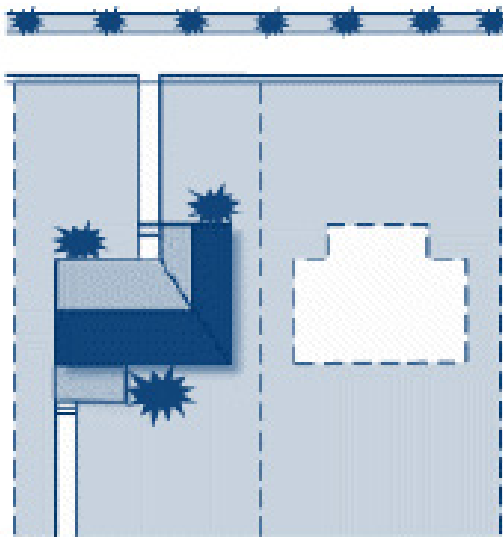




PLANNING, PROPERTY
AND DEVELOPMENT
DEPARTMENT

SHORT-FORM SUBDIVISION APPLICATIONS, PLAN OF SURVEY, CONDOMINIUM PLAN, CONSENTS, AIR SPACE PLAN

**Information about subdividing, severance of parcels
or consolidating property where no new public street
is being created and zoning change is not required**



June 2018

Consider this:

- A Development Application may receive expedited approval by the City when no new public street or lane is being created and a zoning change is not required.
- In the absence of any conditions, your application may receive expedited approval in eight weeks and completed for registration within three to six months.
- Public hearing process is not required.

If you are proposing to subdivide land and open new streets and/or lanes at the same time or if your proposal requires a zoning classification change, use the long-form subdivision application process.

Every effort has been made to ensure the accuracy of information contained in this publication. However, in the event of a discrepancy between this publication and the City of Winnipeg Building By-law, the By-law will take precedence.

Administrative Development Application Overview

Before dividing a parcel of land into two or more lots or parcels, realigning existing property lines, or consolidating a number of properties into one lot or parcel, you must:

- Submit an application with the Zoning and Permits Branch at Unit 31 - 30 Fort Street. Note: legal plan mylars are expensive and not necessary when submitting an application.
- Obtain approval from the City of Winnipeg. You will receive a letter from the City either providing conditional approval with instructions on how to proceed with your application or an explanation for rejection. Do not begin work on the legal plan mylars until you have received an approval letter with instructions to do so.
- If application is approved, register a legal plan along with any necessary agreements and/or easements with the Winnipeg Land Titles Office.

If your proposed plan is a secondary application to a former underlying development application that further subdivides or changes the legal description or zoning district, the underlying plan and/or agreements shall be registered with the Winnipeg Land Titles Office prior to submission of the secondary application. New status of title(s) will be required for submission as proof of registration for the underlying plan to proceed with an application to further subdivide the land.

Description of Plan of Subdivision, Plan of Survey or Condominium Plan

A legal document prepared by a Manitoba Land Surveyor and registered in the Winnipeg Land Titles Office:

- Often referred to as mylars and includes:
 - The precise boundaries and dimensions of a lot(s) or parcel(s).
 - The location and names of any public streets and/or lanes and existing boundary streets.
 - The basic configuration of existing lots/parcels within the immediate surrounding area.
 - No identification of the location of existing buildings.
 - Units within a condominium plan.

A Plan of Subdivision, Condominium Plan or a Plan of Survey under the administrative application process establishes new lots, parcels or units by Status of Title, each of which can be sold or leased for purposes of development and/or use in conformity with City by-laws. A legal plan must be:

- Prepared by a Manitoba Land Surveyor.
- Registered with the Winnipeg Land Titles Office.
- Ratified by the Standing Policy Committee on Property and Development, Heritage and Downtown Development if the developer is required to enter into a servicing or subdivision agreement.

Time Frame

Your application may be processed for conditional approval in eight weeks. However, if approval of your plan requires you to enter into agreements, easements or amendments to an existing policy, it may take four to eight months before your plan can be registered with the Winnipeg Land Titles Office.

Application Review

Applications are reviewed for conformity to adopted plans and zoning by-laws.

- If your application does not conform to an adopted plan, you would be advised that an amendment to that plan is required before your subdivision could be referred for approval.
- A Zoning Development Officer determines if your proposal conforms to relevant zoning regulations.
- If a variance of the zoning regulations is required, it would have to be approved before finalizing your subdivision.
- The District Planner provides planning advice on the application, including changes that might be recommended as desirable or necessary to gain approval.

The Land Development Branch will manage and coordinate the processing of your development application. Your application is circulated to concerned stakeholders, such as public utilities and other civic departments, for review and comment. For example:

- To allow development to take place on your proposed lots, the public street or lane bordering your property may require a widening, upgrading or underground services may need to be extended, upgraded or installed to accommodate your proposed development. Note: You may be responsible for all or part of those costs.

- If your proposed development includes existing structures and/or buildings, you may need to engage the services of a Manitoba Land Surveyor to prepare your Surveyor's Building Location Certificate for Proposed Subdivision to assist the Plan Examination Branch's review for Spatial Separation compliance under the Manitoba Building Code.

Your application may also be reviewed by a committee of City officials, known as the Administrative Coordinating Group (ACG). They can recommend amendments to your plan, conditions to be set on the approval, or reject your proposal.

- ACG recommendations may be discussed with the appropriate City staff members.
- The chairperson of the ACG may be required to prepare a report with recommendations, which is submitted to the Standing Policy Committee on Property and Development, Heritage and Downtown Development for their consideration to approve the plan of subdivision with agreement conditions. The Committee makes the final decision.
- Where no conditions are necessary other than a street or lane widening and/or ten percent cash dedication, the Planning, Property and Development department may approve your application without referring it to the Standing Policy Committee.
- The Standing Policy Committee has the authority to approve or reject any application that requires a subdivision, servicing or development agreement.
- Valuations for the 10% cash in lieu of land dedication are calculated by Planning, Property and Development Department staff. The dedication applies to each additional lot/parcel created.

Legal Plan Mylar Preparation

When you receive a letter from the City approving your application, you may proceed to have a Manitoba Land Surveyor prepare the legal plan mylars for your proposed plan, if you are prepared to meet all of the conditions of approval. Considerations of approval may include:

- A street or lane widening on a Plan of Subdivision.
- Payment of 10% cash dedication in lieu of land dedication.
- Dedication of a portion of land in lieu of cash.
- Requirement to enter into a Subdivision Agreement, Servicing Agreement or Easement(s) with the City to ensure

- improvements, such as sidewalks, road upgrading or servicing requirements are provided once the plan has been registered.
- Modifications to existing buildings impacted by the proposed subdivision in order to comply with Spatial Separation under the Manitoba Building Code.

Building permits are not issued until the Legal Plan and any related agreements and/or easements have been registered with the Winnipeg Land Titles Office. The exception will be made for structures that are required to be demolished or modified to comply with Spatial Separation under the Manitoba Building Code in advance of completing the subdivision application.

Time Limits

Applications that require the execution of any type of agreement usually have a time limit on them.

- Execution of the required agreement must be completed before expiration of the time limit.
- If an extension of time is requested, an application for the extension and the associated fees are required along with a letter outlining the reason(s) the application has not been completed. City staff would then review the request to determine if circumstances affecting the application have changed.

Registering your Legal Plan

Once you meet all of the conditions of approval, the City's officers sign your Legal Plan mylars, which can then be registered along with any related legal agreements with the Winnipeg Land Titles Office.

Definitions of Administrative Development Applications

[Air Space Plan \(DAASP\) Application](#)

Application procedure for the approval of an air space plan, which delineates property boundaries in a three-dimensional space.

[Condominium Plan of Survey \(CONDO\) Application](#)

Application procedure for approving a condominium plan, including bareland condo or phased condo applications, dividing a parcel of land into individually owned bareland units and common elements. The land, service areas and joint use areas are considered common elements.

[Consent Application \(CA\)](#)

Consent applications are generally made for two reasons: to convey a portion of a title out to another title, or to allow for the registration of a long term lease, (consent to lease) on a portion of a title.

Consent to convey applications are similar to a subdivision application in that the applicant wishes to transfer a parcel, or part lot, from a title to a separate title. For zoning purposes, the land contained within each title, that may be issued as a result of approval of the consent, must meet the minimum lot width and area requirements of the zoning district, have frontage on a public street, and comply with all provisions of the applicable zoning by-law.

Consent to lease applications are more complex:

- If the lease is less than 21 years including renewal periods, no consent from the City of Winnipeg is required.
- What area does the lease cover?
 - If it covers the whole title, no consent is needed.
 - If it only covers the floor space of a building, no consent is needed.
 - If it is only a portion of the title, a Plan of Survey may be required.

Short Form Plan of Subdivision (DASSF) Application

Application procedure for subdividing property, including consolidation of lands where a new public street or lane is not being created and a zoning change is not required. The public hearing process is not required unless an agreement for subdivision or servicing is necessary.

Plan of Survey (DAPS) Application

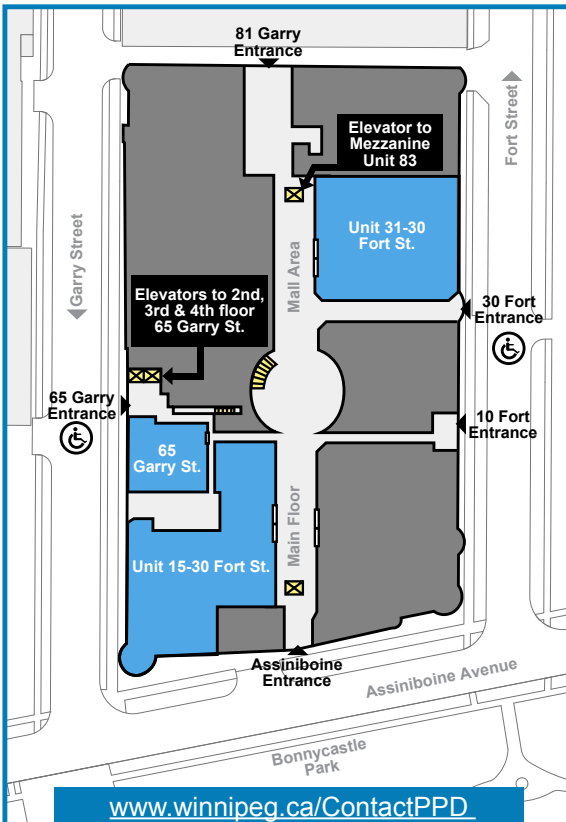
Parcel Plans are generally prepared for descriptive purposes and when registered with the Winnipeg Land Titles office do not divide the title. "Parcels" as opposed to "Lots" characterize plans of survey, and letters (A, B, C, etc.) identify parcels. The City of Winnipeg must approve the application before Land Titles will accept the registration.

Contact Information

To submit an application, contact the **Zoning and Permits Branch** at 204-986-5140. They will provide advice on whether your proposal complies with zoning regulations and relevant City plans.

Contact the **Urban Planning & Design Division** at 311 for planning advice on the subdivision as it relates to orderly development.

Contact the **Land Development Branch** at 311 for an explanation of the overall development application's review and approval process which they manage and coordinate on behalf of the City. They can also direct you to any other stakeholders you should consult.





For more information contact:

204-986-5140

or



Planning, Property & Development Department
Unit 31 - 30 Fort Street
Winnipeg, Manitoba
R3C 4X7

www.winnipeg.ca/ppd