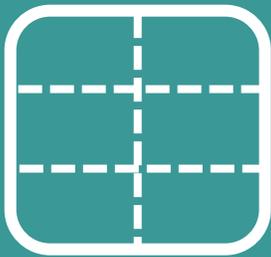


Citizens' Guide 4



Subdivisions

May 2018

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps to shape our communities and decide things such as where homes and factories should be built, where parks and schools should be located and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will develop and change and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly change and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures. The following guides are available:

1. [The Planning Act](#)
2. [Official Plans](#)
3. [Zoning Bylaws](#)
4. [Subdivisions](#)
5. [Land Severances](#)
6. [Local Planning Appeal Tribunal](#)
7. [Northern Ontario](#)
8. [Building Permits](#)
9. [The Plan Review and Approval Process](#)

Disclaimer

These guides have been prepared as a resource to help citizens understand how the land use planning system works in Ontario. They summarize complex matters and reflect legislation, policies and practices that are subject to change. The Citizens' Guides should not be relied upon as a substitute for specialized legal or professional advice in connection with activities and decisions pertaining to land use planning. The Citizens' Guides were last updated May, 2018.



What is a subdivision?

When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provisions of the [Planning Act](#) come into play.

If your proposal involves creating only a lot or two, you may seek approval for a "land severance". For more details, see [Guide No. 5](#), Land Severances.

The other means of subdividing land is to obtain approval of a plan of subdivision from the approval authority.

Subdivision approval ensures that:

- the land is suitable for its proposed new use
- the proposal conforms to the official plan and zoning in your community, as well as to provincial legislation and policies
- you, your neighbours and your community are protected from developments which are inappropriate or may put an undue strain on community facilities, services or finances.

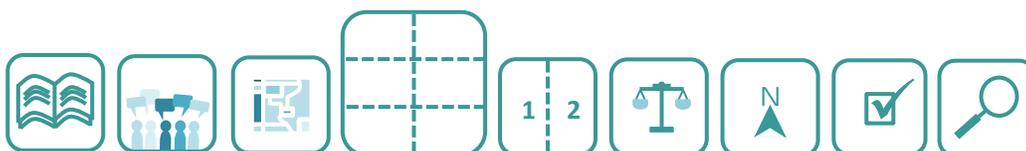
Problems can result when large tracts of land are split into building lots without the benefit of a formal approval process. People have found out, usually too late, that the lots they have purchased are not on a registered plan. It may be that the water supply is unusable or the access road is not plowed or maintained. Other purchasers have found out that the ownership or title to their property is doubtful, making it difficult to sell.

Who is the approval authority for plans of subdivision?

The councils of some upper-tier, lower-tier and single-tier municipalities are the approval authorities for draft plans of subdivision. Upper-tier municipalities may further delegate the authority to approve plans of subdivision to their lower-tier municipalities. Municipalities may also delegate the authority to committees of council or appointed officers.

In all other areas, the Minister of Municipal Affairs is the approval authority but may delegate the authority to approve plans of subdivision to municipalities or planning boards in Northern Ontario.

To determine who approves plans of subdivision in your area, contact your municipal or planning board office.



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 schools or parks.

The plan does not show specific building locations; the rules for locating buildings are set out in the zoning bylaw and shown on plans as part of site plan approval. (See [Guide No. 3, Zoning Bylaws](#))

The plan of subdivision must be:

- surveyed by an Ontario land surveyor
- in general conformity with the official plan and with any county, regional or district plan as well as provincial policies
- approved by the proper authority
- registered.

A registered plan of subdivision creates new, separate parcels of land and can be legally used for the sale of lots. It should not be confused with "compiled plans" or "reference plans" which are used simply to describe parcels of land.

What is the process for subdividing?

If you are thinking about subdividing your property, discuss your proposal first with municipal, planning board or [Municipal Services Office](#), staff. They can tell you what information, including any special studies, you will need to provide and whether the official plan and/or zoning bylaw provide for your subdivision to be allowed or if further review as to its suitability is necessary.

Subdivision applications are made to the approval authority. This could be the Minister of Municipal Affairs, a municipality, or a planning board. You may be charged a fee for processing the application. To find out what the processing fee is in your area, contact the appropriate approval authority. Ministry, municipal or planning board staff will tell you about the approval authority in your area.

As an applicant, you are required to fill out a subdivision application form provided by the approval authority.

A typical application form contains both the information identified by Minister's regulation as well as other information required by the municipality. The more information provided, the less likely delays will occur in the review.



The approval authority may refuse to accept an incomplete application. If an approval authority confirms that an application is incomplete and you, the applicant, disagree with the decision, you have 30 days to make a motion to the [Local Planning Appeal Tribunal](#) (LPAT) for a determination on the matter. The LPAT's decision is final.

If you do not provide all the information identified by Minister's regulation and the official plan, the approval authority may refuse to accept or consider your application. The 180-day time frame for making a decision also does not start. When all the identified and, if applicable, additional information is received, then the 180-day time frame begins. You are encouraged to contact the appropriate approval authority if you need help in assessing what information is required.

The approval authority, or in some cases the municipality in which the proposal is located, must give notice of the application and may also be required to hold a public meeting before a decision is made. Notice of the public meeting is given at least 14 days in advance, either through local newspapers or by mail and posted notice. Anyone present at the meeting has a right to speak about the proposal.

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

How are applications for subdivision evaluated?

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

- conformity with the official plan and compatibility with adjacent uses of land
- compliance with local zoning bylaws
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the need to ensure protection from potential flooding.

In deciding on the application, the approval authority shall be consistent with the Provincial Policy Statement (PPS) and conform/not conflict with an applicable provincial plan. This means that a council must ensure that provincial policies and plans are applied as an essential part of the land use planning decision-making process.

The PPS contains policy directions on matters of provincial interest related to land use planning and development. It is expected that the approval authority will implement the PPS in the context of other planning objectives and local circumstances. (See [Guide No. 1](#), the Planning Act and the [PPS, 2014](#)).



Provincial plans contain specific land use planning policies that address issues facing specific geographic areas in Ontario (e.g. Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan).

What is a draft approval?

Having considered your application, the approval authority may either "draft approve" or refuse your subdivision proposal.

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

If your application is draft approved, you will be advised of the conditions that need to be met 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 other requirements. The draft approval may also establish a time frame within which the conditions must be satisfied or the draft approval lapses.

In most cases, the developer may be required to sign a subdivision agreement with the municipality or planning board 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 go ahead with the subdivision, if all the conditions of draft approval have been met prior to the lapsing date. Lots may be offered for sale after draft approval, but can be sold only after the plan of subdivision has been registered.

How can you get involved?

If you are concerned about a draft plan of subdivision that may affect you:

- find out as much as possible about the draft plan
- go to the public meeting, if one is held, and give your opinions
- discuss your concerns with the approval authority
- write the approval authority.

Your opinions should be clearly expressed to the approval authority by making an oral submission at the public meeting and/or a written submission to the approval authority before a draft plan of subdivision is approved. Failure to make a submission means that you do not qualify to appeal the draft subdivision plan approval. In addition, you should also make a written request if you want to be notified of any change to the conditions attached to a draft approval and to protect your appeal rights.

If you have any concerns, you should make sure that you let the approval authority know about them early in the process. The approval authority will then have time to think about what you said and may make changes before the draft plan of subdivision is approved.



What rights of appeal do you have?

Appeals to the LPAT can be made in four different ways:

1. The applicant may appeal if no decision is made within 180 days from the date of receipt by the approval authority of the application containing the prescribed information and, if applicable, any additional information required by the approval authority under its official plan.
2. The applicant, the Minister, the municipality or planning board in which the proposed subdivision is located and any person or public body that meets certain requirements, may appeal an approval authority's decision, or any of the conditions of the draft approval or the lapsing provision within 20 days of the notice of decision.
3. The applicant, the Minister, the municipality or planning board in which the proposed subdivision is located, and any public body that meets certain requirements, may appeal conditions of approval at any time before final approval is granted.
4. The applicant, the Minister, the municipality or planning board in which the proposed subdivision is located and any person or public body that meets certain requirements, may appeal any changed conditions imposed by the approval authority.

Appeals must be filed with the approval authority, accompanied by reasons for certain appeals, and the fee required by the LPAT. Contact the approval authority for more information.

The LPAT is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See [Guide No. 6](#), the Local Planning Appeal Tribunal)

What are the powers of the Local Planning Appeal Tribunal?

A person or a public body that makes an oral submission at a public meeting, or submits a written submission prior to the approval of a draft plan of subdivision, may appeal an approval authority's decision.

When a decision is appealed, the LPAT may hold a hearing where you will have the chance to present your case. The LPAT can make any decision that the approval authority could have made on the application.

The LPAT also has the power to dismiss an appeal without holding a hearing. (See [Guide No. 6](#), Local Planning Appeal Tribunal)

Appealing a decision to the LPAT is a serious matter. It can take time, effort and in some cases, money, for everyone involved.



The LPAT must have regard to the local decision and make its decision based on the facts presented. The decision should generally be limited to the information and material that were before the approval authority whose decision is appealed. New information and material can be introduced at a hearing. However, if new information and material is introduced, the LPAT is required to give the approval authority 60 days to reconsider its decision and make a written submission to the LPAT if the approval authority requests this opportunity.

In addition, the LPAT shall dismiss an appeal if it constitutes an abuse of process, such as repeating the submission of an application that has recently been dealt with by the municipality and/or the LPAT. An appeal can also be dismissed by the LPAT if the application before it is substantially different from that which was before a council at the time of its decision.

When can a subdivision be registered?

When all conditions of the draft approval have been met, final approval is given and the plan of subdivision may be registered. The developer may then go ahead with the sale of lots in the subdivision.

Considerable time may pass between draft approval and actual registration of the plan. However, the approval authority has the power to provide that draft approval will lapse after three years. It also has the power to give a further extension of draft approval.

When must services be provided?

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

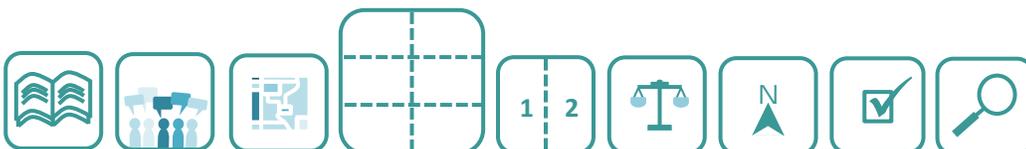
Are condominiums a form of subdivision?

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.

A condominium plan is like a plan of subdivision in that it is a way of dividing property. Similarly, plans of condominium must be approved, or in some cases granted an exemption from approval, by an approval authority.

Generally, applications for approval of condominium descriptions are not subject to the requirements of giving notice of application and holding a public meeting. However, vacant land condominiums are subject to these requirements. The 20-day appeal period following the notice of decision applies.



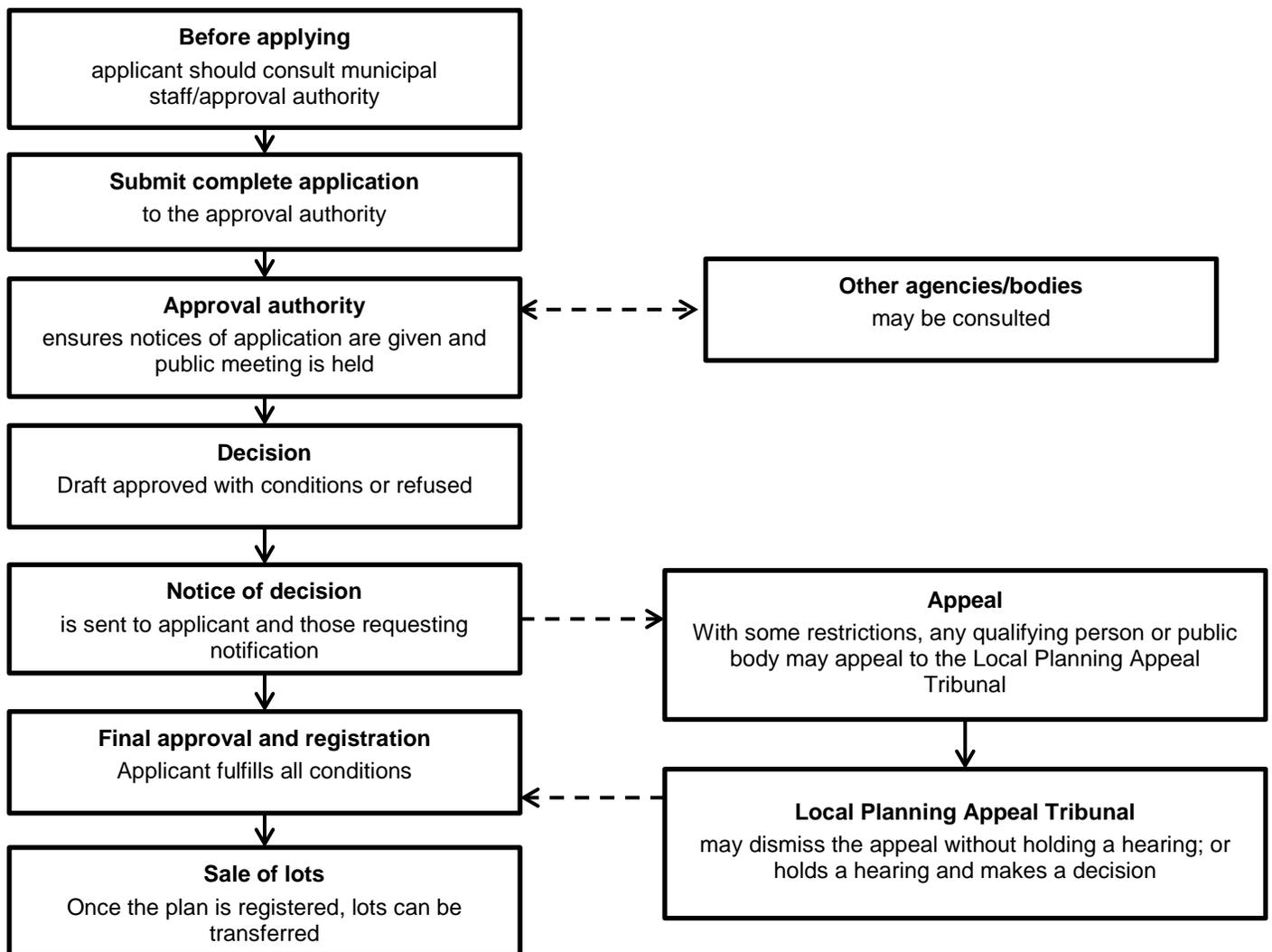
Summary of the Subdivision Process

The following flowchart illustrates the basic subdivision process which includes these key steps:

1. Before an application is submitted, the applicant should consult with municipal staff or the approval authority.
2. Following the pre-consultation, a complete application is submitted to the approval authority.
3. The approval authority ensures notices of the application are given and a public meeting may be held.
4. The approval authority will make its decision to approve the draft plan of subdivision with conditions or refuse it.
5. Notice of decision is sent to the applicant and those requesting notification.
6. With some restrictions, any qualifying person or public body may appeal to the Local Planning Appeal Tribunal (LPAT).
7. If no appeal is made and the applicant fulfills all conditions, the plan of subdivision receives final approval and registration.
8. If an appeal is made, the LPAT may dismiss the appeal without holding a hearing or will hold a hearing and make a decision.
9. Once a plan of subdivision receives final approval and registration, lots can be sold and transferred.



Flowchart: Subdivision Process



How can you find out more?

For more information about land use planning in your community, contact your [municipality](#).

For more information about land use planning in Ontario, contact your nearest [Municipal Services Office](#).

This Guide was produced by the [Ministry of Municipal Affairs](#), Provincial Planning Policy Branch, (416) 585-6014

ISBN 978-1-4868-2236-2 (PDF)
ISBN 978-1-4868-2227-0 (HTML)

