees May be Required?

In addition to these planning approvals, there are other approvals and permits required in particular circumstances. This may include companion Planning Act applications for official plan amendment and/or rezoning. Approvals may be required from other agencies including the Conservation Authority, Ministry of Natural Resources, or the Trent-Severn Waterway before you begin any construction. Staff will provide assistance in determining the appropriate Conservation Authority having jurisdiction over the project as well as the appropriate application fees.

The Building Division will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic systems not subject to Ministry of Environment approval.

Please note that the Conservation Authority & Building Division may also charge additional review fees beyond the application fee.

11. Required Information and Application Fee Refunds

The information required for a complete application is outlined on the attached official plan amendment, plan of subdivision and plan of condominium application form. All necessary application fees must be included with the application.

Should the applicant decide not to proceed with the application, a portion of the City's fees may be refunded in accordance with the City's Tariff of Fees By-law.

12. Further Information

This brochure is intended to provide general guidance only to the subdivision and condominium approval process. For more specific information related to individual applications please contact the Development Services Department – Planning Division at (705) 324-9411 extension 1231.

Hours of Operation:

8:30 a.m. to 4:30 p.m., Monday to Friday, statutory holidays excepted.

Appointment with Staff:

Appointments with staff may be made by contacting the Development Services Department – Planning Division between 8:30 a.m. and 4:30 p.m. at (705) 324-9460 Ext. 1231. The offices are located at 180 Kent Street West, 2nd Floor, Lindsay, Ontario, K9V 2Y6.

Please note:

This brochure 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, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, and other by-laws for definitive requirements and procedures.

