

# A GUIDE TO THE SUBDIVISION PROCESS IN MANITOBA

Community & Regional Planning

Brandon Regional Office

## WHAT IS A SUBDIVISION?

A subdivision is the division of a parcel of land described on a certificate (or status) of title. A subdivision can occur when a single land title is split into two or more parts, property boundaries are rearranged, or a lease, mortgage or other instrument is registered that has the effect of subdividing the parcel.

## WHEN IS SUBDIVISION APPROVAL REQUIRED?

With a few exceptions, a subdivision must be approved under *The Planning Act* before it can be accepted for registration at the Land Titles Office. (The legal requirements for subdividing land are governed by Part 8 of *The Planning Act* and The Subdivision Regulation.)

## WHO APPROVES A SUBDIVISION?

The Minister of Municipal Relations is the approving authority for subdivisions outside of the City of Winnipeg. This responsibility has been delegated to certain planning district boards or to the regional offices of the Community and Regional Planning (CRP) Branch of Municipal Relations.

Subdivisions also require approval from the affected municipality. Standard subdivisions must be granted approval by Council.

It is recommended that you discuss your proposal with your local planning district office (if applicable) as well as the Community & Regional Planning office to determine the policies and regulations that may relate to your application. The advice is free and may save you time and money. We can also assist you in completing your application. To set up an appointment to discuss your proposal, please call 204-747-6273.

## STANDARD SUBDIVISION PROCESS

Standard subdivisions are all subdivisions that create two or more lots (and single-lot subdivisions that do not meet the criteria of the Minor Subdivision process). The Standard subdivision process follows nine steps.

### □ SUBMITTING THE APPLICATION

- The applicant submits their subdivision application to Community & Regional Planning, Unit 1B, 2010 Currie Boulevard, Brandon, MB R7B 4E7.
- The application must be accompanied by the following documents:
  - A Surveyor's Application Map (SAM) prepared by a licensed Manitoba Land Surveyor. (See attached Surveyor's Application Map information).

- A cheque or money order for \$510 payable to the Minister of Finance. (Sorry, we do not accept Debit or Credit Card).
- Status (or Certificate) of Title for all land to included in the subdivision from Manitoba Land Titles. The title cannot be more than 30 days old.

### □ REVIEW & CIRCULATION

- The planner reviews the subdivision application and circulates the application to government departments and agencies. (ex. Land Titles, Hydro, BellMTS, Sustainable Development; Highways, Agriculture, etc.)
- Government departments and agencies have twenty (20) days to provide comments. Government agencies and boards have the right to ask for an extension of the twenty days if required.

### □ REPORT TO COUNCIL

- The planner reviews the comments received from the government agencies and departments and prepares a Planning Report (Report to Council) with recommendations for municipal council.
- Council then reviews the Report to Council along with the subdivision application. Council can either approve the subdivision application with or without conditions, or reject the application.

### □ CONDITIONAL APPROVAL

- If Council approves the subdivision, the approving authority may issue a Conditional Approval letter and send it to the applicant. If Council approves the application despite outstanding objections from any commenting department or agency that cannot be resolved, the approving authority may reject the application.
- The Conditional Approval letter is divided into two parts, requirements and conditions. It is the applicant's responsibility to complete all items listed under the requirements and conditions.
- Once the applicant has completed the requirements and conditions within the required time frame, the approving authority issues the Certificate of Approval and returns the approved plan to the applicant.

### □ CERTIFICATE OF APPROVAL

- The applicant submits the Certificate of Approval and the approved Plan to the Land Titles Office (LTO) for registration. It is recommended that you have your lawyer complete this step in this process.

## MINOR SUBDIVISIONS

### SINGLE LOT SUBDIVISIONS IN URBAN OR RURAL AREAS

Single-lot subdivisions that meet pre-determined government criteria may follow the Minor Subdivision process, which reduces processing time by approximately two and a half months. The reduction in processing time is achieved by the approving authority issuing conditional approval prior to municipal approval. The Minor Subdivision follows six steps:

#### □ SUBMITTING THE APPLICATION

- The applicant submits their subdivision application to Community & Regional Planning, Unit 1B, 2010 Currie Boulevard, Brandon, MB R7B 4E7.
- The application must be accompanied by the following documents:
  - A Surveyor's Application Map (SAM) prepared by a Manitoba Land Surveyor. (See attached Surveyor's Application Map information).
  - A cheque or money order for \$510 payable to the Minister of Finance. (Sorry, we do not accept Debit or Credit Card).
  - Status (or Certificate) of Title for all land to included in the subdivision from Manitoba Land Titles.

#### □ REVIEW

- The planner reviews the subdivision application and evaluates against the minor subdivision criteria.

#### □ CONDITIONAL APPROVAL

- If eligible, the approving authority issues a Conditional Approval letter and sends it with a copy of the application to the municipality. Government departments and agencies will be copied on applications and conditional approval letters.
- If the municipality approves the subdivision; the municipality will send a copy of the approval to the applicant as well as the Community and Regional Planning office.
- The Conditional Approval letter is divided into two parts, requirements and conditions. It is the applicant's responsibility to complete all items listed under the requirements and conditions.
- Once the applicant has completed the requirements and conditions within the required time frame, the approving authority issues the Certificate of Approval and returns the approved plan to the applicant.

#### □ CERTIFICATE OF APPROVAL

- The applicant submits the Certificate of Approval and the approved Plan to the Land Titles Office (LTO) for registration. It is recommended that you have your lawyer complete this step in this process.

## SUBDIVISION FEES

General Fees:

Application Fee: \$510

Revised Application Fee: \$200

Conditional Approval or  
Certificate of Approval Extension: \$200

Re-issuing Certificate of Approval: \$115

Approval Fees: \$300, plus \$300 for each additional lot created after the first new lot.

Fees are subject to change. Planning Districts with Approving Authority may establish fees that are equal to or higher than those set out in the Subdivision Regulation. Please contact your planning district directly for up-to-date fee information. Also note additional fees will be incurred throughout the subdivision process in addition to the Provincial or Planning District fees. Additional costs to consider are: surveying costs; legal costs; land title registration cost; etc.

## TIPS FOR COMPLETING THE APPLICATION

- All names listed on the Status/Certificate of Title must be named as registered owners (Part 1) and sign as Registered Owners in Part 2 of the application.
- Anyone may act as the Applicant (Part 1). This is the person to whom all correspondence will be sent. This is the person responsible for completing all of the requirements and conditions as set out in the Conditional Approval letter.
- Please provide an email address if available. This expedites the process.
- If a lawyer is the applicant, then Part 1 (Applicant) and Part 3 (Lawyer Information) should be completed.
- Part 6 – if the proposed subdivision is within 1 mile of a livestock operation, please state the type of operation and how many animals within the operation.
- Part 8 – if an ejector system is listed as the method of sewage disposal, please note that the proposed subdivision must be a minimum of 10 acres in size. Distance from the ejector to proposed property lines, well and house must be 200 feet.
- If there is another residence located within the same quarter section or under the same Status/Certificate of Title, please indicate what type of septic system services the residence.
- Please complete Part 11 indicating the reason for subdividing.