

Guide to County Plan of Subdivision and Condominium Applications

Introduction

This guide is intended to assist land owners in Perth County in completing an application for a Plan of Subdivision or Plan of Condominium. Another helpful resource is the “Citizens’ Guide to Subdivisions” produced by the Ontario Ministry of Municipal Affairs and Housing and found at [here](#).

A Plan of Subdivision typically includes creation of many new lots from a large property. A Plan of Subdivision may also include construction of new municipal roads, parkland and school sites, installation of infrastructure such as sewer and water mains, sidewalks, parks and stormwater retention ponds.

A Plan of Condominium typically involves construction of a new building or conversion of an existing building (such as a Highrise apartment or lowrise townhomes), and may also include installation of infrastructure such as parking areas, walkways and driveways, along with water and sewer mains. 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.

Council of the County of Perth is the approval authority for Plan of Subdivision and Plan of Condominium applications. These applications involve a process that results in a decision to either approve or deny the request. Approval of a Plan of Subdivision or Plan of Condominium generally takes between 3 to 4 months, or may take longer for more complex applications or where additional applications or studies are required, for example.

The Application Process

1. Pre-Consultation Meeting

A pre-consultation is a meeting between the applicant and/or their agent (such as a consulting planner, solicitor, surveyor, etc.), and usually involves County Staff, and any local Municipal or Agency staff that have an interest in the application. The purpose of the meeting is to assess the merits of the proposal, and identify information specific to your property that you will need to prepare and include with your application. Pre-consultation meetings are required by the Planning Act. Staff will help you understand the process and assist in finding solutions to any issues that arise.

A pre-consultation meeting may be set up by contacting the County Planning and Development Department by phone or email:

Phone: (519) 271-0531 Ext. 449

Email: planning@perthcounty.ca

Website: <https://www.perthcounty.ca>

To prepare for the pre-consultation meeting (discussion), the planning department will need the address and/or legal description of the property, along with any conceptual sketches, drawings, or background

material for review by County staff. More information at this early stage will help staff provide a thorough response on the merits of the application.

The Planner will review the proposal and conceptual sketches against provincial, county, and local policies, and conduct a site visit if necessary as part of the pre-consultation process and prior to the formal pre-consultation meeting. The Planner will also determine if any exterior agencies (such as Ministry of Transportation, public utilities) may have interest in the property.

At pre-consultation it will be determined if the subject property is located within an area regulated by the local Conservation Authority. If so, the application will be circulated to the appropriate conservation authority for review and a fee will be invoiced directly by the applicable conservation authority (UTRCA, ABCA, MVCA, or GRCA). This fee is in addition to the County application fee.

The Planning Act provides for the County to request additional information or studies that may be required to fully evaluate the proposed Plan of Subdivision or Plan of Condominium. The Perth County Official Plan includes a list of various types of information and studies in Section 18.19.3. The intention is that any requirements specific to your application will be identified at the pre-consultation meeting, however sometimes further review of the completed application results in additional required information.

2. Complete an Application

After the pre-consultation meeting, you may complete an application on your own or you may wish to hire someone to apply on your behalf, which is referred to as an “Agent”. The owner of the land must sign the application form and give permission to the Agent to conduct the application.

A complete application must include:

- 1 copy of the completed application form;
- 5 copies of the draft plan (including one on 8½” x 11” reduction);
- Additional information/reports as identified during pre-consultation;
- A digital copy of the draft plan (AutoCAD .dxf and Acrobat .pdf formats);
- One copy of the Parcel Registry (PIN Printout) for all properties involved in the application proposal. A PIN printout lists the full legal description of the property, along with the legal ownership. A PIN may be obtained from a lawyer’s office, or by accessing the Ontario Land Property Records Portal [here](#);
- Application fee payable to the County of Perth; and

3. Submit the Application

An application can be received at the County of Perth in person at central reception or by regular mail. Applications can also be *e-mailed to planning@perthcounty.ca but will not be processed until payment is received.

*Please note: applications submitted through e-mail must submit payment separately in person, through regular mail, or by credit card by contacting Perth County central reception at 519-271-0531.

All applications submitted must include the signature of the applicant on the Application Form, and must be commissioned by a Commissioner of Oaths. This is a process to ensure that the applicant is the one who has signed the document. There are Commissioners on staff at the County of Perth – it is best to

call ahead to ensure a Commissioner will be available when you bring in your application. The application may also be commissioned by a Notary Public or by a Solicitor.

Once all of the components listed above have been received, County Planning Staff will review the application package and determine whether or not the materials represent a complete application. The Planning Act provides a 30-day period for staff to review the application and deem it “complete” or “incomplete”.

4. Notice

Within 30 days of an application being deemed complete or incomplete, the County will issue a “Notice of Complete (or incomplete) Application”. For a complete application, staff may also issue a combined “Notice of Public Meeting”, which is required a minimum 20 days in advance of the meeting.

These notices will be sent by mail to neighbouring property owners within 120 metres of the subject property, the local municipality, and any relevant agencies. A sign displaying details of the application will also be posted on the property.

Copies of the application may also be circulated to the local Council, municipal staff, and external agencies such as Bell Canada, Hydro One or any other applicable agencies to obtain comments.

5. Local Municipal Consideration

Staff at the local municipality will be very involved in reviewing the subdivision application and will have input into servicing requirements, lot fabric, roads, parks etc. The Planner will coordinate their input and its communication to you so that the subdivision or condo design can reflect the needs of the community and municipality. Conditions for a potential draft approval will be written up for the review of the developer, the municipality and any affected agencies.

It is the Planners role to present the application and the policy review for Council. Local Council may ask the Planner questions for clarification. Since this is not a Public Meeting, the applicant and/or members of the public are not permitted an opportunity to speak. The applicant can however, request a delegation to local Council through that specific municipality’s clerk.

Since a Notice of Application was circulated, any issues or ideas arising from the public and/or agencies can be learned and addressed by you before the presentation to the Local Council.

The local council may choose to endorse the application, defer the application for more information, or not endorse the application. The recommendation of local council will be given via resolution for consideration by the Planning Approval Authority.

6. Public Meeting

The Statutory Public Meeting will be hosted by County Council. A Notice of Public meeting will be circulated at least 20 days prior to the meeting and the posted sign will be updated with meeting information.

At the Public Meeting, the Planner will make a presentation explaining the application and provide a professional recommendation for a decision similar to the Local Council Meeting. The presentation will include a review of:

- a. The purpose of the application,
- b. The policies that affect the application;
- c. The conditions for a potential approval; and
- d. Any comments from agencies or the public resulting from the circulation of the Notice of Complete Application and Notice of Public Meeting.

The Applicant and any other person or public body wishing to speak will be given an opportunity to do so. The applicant or agent is strongly encouraged to attend the public meeting. Whether or not the applicant or agent attends, County Council can proceed to consider the application.

7. Decision by the Planning Approval Authority

County of Perth Council serves as the Planning Approval Authority for Plan of Subdivision and Plan of Condominium applications.

At the County Council meeting, the Planner will make a presentation explaining the application and provide a summary of any comments received at the Public Meeting, along with the recommendation of the Local Council. The Planner will provide a professional recommendation for a decision on the proposed application. As this meeting is not a Statutory Public Meeting, the Agent, Applicant, and public cannot speak further to the application.

County Council will consider the Plan of Subdivision or Plan of Condominium application and decide to issue “draft approval”, deferral of the application, or refusal of the application.

8. Notice of Decision

Within 15 days of a decision by County Council, a Notice of Decision which identifies appeal rights is mailed to the applicant, applicable agencies and to any members of the public who provided written comments or attended a public hearing and who requested to be notified of the decision. Listed on this notice is the last day for appeals, which is 20 days from the date listed on the Notice of Decision.

Appeal of an Application

The Applicant, Agencies, any person who spoke at a public hearing or sent a written submission to the County Clerk can appeal the decision of the Planning Approval Authority within the 20-day appeal period. Appeals are heard and decided by the Ontario Land Tribunal (OLT). Those wishing to appeal and OPA application must submit a completed Appellant Form to the Municipal Clerk along with the required filing fee payable to the Minister of Finance. For more information about the appeals process, please consult the OLT Appeal Guide: <https://olt.gov.on.ca/wp-content/uploads/2021/06/Appeal-Guide.html>

9. Notice of No Appeals and Decision in Effect

If the Plan of Subdivision or Plan of Condominium application is draft-approved and there are no appeals at the end of the 20-day appeal period, the applicant will receive a “Notice of No Appeals” and approval of the application will be in effect. The approval of a Plan of Subdivision or Plan of Condominium may also include approval(s) of other Planning Act applications prior to development occurring, or any other conditions that may form part of approval.

Your local Planner is available if you have any questions about the decision or conditions.

10. Clearance of Approval Conditions & Registration

If the application is “draft-approved”, the Planning Authority will advise of the conditions that need to be met to obtain final approval and registration. The conditions of approval will also be outlined in the Subdivision Agreement. Conditions of draft approval may include items such as:

- Road widenings and naming of streets;
- Parkland requirements;
- Installation of sewer, water, and stormwater infrastructure;
- Other Planning Act applications such as rezoning for different forms and densities of housing, open space and parkland areas;

The draft approval may also establish a time frame which the conditions must be satisfied or the draft approval lapses, and is usually a 5-year period. Draft approval is a commitment between the municipality and the developer to proceed with the subdivision or condominium provided the conditions of draft approval have been met prior to the lapsing date.

Lots or units may be offered for sale only after registration with the Ontario Land Registry which doesn't occur until the conditions of draft approval are met and the County issues a final approval on either a phase or the entire development depending on the draft plan itself.

To initiate a final approval the developer must complete all of the conditions and submit evidence of complete to the County Planning Department in a collected package (one submission).

Other Planning Tools & Resources

Mapping and aerial photography of your property is available at the County of Perth's online GIS at the following link: <https://www.perthcounty.ca/en/living-here/maps.aspx>

The Application Form for Plan of Subdivision of Condominium can be found online at: https://www.perthcounty.ca/en/county-government/resources/files/COP-FORM-PL-Consent_Form.pdf

The County Official Plan can be found at: www.perthcounty.ca/en/county-of-perth-official-plan.aspx

Other Resources and Links can be found at: <https://www.perthcounty.ca/planning>

Local Official Plans (Listowel, Milverton, Mitchell) are posted on local municipal websites.