
Subdivision/Condominium Procedure*Introduction*

The Land Use Planning and Protection Act, 1996 assigned approval powers for Plans of Subdivision and Condominium Plans to the Municipal Corporation of the County of Grey on May 22, 1996. County Council delegated the authority to the County of Grey Planning Committee for draft approval and final approval, changes in draft conditions, extensions and exemptions for Condominium approval. Therefore, all applications made for Plans of Subdivisions and Condominiums within the County of Grey shall be submitted to the County of Grey Planning & Development Department.

This document will provide the applicant with information on the Plan of Subdivision/Condominium Plan approval processes in the County of Grey. It is intended to provide an overview of the steps taken to make application and obtain a decision on a specific proposal. Attached as Attachment 1, is a flow chart which depicts the process as established by the Planning Act.

Note: This is not a legal document. It is a document prepared to assist County staff and members of the public. Reference to relevant legislation (e.g. Planning Act, Condominium Act), the Provincial Policy Statement and Provincial Regulations should be made if more specific information is desired.

1.0 Before Applying

- 1.1 Discussions with Local Council and Planning Staff
- 1.2 Application forms may be obtained from County of Grey Planning and Development Department. To facilitate the review process, it is strongly recommended that the applicant discuss the plan with the affected municipal council and it is required that the applicant consult with County planning staff prior to formal submission. Pre-consultation is of significant benefit, since the applicant will become more familiar with the requirements of the County process and the affected municipality and will be better able to provide the necessary information with the application. The following items should be considered before applying.
- 1.3 Conformity with the Official Plan and Zoning By-law

- 1.4 Circulation of an application will not normally take place unless the applicant conforms to the County or local Official Plan in effect, or is the subject of a concurrent application to amend the Official Plan. It is the general policy of the County that if the proposal is not permitted by the applicable official plan, that the application is considered incomplete and therefore cannot be accepted. If a zoning is required, the necessary application be filed with local municipality, concurrent with the subdivision/condominium application.
- 1.5 Provincial Policy
- 1.6 The application must be consistent with the Provincial Policy Statement 2005.
- 1.7 Certification of Titles
- 1.8 Certification of property titles under the Certification of Titles Act will be necessary before the final approved plan of subdivision can be registered. Since certification of titles can be costly and time-consuming, it is suggested that the applicant discuss this with a solicitor and surveyor as soon as possible.

2.0 *The Application*

- 2.1 The [application form](#), proposed draft plan and any required background studies are to be submitted to the Planning and Development Department at the County Administration Building in Owen Sound. The required background studies will be determined at the time of pre-submission consultation. The Planning Act, R.S.O. 1990, as amended, under Subsection 51(17) describes the information that must be incorporated on the proposed draft plan (see Section 4.0 of this Guide).
- 2.2 The application must be completed by the property owner or authorized agent. Where it is being made by the agent, written authorization from the property owner must accompany the application and be shown on the face of the draft plan.
- 2.3 It is the responsibility of the applicant to research and evaluate the site and the proposal to ensure that the development will conform with the interest of the health, safety and welfare of the future residents, either owners or tenants. Sufficient studies for the proper consideration of the application should be carried out prior to making formal application, and these should be included with the application. Pre-submission consultation is required as per By-law 4463-07, at which time the necessary reports will be identified.

2.4 Once submitted the application must be deemed complete within 30 days. If in the opinion of the Director of Planning & Development, the application (including the form and/or plans and supporting studies or documentation) is incomplete, they will be returned to the applicant for completion, correction or clarification prior to processing. The reason for this requirement is to ensure that commenting agencies have adequate information on which to base their comments. This is intended to avoid undue delay in the approval process.

2.5 EXEMPTIONS UNDER SECTION 50(3) OF THE CONDOMINIUM ACT
R.S.O. 1990

Pursuant to Section 50(3) of the Condominium Act, an application for approval of a Condominium Description is to follow the same planning approval process as subdivision. However, the approval authority may exempt applications from the full approval process or any part of the approval process deemed unnecessary. A request for exemption from the full process may be granted as long as existing Official Plan policies and Zoning By-law provisions permit the development, and servicing issues can be properly dealt with through a Site Plan Agreement.

The condominium exemption form can be found on the County's [website](#).

3.0 *Application Fee*

3.1 The application must be accompanied by the application fee set by County Council. The purpose of the fee is to recover part of the administrative costs involved in processing applications. The current fees are attached to the application form.

3.2 This fee may be paid in cash, debit, credit card (Visa or Mastercard) or by cheque or money order payable to the Corporation of the County of Grey.

3.3 An application will not be deemed complete unless the relevant fees have been paid.

3.4 Should peer review of supporting studies be required, the deposit made at the time of application will be used for payment.

4.0 *Draft Plan Requirements*

4.1 For circulation purposes, the application shall include 15 copies of the plan or sets of plans, 2 reduced size copies of the plan (8.5" x 11" or 11" x 17"). If further copies are needed, the applicant will be notified. A disk containing a geo referenced Autocad .dwg file of the Plan is also required.

a. Title

The following items should be included in the block:

- the municipal name, lot and concession number including geographic municipal name;
- if applicable, the Crown grant where the proposed plan of subdivision is located;
- if the current proposal is a re-submission, the previously assigned file number shall be given;
- the scale of the plan indicated in metric. The chosen scale shall be appropriate to show all information clearly;
- the date the plan was prepared. If the plan has been revised and re-submitted, the original date and the dates of any revisions must also be shown;
- certification of the boundaries of the land proposed to be subdivided by an Ontario Land Surveyor;
- the signature of the owner and where the application is made by an agent, a signed statement of authorization made by the owner.

b. Streets

- the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts must be shown;

c. Key Maps

- on a small key plan, on a scale of not less than 1 cm.: 100 metres, show all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the municipal lot or other original grant of which such land forms the whole or part.

d. Proposed Land Use and Density

- indicates the purpose for which the proposed lots are to be used and the number of lots for each use;

e. Abutting Land Uses

- indicate the existing uses of all adjoining lands;

f. Lot Size

- show the dimensions and layout of the proposed lots;

g. Site Features

- natural and artificial features such as buildings or other structures or installations, railways, highways, watercourse, drainage ditches, wetlands and wooded areas which are within or adjacent to the land proposed to be subdivided must be shown;

h. Water Supply

- indicate the availability and nature of domestic water supplies (i.e. private or communal wells or municipal water supply);

i. Natural Features

Information regarding the following shall be provided:

- water courses, drainage patterns, swamps, flood limits, wooded areas, water's edge, the defined top of band and;
- the nature and porosity of the soil;

j. Contours

- existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided;

k. Sewage Disposal

Municipal Sewage Collection System and Treatment Plant

- the location of any proposed sanitary sewers must be shown. If the sewers are to be installed but not connected until a trunk sewer is available, information regarding timing should be provided in the application.

Private On-site Sewage Systems

- if private sewage systems (septic tank systems) are proposed, the location of each leaching bed and 100% contingency area must be shown for each lot. It is probable that hydrological and geo-technical studies, conducted by a qualified engineering firm with expertise in sewage system design, will be required to be submitted with the subdivision application depending on the scale of the development.
- under Section 6.3 of the Plan of Subdivision application form, there is a requirement for the preparation of a servicing options study for any residential subdivision containing five or fewer lots serviced by wells and/or septic tanks. The study must verify the suitability of soils for the installation and use of the proposed method of sewage disposal as well as verify the availability of potable water necessary for the proposed use.

Where the cumulative impact is in question, extension of existing groupings of uses sourcing groundwater supplies shall be required to substantiate the capacity of the aquifer to provide adequate supplies of potable water to the proposed development and existing development on a sustainable basis.

I. Storm Water Management

- the way in which surface water is to be directed and disposed must be indicated and shown on the draft plan. If the storm sewers are to be installed but not connected until a trunk is available, information regarding timing should be provided in the application.

m. Easements, Rights-of-Ways and Restrictive Covenants

- the nature, location and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements must be disclosed.

- 4.2 An application for approval of a Condominium Description is to be accompanied by a plan that provides the applicable information required by Subsection 51(17) of the Planning Act and also show details such as the location of the building, the number of storeys, surface parking and access points.

5.0 *Procedures*

Pre-Committee

5.1 **Application**

It is the sole responsibility of the applicant to fill in all the particulars required and to supply all plans necessary to submit a complete application. Where additional copies of the plan are subsequently requested by the Planning and Development Department, the applicant will be responsible for supplying them.

An official acknowledgement of receipt of a completed application will be given by the County Planning Department.

5.2 **Circulation**

Following official receipt of the completed application, the County will circulate the application and plans to the affected local municipality, various agencies, commissions and authorities as may be affected in order to obtain information and recommendations. In most circumstances, County planning staff will request review agencies to respond within sixty (60) days of receiving the draft plan. In some instances an extension may be granted if special concerns are noted. Once this circulation has been

completed and the proposal evaluated by the County planning staff, a public meeting will be held, and a report will be forwarded to the Planning and Community Development Committee of County Council for its consideration.

The following is a partial list of agencies and public bodies that would generally be given an opportunity to comment on the proposed plan:

Local municipality;

- Minister of Municipal Affairs and Housing;
- Bruce Grey Owen Sound Health Unit;
- Blue Water District School Board;
- Bruce Grey Separate School Board;
- Applicable Conservation Authority;
- First Nations;
- Metis;
- Utilities and telecommunications companies; and
- Neighbouring municipalities if they are within one (1) kilometer of the subject lands.

5.3 **Public Notice**

Notice of the application will be given by the Director of Planning and Development. Public notification of the draft plan will be carried out by:

- a. Giving notice by personal service or pre-paid first class mail service to every owner of land within 120 metres of the area covered by the proposed plan and every owner of land within 120 metres of any lands owned by the developer which abut the subject lands; **and**
- b. Posting a notice which is clearly visible from a public highway or other place to which the public has access. The County will prepare the necessary Notice and forward to the necessary applicant for posting.

5.4 **Public Meeting**

Notification of the application and a public meeting to consider the application is required by the Planning Act. Owners of property within 120 metres must be notified of the date and time of the public meeting at least 14 days in advance of the meeting.

The public meeting will be held by the local municipality. Minutes of the public meeting along with any comments received will be forwarded to the County for consideration.

It is strongly recommended that the applicant or agent attend the public meeting in the event there are questions that require clarification.

5.5 **Comments**

The commenting agencies may identify concerns or may request that the County to impose various conditions on the approval of the draft plan. Planning staff will review the comments and requests for conditions that are received and prepare a report to the Planning and Community Development Committee recommending approval or refusal of the application with appropriate conditions. Please refer to Attachment 2 for a list of standard conditions.

At Committee

5.6 **Matters to be considered by the Committee**

Subsection 3(5) of the Planning Act, R.S.O. 1990, as amended, requires that a decision of a council of a municipality shall be consistent with policy statements issued by the Minister of Municipal Affairs and Housing and approved by the Lieutenant-Governor in Council.

Subsection 51(24) of the Act, requires that when a draft plan of subdivision is considered regard must be had to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- a. the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2 of the Planning Act;
- b. whether the proposed subdivision is premature or in the public interest;
- c. whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;
- d. the suitability of the land for the purposes for which it is to be subdivided;

- e. the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f. the dimensions and shapes of the proposed lots;
- g. the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h. conservation of natural resources and flood control;
- i. the adequacy of utilities and municipal services;
- j. the adequacy of school sites;
- k. the area of land, if any within the proposed subdivision that, excluding highways, is to be conveyed or dedicated for public purposes; and
- l. the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m. the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act or subsection 114(2) of the City of Toronto Act, 2006.

Approval

5.7 Draft Approval

Draft Approval may be given by the Planning Committee subject to conditions.

Draft plan approval can lapse if the conditions are not fulfilled within a set time – typically three years. If the applicant is unable to clear the conditions in time, a request may be made to the Director of Planning and Development to extend the period of draft approval for one year. This may occur if the local municipality concurs with such an extension and where no issues remain unresolved at the County level or with the applicant. Payment of the County's fee is also required.

5.8 **Conditions**

The applicant and the affected municipal council will be advised of the comments received during the review process and will have opportunity to discuss them with the Planning and Community Development Committee or County staff. Conditions requested by agencies will not necessarily be recommended by County planning staff. The applicant and the affected municipality may request that conditions be amended before draft approval is given. All agencies that request a copy of the decision are notified. It is most likely however, that requested conditions will be included in the staff recommendation unless they are clearly not relevant to the proposed subdivision.

Conditions will normally include such matters as the completion of hydrogeological, storm water management and engineering reports by the applicant's consultants, the signing of a Subdivision Agreement with the host municipality, provision of Letters of Credit to guarantee completion of work associated with the development, and other items intended to ensure that the development will be carried out in a manner consistent with the public interest.

NOTE: Following draft approval, any conditions to the draft approval may be modified. Subsection 51(47) of the Planning Act, provides that minor changes, as determined by the Planning and Community Development Committee, may be made without further notice. Changes which are considered to be major are subject to the same procedures respecting review and possible appeal as the original conditions.

5.9 **Notification of Decision**

A notice of decision of draft approval must be given within 15 days to the applicant, each person or public body that made a written request to be notified of the decision, an affected municipality or any other person or public body prescribed. Any person or public body may, not later than 20 days after the notice of decision is given, appeal the decision of the Planning and Community Development Committee to the Ontario Municipal Board.

Section 51 (53) however, provides that the Ontario Municipal Board may dismiss an appeal without a hearing if, in the Board's opinion, the appeal is not based on land use planning principles, the appeal is not made in

good faith or is frivolous or vexatious, the appeal is only made for the purpose of delay, the appellant has not provided written reasons for the appeal or the appellant has not responded to the Ontario Municipal Board's requests for further information.

All of the conditions of draft approval must be met before the Plan can be given final approval. Agencies that originally requested conditions must indicate in writing that their conditions have been met prior to final approval.

5.10 Clearing of Conditions

Depending on the work that must be carried out, or on the priorities of the applicant, considerable time may lapse between draft approval and final approval. During this time, there may be requests (from agencies, the host municipality or the applicant) to modify the conditions of draft approval. If the changes are not considered minor by the Planning and Community Development Committee, notification of all persons or public bodies that previously made written submissions, or requested notification of changes, must be carried out. The same appeal procedures, including the right of the owner to appeal to the OMB, apply as for the original submission.

6.0 *Final Approval*

When all the conditions of the draft approval have been cleared, final approval of the plan of subdivision will be granted by the Director of Planning. The registration of the plan will be the responsibility of the County, the fee for which is included in the development fee for execution of final approval. Please note that some of these procedures (such as Certification of Titles) can be time consuming. Legal and survey advice, along with consultation with Land Registry staff is strongly recommended.

7.0 *Appeals to the Ontario Municipal Board*

Applicants are advised that Section 51 (39) of the Planning Act contains provisions dealing with the right of persons (including the applicant) and public bodies to appeal subdivision approval decision to the Ontario Municipal Board. Such appeals are filed directly with the Director of Planning. More information about the process can be obtained if necessary.

8.0 Assistance

If assistance is required in completing an application or if you need to speak to County staff, please contact the Grey County Planning and Development Department at:

Phone: (519) 376-2205

Fax: (519) 376-7970

planning@grey.ca

Correspondence should be addressed to:

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