

- NOTE:** This guide has been prepared for information purposes only. Please refer to the Planning Act of Ontario for the complete legislative requirements for plans of subdivision.
- Approval Authority** 1. The Corporation of the United Counties of Leeds and Grenville is the approval authority for plans of subdivision in the municipalities that make up the United Counties. This authority was assigned to The United Counties of Leeds and Grenville in September 1998 by the Province of Ontario.
- What is a plan of subdivision?** 2. A registered plan of subdivision is a legal document that shows, (1) the exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built; (2) the location, width and names of streets; and (3) the sites of any schools or parks. A registered plan of subdivision creates new, separate parcels of land and it can be used legally for the sale of lots.
- What is the process?** 3. Refer to the **Subdivision Process Flow Chart** for an overview of the basic subdivision process.
- Who makes the decision?** 4. The Manager of Planning Services makes the decision on whether to approve or refuse an application, and on what conditions to attach to any draft approval with input from the municipality and circulated agencies. A Committee of Council reviews any disputed application and may render the decision. Where an application is not disputed, the authority to approve the application is delegated to the Manager of Planning Services.
- Consultation** 5. The Planning Act sets out a number of public bodies such as the local municipality, conservation authorities, utility companies, the school boards, etc., that are to be consulted regarding a proposed plan of subdivision. Also, a public meeting to receive comments on a proposed plan of subdivision must be held, normally by the affected local municipality by request of the Counties.
- Evaluation** 6. The Counties evaluates the merits of the proposed plan of subdivision against criteria such as:
- whether the subdivision is premature (e.g. if municipal services such as water, sewer or roads are not available);
 - conformity with the Counties Official Plan and the local official plan;
 - compliance with the zoning by-law;
 - compatibility with adjacent uses of land;
 - suitability of the land for the proposed purpose including size and shape of lots;
 - adequacy of access and sewer and water services;
 - protection from flooding and conservation of natural resources;
 - consistency with the Provincial Policy Statement.
- Draft Approval** 7. The Counties considers the application, the comments received and the results of its evaluation. If an application is draft approved, there will be conditions to be met in order to obtain final approval. The conditions may include but are not limited to a parkland dedication, a rezoning, and a subdivision agreement between the proponent and the local municipality. When a notice of decision is given, a 20-day appeal period follows for certain parties.
- Draft approval amounts to approval in principle of the subdivision, subject to the proponent meeting all conditions of draft approval.

Appeals

8. The applicant may make a motion to the Ontario Land Tribunal (OLT) for directions:
- (i) within 30 days of receiving a notice of an incomplete application from the approval authority [Planning Act, Section 51(19.2)];
 - (ii) any time after 30 days of submitting an application, if the approval authority has not provided a notice of complete or incomplete application [Planning Act, Section 51(19.3)].

The applicant may appeal to the OLT, if the approval authority fails to make a decision within 120 days of receipt of a complete application [Planning Act, Section 51(34)].

Further appeal opportunities to the OLT, as listed below, exist for certain parties, as listed below:

Appeal Opportunities

- Not later than 20 days after notice of a decision on draft approval, the following may be appealed: the decision, the lapsing provisions or any of the conditions [Planning Act, Section 51(39)]:
- Any time before final approval of the plan of subdivision, any conditions may be appealed [Planning Act, Section 51(43)]
- Any changes of conditions [Planning Act, Section 51(48)]

Appeal Parties

- a public body who made oral submissions at a public meeting or written submissions prior to a decision being made by the approval authority;
- a person listed in subsection 48.3 of the Planning Act (generally persons representing utility companies, propane handlers, railway or telecommunication infrastructure);
- the Minister;
- the municipality in which the proposed plan of subdivision is located.

Appeals must be filed with the United Counties of Leeds and Grenville and must include the fee required by the Ontario Land Tribunal. Currently the fee is \$1,100.00. An Appellant may request a reduction of the filing fee to \$400, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal using the appropriate form.

When to Register the Plan?

9. Final approval is given when all conditions of draft approval have been met. The plan may then be registered in the Registry Office. Considerable time may pass between draft approval and registration of a plan. However, the Counties has the power to provide that draft approval will lapse after three years, and the power to give extensions to draft approval.

When to sell lots?

10. Lots may be sold after the plan of subdivision is registered. Note that the Planning Act does allow lots to be offered for sale after draft approval.

Timing for services

11. The subdivision agreement between the applicant/owner and the local municipality will establish the municipality's requirements for when the various services are to be provided.