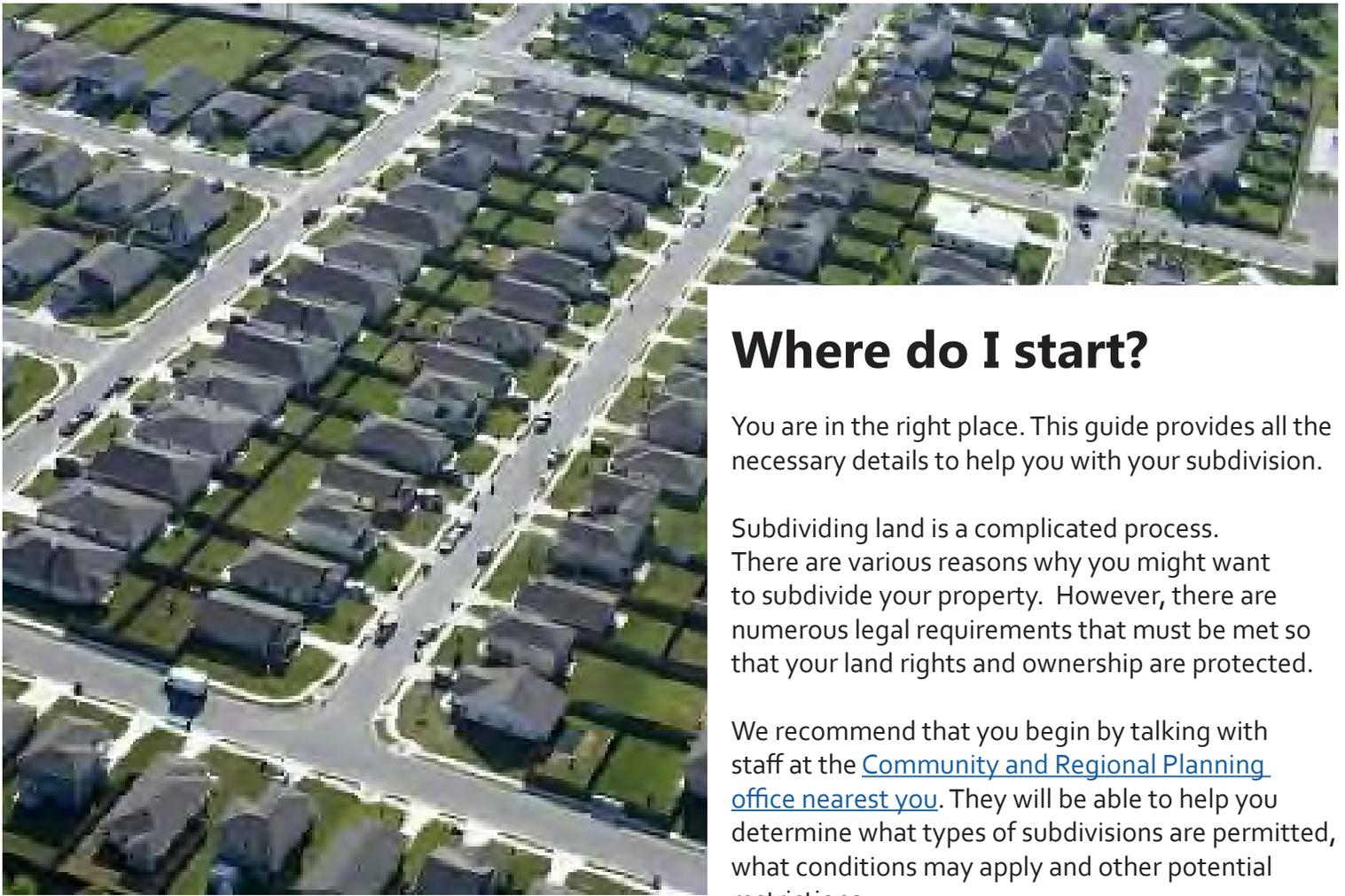




PLANNING RESOURCE GUIDE

Subdivision in Manitoba





Where do I start?

You are in the right place. This guide provides all the necessary details to help you with your subdivision.

Subdividing land is a complicated process. There are various reasons why you might want to subdivide your property. However, there are numerous legal requirements that must be met so that your land rights and ownership are protected.

We recommend that you begin by talking with staff at the [Community and Regional Planning office nearest you](#). They will be able to help you determine what types of subdivisions are permitted, what conditions may apply and other potential restrictions.

Don't be afraid to ask questions. The more you know before you apply, the better prepared you will be to complete your subdivision. See [page 68](#) for contact information.

For what you need to apply, see [page 13](#).

For a quick description of the subdivision process, see [pages 11-12](#).

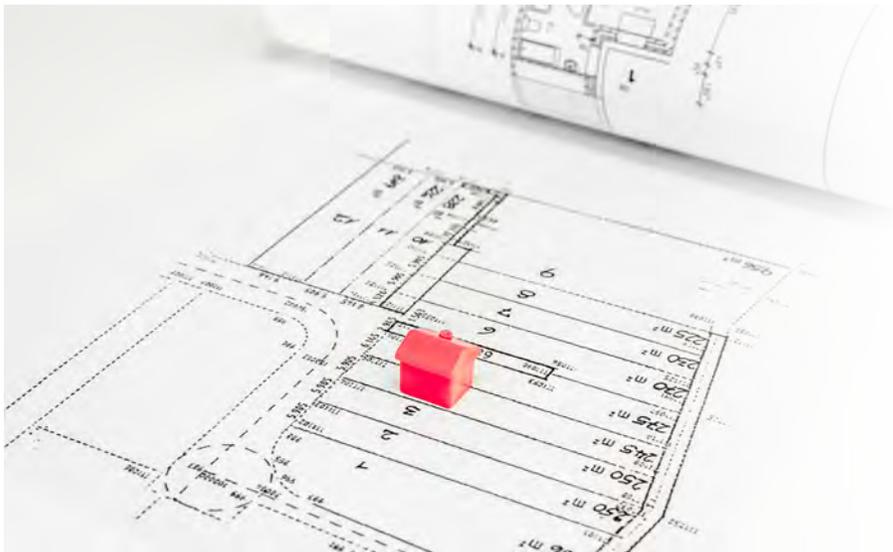
For detailed information, see [pages 13-21](#).

For FAQs, see [pages 3-4](#).

Table of Contents

| | |
|---|----|
| Part 1: SUBDIVISION BASICS | |
| FAQs | 3 |
| Terms Used in the Subdivision Process | 5 |
| Types of Subdivision | 8 |
| Part 2: SUBDIVISION PROCESS | |
| Steps in the Subdivision Process | 11 |
| Making a Subdivision Application | 13 |
| Application Form | 15 |
| Sketch | 17 |
| Status of Title | 18 |
| Review and Circulation | 19 |
| Decision | 20 |
| Conditional Approval | 21 |
| Part 3: SUBDIVISION REQUIREMENTS AND CONDITIONS | |
| Land Titles | 25 |
| Utilities | 27 |
| Municipal Conditions | 29 |
| Provincial Highways | 31 |
| Hazard Lands and Riparian Areas | 35 |
| Mineral Resources | 39 |
| Water and Waste Management | 40 |
| Drainage and Stormwater Management | 45 |
| Crown Lands and Provincial Parks | 48 |
| Agricultural Lands and Livestock | 49 |
| Historic Resources | 51 |
| Other Agency Requirements | 53 |
| Part 4: SUBDIVISION REGISTRATION | |
| Certificate of Approval and Registration | 57 |
| Summary of Essentials | 58 |
| Appendix: | |
| Community and Regional Planning Offices | 68 |

Every effort has been made to ensure the accuracy of the information within this guide. In the event of a discrepancy between this guide and governing legislation or local bylaws, the legislation and bylaws will take precedence.





Subdivision Basics

PART 1

FAQs

Subdividing land is complicated – even a one lot split. This guide will list the steps that you need to follow to complete your subdivision. Additional tips will also be provided to help you complete your subdivision more quickly.

What is a subdivision?

A subdivision is the splitting of a parcel of land described on a certificate of title. A subdivision occurs 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.

Who can apply?

The registered owner(s) of the land can apply for a subdivision. However, they may also appoint an applicant to apply on their behalf.

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 Property Registry.

Who approves a subdivision?

The minister of Indigenous and Municipal Relations is the [approving authority](#) for subdivisions outside 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 Indigenous and Municipal Relations. Refer to the map and list of offices on [pages 67-68](#) for the subdivision [approving authority](#) in your area.

In the City of Winnipeg, applications are sent to The Land Development Branch of the Planning, Property and Development Department at 65 Garry Street in Winnipeg. Please contact 204-986-3942 or visit www.winnipeg.ca.

How long will it take?

The time it takes to process a subdivision varies depending on the number of applications in the system, the scale and complexity of your project, and how thoroughly you prepare your application.

Community and Regional Planning is continuously striving to reduce processing times, with the goal to reduce the average time it takes to complete conditions by up to 50 per cent for the majority of applicants. The best advice we can give you to shorten the processing time is talk to a planner first and ensure that you submit a complete subdivision application form with detailed information.

Please note that times do vary but the following is a breakdown of the average time to complete each stage of processing:

| | |
|--|---------------|
| Applicant submits application | |
| CRP reviews and circulates application | 5 days |
| Government review and comment | 30 days |
| CRP submits report to council | 5 days |
| council decision | 60 days |
| approving authority decision | 60 days |
| complete conditions | up to 2 years |
| issuance of certificate of approval | 5 days |
| registration at The Property Registry | 3 weeks |

Expect delays if you submit incomplete information, if other government departments and agencies are delayed in making a recommendation to Community and Regional Planning, if your application requires numerous site visits, or if significant changes are required to the layout or parcel boundaries.

Incomplete applications cannot be processed. Please make sure you have included all the information listed on our checklist (see page 16) as you prepare your application.

How much will it cost?

Where the minister is the approving authority the fee to apply for a subdivision is \$475. If the subdivision application is approved, the approval fee is \$200. If the subdivision results in the creation of more than one lot, there is an additional \$200 approval fee per additional lot created.

| | |
|-----------------------------------|-------|
| Application fee | \$475 |
| Revision fee | \$200 |
| Conditional approval extension | \$200 |
| Certificate of approval extension | \$200 |
| Reissue certificate of approval | \$115 |
| Approval fee (per new lot) | \$200 |

Planning districts with delegated subdivision approval authority may establish fees at or above the level charged by Manitoba Indigenous and Municipal Relations.

Other costs to consider when applying for a subdivision include:

- surveying costs
- municipal lot approval fees
- legal fees
- costs associated with obtaining any conditional use orders or variance orders that may be required
- costs associated with any zoning bylaw amendments or development agreements that may be required
- costs associated with providing any additional information that may be required as part of the subdivision review (such information may include drainage and topographic information or supply and demand analyses)
- costs to register the new parcels created by the subdivision with The Property Registry

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.

Applicants should hire a Manitoba land surveyor to sketch their proposed subdivision. With a minimal field survey, a surveyor will provide accurate, reliable and objective information as part of the subdivision application. This ensures that CRP, other government departments and the local council will be able to process applications more quickly with the better information. Other costs will be reduced and the landowner will be protected from incorrect legal descriptions.

Developers are also responsible for the cost of constructing new public roads, drainage systems, and installation of infrastructure within new developments, along with the associated engineering costs. You may be required to provide an irrevocable letter of credit (ILOC) to guarantee the construction to municipal standards.

Terms Used in the Subdivision Process

Amendment

An amendment is the process by which a bylaw (ex: development plan or zoning bylaw) is changed to accommodate a proposed development in cases where the existing designation or zoning would not allow for the proposed use. Both development plan and zoning bylaw amendments require three readings, public notification and a hearing. Development plan amendments also require ministerial approval between second and third readings.

Approving Authority

This person has legal authority to approve a plan of subdivision, parcel plans of survey and other land approval issues. In Manitoba, this authority has been delegated to the manager of each of the eight Community and Regional Planning (CRP) offices, and to five planning districts (Red River Planning District, South Interlake Planning District, Lac du Bonnet Planning District, Brandon and Area Planning District, Cypress Planning District). See pages 67-68 for contact information.

Caveat

A form used by the Land Titles Office to register an interest in land such as a development agreement or a mortgage held by a bank.

Certificate of Approval

The document issued by the approving authority and required by the Land Titles Office indicating that an applicant has complied with all conditions and requirements to register a plan of subdivision or parcel plan of survey.

Certificate of Exemption

A certificate issued by Sustainable Development to permit the applicant to retain their sewage ejector system.

Consolidation

Joining together more than one lot to create a new single lot.

Council

Includes an incorporated community council or other approved local authority for an area designated as a community under The Municipal Act.

Conditional Approval

Preliminary approval of a subdivision application subject to specified requirements and conditions.

Crown and Public Reserve

A designation applied to specific parcels of land controlling and restricting use of the land. Crown reserves are managed by the Crown Lands and Property Agency or Crown Corporations, while public reserves are established and managed by municipalities under The Planning Act.

Development Agreement

A document signed by the owner of the land and a representative of the municipality in which specific conditions respecting the development have been agreed to.

Development Plan

A development plan is a bylaw that outlines the long-term vision and goals of a community. It is used to guide development within the planning area of a municipality or planning district. All land uses and development must conform to the policies in the plan.

Easement

The right of access across a parcel of land, guaranteed by an agreement and registered in the Land Titles Office as an easement, an easement declaration or as a caveat against the parcel of land.

Encroachment

An encroachment occurs when a property owner builds something that protrudes onto neighbouring land. Encroachments can include structures, fences, gardens, driveways and other features. The owner may be required to remove the encroachment, adjust the property boundaries or enter into an easement agreement with the neighbouring land owner granting permission for the encroachment to continue to exist.

Farmstead Site

The portion of land of an agricultural operation, usually surrounded by a well-defined shelterbelt, that includes the habitable residence of the agricultural producer and the buildings and facilities associated with the agricultural operation.

Land Titles Office

The office responsible for issuing all Certificates of Title in Manitoba, and for registering all other documents pertaining to land ownership and interests in land, including plans of subdivision and parcel plans of survey, transfers, mortgages, caveats, easements, etc. In Manitoba, Teranet owns and operates The Property Registry and is a service provider for the Province of Manitoba.

Land Description

A description of land prepared by a Manitoba land surveyor or a Manitoba practising lawyer according to specific descriptive guidelines that enables identification of a parcel of land in cases where a surveyed plan is not required.

Legal Description

Information required to locate a property, such as the section-township-range, lot-block-plan number, civic address, Certificate of Title number or roll number.

Minor Subdivision

A single-lot subdivision that meets predetermined criteria may be issued conditional approval prior to municipal approval to help reduce processing times.

Mylars™

The plastic material on which plans are drawn. The term Mylars™ is often used for the plans as in “Mylars™ need to be signed.”

Onsite Wastewater Management System

All or part of a treatment system, holding system or management system for sewage, wastewater, greywater, wastewater effluent or septage, including an aerobic treatment unit, a composting toilet system, a disposal field, a greywater pit, a holding tank, a septic tank or a sewage ejector.

Owner

The person having legal title to a parcel of land.

Parcel Plan of Survey

An explanatory plan prepared by a land surveyor for all or the balance of land contained in a Certificate of Title. The purposes for a parcel plan instead of a plan of subdivision are varied, and may include:

- a. to resolve differences in mines and mineral ownership in a plan of subdivision.
- b. to accommodate planning consolidation requirements.
- c. to accommodate an easement agreement.

Plan of Easement

The surveyor's drawing showing the location of the area required for utility infrastructure and access within a development. A Plan of Easement may be required in conjunction with an easement agreement and is typically registered at the Land Titles Office in series with a Plan of Subdivision.

Plan of Subdivision

A plan prepared by a land surveyor that creates lots and blocks, and shows the location of the land, the location of the survey pins and markers, lot dimensions, and other relevant information required by the Land Titles Office for registration. Certificates of Title will issue for each lot created by the subdivision.

The Planning Act

The legislative document that includes an outline of the subdivision process and its requirements.

Planning Report

A report by the approving authority to municipal council that includes all comments and concerns raised by government departments and agencies to whom the subdivision application has been circulated.

Public Hearing

A meeting held by council or a planning district board and open to the public, during which members of the public have the opportunity to make representation for or against a proposed development. Public hearings must be advertised and conducted in accordance with Part 11 of The Planning Act.

Public Notice

Public hearings for bylaw amendments, variances and conditional use orders, subdivisions creating public roads, and road/public reserve closings require that public notice be given. The notice of a hearing held under The Planning Act must include the date, time and place of the hearing, a summary of the matter to be considered, provide for inspection of documents, and give a description of the area affected. Notices may be published in a local newspaper, posted on the affected property or in the municipal office, or mailed to property owners within 100 metres, depending on the type of application and in accordance with Part 11 of The Planning Act.

The Real Property Act

The act that governs the Torrens Title system of land ownership in Manitoba (guaranteed title). Section 117 of The Real Property Act relates to Plans of Subdivision.

Standard Subdivision

Standard subdivisions are all subdivisions that create two or more additional lots and single-lot subdivisions that do not meet the criteria of the minor subdivision process. These subdivisions are circulated to government departments and agencies for review before being sent to council.

Subdivision Regulation

Manitoba Regulation 137/2006 guides the subdivision application process and provides evaluation criteria for proposed developments.

Zoning Bylaw

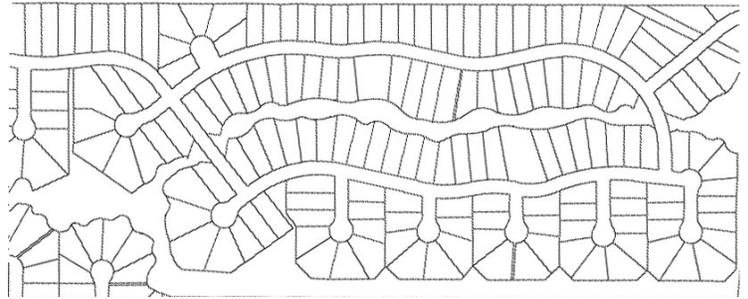
A bylaw adopted by a board or council which divides the municipality or planning district into zones; defines permitted and conditional uses for land and buildings in each zone; and sets out the procedures for applying for and issuing development permits, non-conforming certificates, zoning memoranda and other similar documents. A zoning bylaw must be generally consistent with any development plan bylaw or secondary plan bylaw in effect in the municipality.



Types of Subdivision

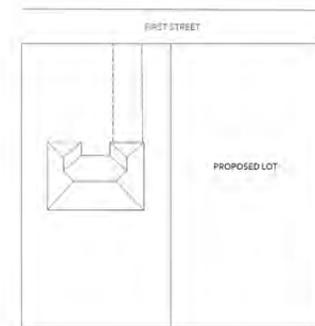
Standard

Standard subdivisions are all subdivisions that create two or more additional lots (and single-lot subdivisions that do not meet the criteria of the minor subdivision process). The majority of subdivisions fall into this category.



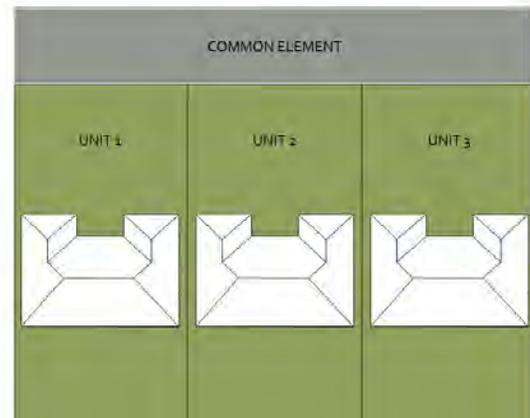
Minor

Single-lot subdivisions may qualify for the minor subdivision process. If your single-lot subdivision meets pre-established criteria, then your subdivision application may follow this process and reduce processing time by approximately two-and-a-half to three months.



Bare Land Condominiums

Bare land condominium plans are approved through the standard subdivision process. A bare land condominium plan is like a plan of subdivision and each bare land unit is treated as if it were a lot. The difference between a bare land plan and other condominium plans is that a bare land plan will show parcels of land as units. These units may include buildings, but the unit would not be completely covered by said building.



Subdivisions in Northern Manitoba

Pursuant to Section 162 of The Planning Act, Community and Regional Planning is the approving authority for subdivisions in Northern Affairs communities or on private land in unorganized territory in northern Manitoba.



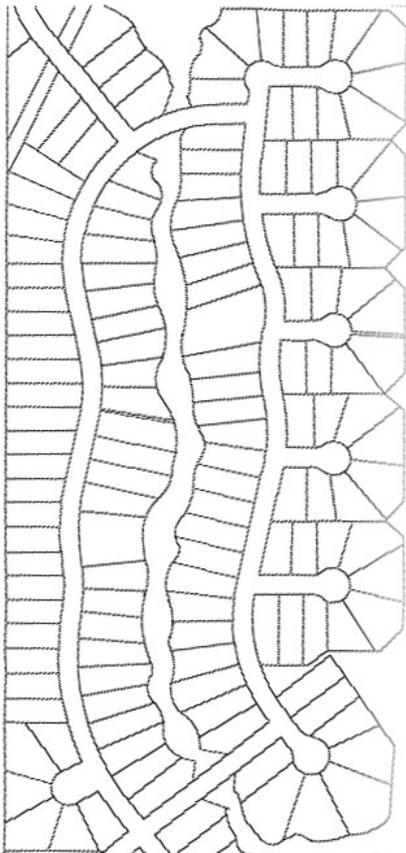




Subdivision Process

PART 2

Steps in the Subdivision Process



5 days

30 days

45-90 days

Applicants have two years to meet the conditions in their conditional approval letter. Most conditions can be completed concurrently to save time.

If additional time is required, a one-year extension can be requested at a fee of \$200. Only one extension may be granted.

6-24 months

A certificate of approval is valid for 12 months after issue, but may be extended for one additional period of not more than 12 months.

Standard Subdivisions

Standard subdivisions are all subdivisions that create two or more lots (and single-lot subdivisions that do not meet minor process criteria). The standard subdivision process follows eight steps:

- 1 The **applicant** submits their application and supporting information to the office of the approving authority (either the [Community and Regional Planning or Planning District office](#)).
- 2 The **planner** reviews the subdivision application for completeness and circulates the application to government departments and agencies. Government departments and agencies have 30 days to provide comments.
- 3 The **planner** reviews comments and prepares a Planning Report with recommendations for municipal **council**.
- 4 **Council** approves the subdivision application with or without conditions, or rejects the application.
- 5 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 government department or agency that cannot be resolved, the approving authority may reject the application.
- 6 The conditional approval letter is divided into two parts: requirements and conditions. It is the **applicant's** responsibility to complete all tasks listed in both parts.
- 7 Once the applicant has completed the requirements and conditions, the **approving authority** issues the Certificate of Approval and returns the approved plan to the **applicant**.
- 8 The **applicant** submits the Certificate of Approval and approved plan to the **Land Titles Office** (LTO) for registration.

Minor Subdivisions

Single-lot subdivisions in both urban and rural areas that meet predetermined 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 process follows six steps:

The **applicant** submits a subdivision application to the office of the approving authority.

The **planner** reviews the subdivision application, and evaluates it against the criteria.

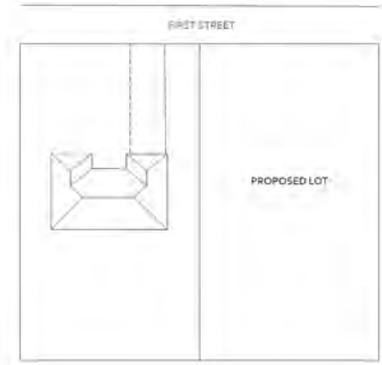
If eligible, the **approving authority** issues a conditional approval letter and sends it with a copy of the application to the municipality. Government departments will be copied on applications and conditional approval letters.

If approved by the **municipality**, a copy of the approving resolution is sent to the applicant.

The **applicant** is responsible for completing the remaining requirements and conditions of the conditional approval letter, including any additional conditions imposed by council.

Once all conditions and requirements are completed, the **approving authority** issues the Certificate of Approval.

The **applicant** submits the Certificate of Approval and approved plan or legal description to the **Land Titles Office**.



1
2
3

DO NOT HAVE THE SURVEYS PREPARED or proceed with meeting conditions until council approval is received. If council rejects the application, the approving authority must also reject the application and the approval letter becomes null and void.

< 1 week

4

4-24 months

5

Applicants have two years to meet the conditions in their conditional approval letter. Most conditions can be completed concurrently to save time.

6

If additional time is required, a one-year extension can be requested at a fee of \$200. Only one extension may be granted.

A certificate of approval is valid for 12 months after issue, but may be extended for one additional period of not more than 12 months. Extension requests must be made prior to expiry.

Making a Subdivision Application

Meet with a Planner

When you meet with or call your local land use planner, make sure you have the legal description of your property (ex: section-township-range, roll number, title number, etc.), as well as a description of your proposal. This information is required for the planner to determine the feasibility of your proposal in relation to local land-use bylaws and conditions.

Land use in municipalities is regulated by Development Plan, Secondary Plan and Zoning bylaws.

The **Development Plan** is a bylaw which outlines the long-term vision of a community and guides development within a municipality or planning district, and will specifically include policies on subdivisions. All development and land uses must conform to the policies in the plan. If a subdivision application is inconsistent with development plan policies, it cannot be approved. The planner reviewing your proposal will assist you in determining if your application complies with these policies.

If it does not comply, you may be advised to apply for a development plan [amendment](#) before you can proceed with your subdivision application.

A board or council may, by bylaw, adopt a **Secondary Plan** to deal with subdivision, design, road patterns, building standards or other land use and development matters within a specific neighbourhood or precinct. A secondary plan bylaw must be consistent with the development plan bylaw.

The **Zoning Bylaw** divides the municipality or planning district into zones and prescribes permitted and conditional uses for land and buildings in each

It is recommended that you discuss your proposal with your local municipal or planning district staff or Community and 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.

zone. The zoning bylaw must be generally consistent with any development plan bylaw or secondary plan bylaw in effect in the municipality.

The zoning for your property will affect the way your property can be used. For example, a multi-family development may not be a permitted use if your land is zoned for single-family dwellings. As such, you may be required to alter your proposal, rezone your property, or apply for a variance or conditional use to accommodate your proposed development.

The municipality or planning district in which your land is located may have additional bylaws affecting the use of your land. Council may impose additional conditions on your subdivision approval to ensure your development also complies with these local regulations.

Other Considerations

In addition to land use bylaws, your proposed subdivision will also have to comply with **provincial legislation**. For example, if your property is serviced by an onsite wastewater management system such as a septic field or ejector, your proposed lot will have to meet the minimum requirements for these systems as set out in the Onsite Wastewater Management Systems Regulation (83/2003). Access and use requirements pursuant to The Highways and Transportation Act and The Highways Protection Act must also be met. CRP staff can help you determine if your proposal will meet the various departmental requirements. Your application will also be circulated to government departments and agencies to ensure compliance with all applicable regulations.

Planning Legislation

Subdivision in the Province of Manitoba is regulated by The Planning Act (outside of the City of Winnipeg), including the Provincial Planning Regulation and Subdivision Regulation under this act.

[The Planning Act](#) is the legislative document outlining the subdivision process and its requirements. The Provincial Planning Regulation represents the provincial interest in land, resources and sustainable development. The regulation provides policy direction for a comprehensive, integrated and coordinated approach to land

use planning and serves as a guide to planning authorities (including Winnipeg) in preparing, reviewing and amending development plans.

The [Subdivision Regulation](#) addresses application procedures, general evaluation criteria (listed below), minimum road standards and lot requirements for areas not covered by a zoning bylaw. In addition, the Subdivision Regulation addresses public road frontage, double-fronting lots and depth-to-width ratios.

General Evaluation Criteria for Subdivision Applications

Existing Land Uses:

- topography
- soil characteristics
- surrounding land uses
- buffering between conflicting land uses

Water:

- drainage
- flooding and erosion risks
- adequate quality and supply of drinking water
- protection of groundwater

Roads and Driveways:

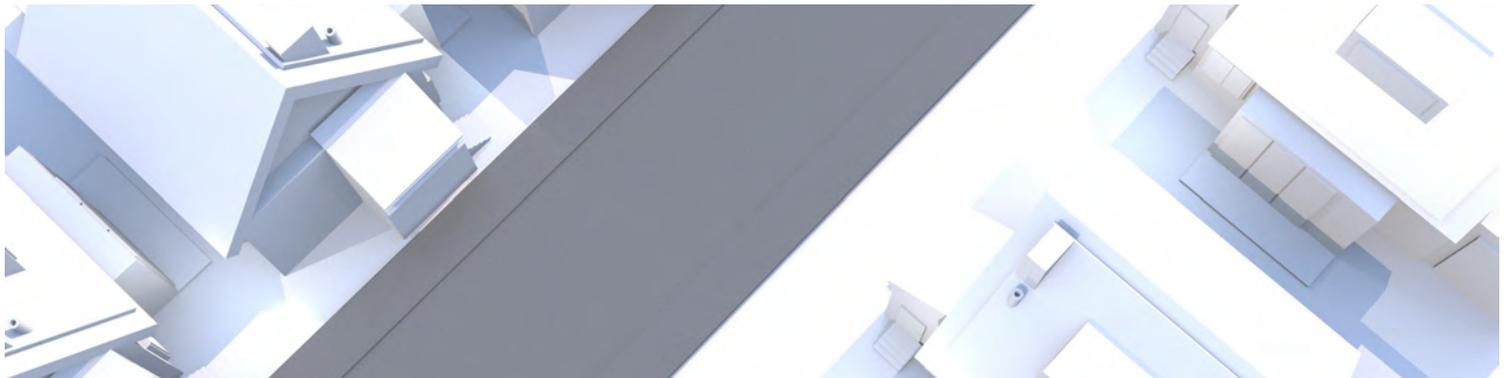
- layout of public roads
- how new lots are accessed
- connections to provincial highways or municipal roads

Environment:

- sewage disposal
- conservation of natural features
- protection against air pollution

Proposed Land Use:

- size and shape of each lot
- anticipated need for school sites and recreational facilities
- efficient use of land



Application Form

You can get a copy of the Subdivision Application from your local Community and Regional Planning office or on the department's website: www.gov.mb.ca/ia/land_use_dev/sra.html.

Requirements

Your application must include:

- The application fee (\$475) payable to the Minister of Finance. (*Note: Where approving authority has been delegated to a planning district, it will set its own fee schedule and collect the fees.*)
- A current copy (dated within 30 days) of each status of title or deed covering the land to be subdivided from the Land Titles Office.
- A sketch showing the existing and proposed features of the land being subdivided.

Make sure that all questions are answered and that all registered owners sign the application.

Mail or take your completed application to the appropriate office for subdivision applications. See [page 68](#) for locations.

For complex proposals or applications for multiple lots the approving authority may require additional information, including:

- a survey certificate, showing existing structures
- geotechnical and related engineering reports
- elevations and contour lines
- high water marks, shorelines, and elevations of water

Meet with the planner to determine if any extra information is necessary.

Applicant

This is the person making the application and to whom all correspondence will be sent. Only the owner (or a person authorized in writing by the owner) can apply for subdivision approval. If you want correspondence about your application by email, please include your email address.

Registered Owners

This is the name of the owner(s) registered with the Land Titles Office. The name(s) is shown on the status of title or certificate of title.

If the person who owns the land is not the applicant, the registered owner(s) must sign the application authorizing the person to apply for them.

Location

The location of the land being subdivided is shown on the title. The land being subdivided may be described by lot or parcel, block and plan numbers or section, township and range.

Land Use

Check all the boxes that apply and describe them in the space provided. If you check Other explain in the space provided.

Flooding and Drainage

Check the appropriate boxes to identify if your land has been flooded and how the proposed lot will be drained.

Servicing and Access

Check the appropriate boxes to identify all existing and proposed sewage disposal systems and water supply systems **for both the proposed lot(s) and residual land**. *Note: New ejector systems will not be permitted.*

Provide the system name, if applicable, for the water supply.

A piped water system is an existing water supply regulated under The Drinking Water Safety Act.

A new water system is a new supply system with piped distribution to more than four private residences or commercial facilities.

A shared well is a well servicing two to four private residences.

An individual supply is a well or intake (lake or river) serving one private residence only.

Public road access means the land being subdivided including the proposed lots or parcels have frontage on a road that allows public vehicle access.

Residual property is the remainder of the land on the existing title not included in the proposed lot(s).

Joint use means a driveway that will be shared between two or more lots.

Reason for Application and Other Comments

State why you want the subdivision and any other information you think may be useful to the approving authority in assessing your application.

Declaration

You, as the applicant, must certify that the information you have given is true and complete.

Please note that each revision to a subdivision application may require recirculation to departments and agencies. This adds considerable processing time and cost, so applicants should discuss their proposal with a planner before finalizing their application and sketch.

Subdivision Application

under The Planning Act C.C.S.M. c. P80



A Before You Start

Consider meeting with a planner at your local Community and Regional Planning office to discuss your proposed subdivision.

B Application Requirements

- a subdivision application form with all questions answered, and signed by the registered owner and applicant
- a cheque or money order for \$475 payable to the Minister of Finance
- a sketch or air photo of the proposed subdivision showing:
 - existing property boundaries
 - proposed property boundaries
 - lot dimensions
 - all permanent structures
 - onsite wastewater management systems and distance to nearest property boundary
- Status of Title(s) for all land to be included in the subdivision from The Property Registry at 204-945-2042. Status of Title(s) cannot be more than 30 days old.

Refer to the *Guide to Subdivision in Manitoba* for more details on application and sketch requirements.

C Submission

Mail or drop off the completed application form, the required application fee, sketch, titles, and any supporting documents to your local Community and Regional Planning office.

Your application will be considered incomplete and returned if any of the above requirements outlined in Section B are missing.

Refund Policy: The application fee will only be refunded if the application has not been circulated to reviewing agencies.



Applicant's Requirements:

- met with a planner
- answered all questions on the application
- signed application
- a detailed and accurate sketch of what you want to do
- application fee
- a recently issued Status of Title (within 30 days of application)

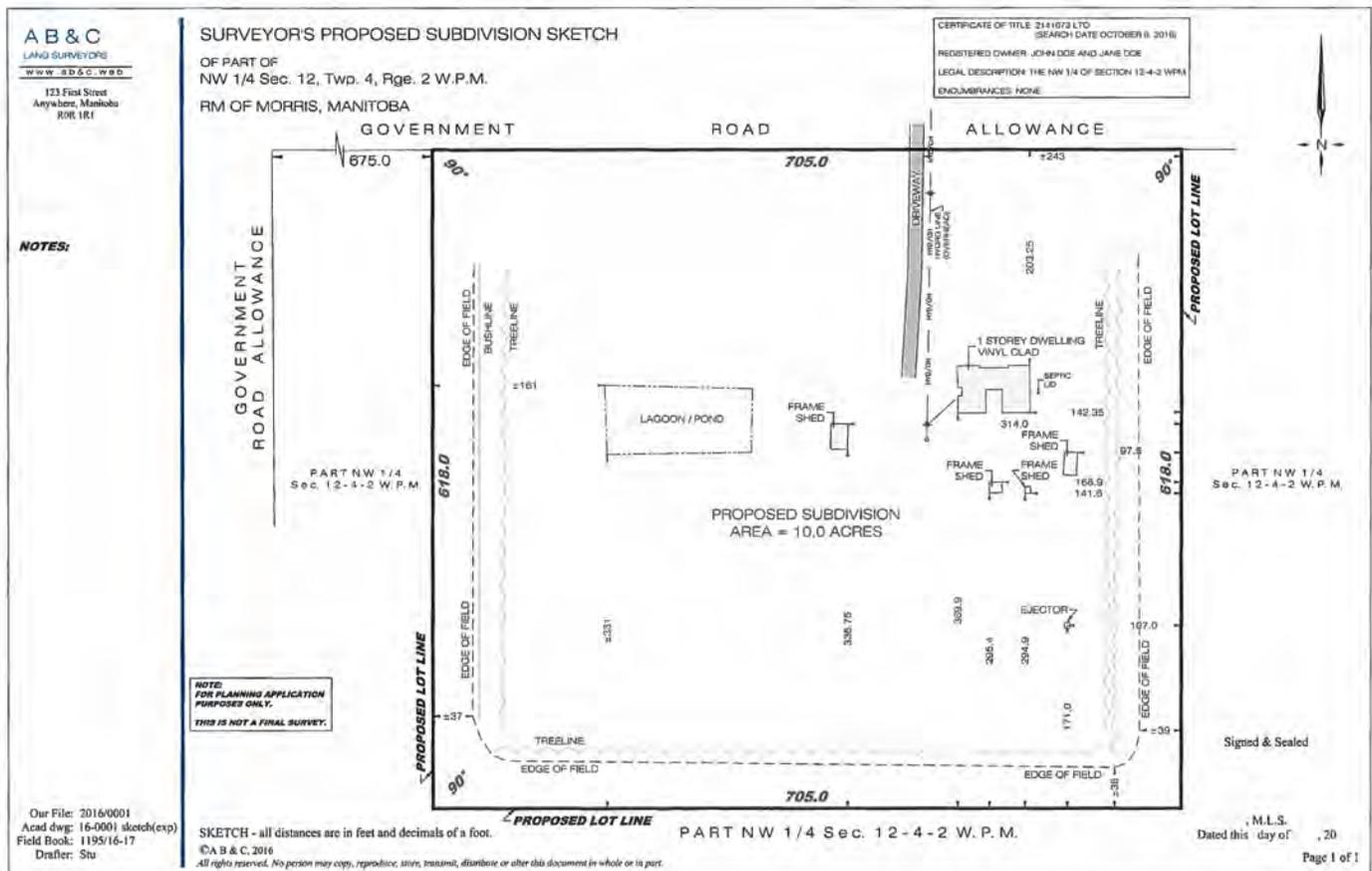
Sketch

Your sketch should include the following:

- the existing property boundaries
- proposed lot dimensions
- location of all permanent structures
- location of onsite wastewater management systems, including the septic or holding tank and field locations, and separation distances between the above and property lines, dwellings, wells, waterways, etc.
- location of well
- waterbodies and natural features
- drainage flow directions
- existing utility services (Hydro and MTS lines, easements, etc.)
- existing and proposed driveways/accesses
- existing tree lines and shelterbelts
- any other relevant information

To ensure the map accurately shows the proposed lots and the existing and proposed features, hire a registered Manitoba land surveyor to prepare the sketch. You can find a list of Manitoba land surveyors at www.aml.ca.

Sample Rural Subdivision Sketch



Status of Title

How can I get a copy of the title for a property?

Information on title searches and other FAQs can be found on The Property Registry website: www.tprmb.ca.

Land titles has two formats of titles: paper titles and electronic titles. All titles created after 1988 in the Winnipeg Land Titles Office are electronic titles, although paper titles were still being created in the rural land titles offices until the late 1990s. All paper titles are now in the process of being converted to electronic titles.

You can obtain a status of title by:

1. attending in person to a Land Titles Office (see locations below)
2. mailing a search request through the mail. Searches sent in by mail must be accompanied by a cheque or a money order made payable to The Property Registry unless you have a deposit account with LTO
3. faxing in your request. This service is only available to clients who have a deposit account with LTO
4. telephoning in your request. Payment for this service must be made by credit card unless you have a deposit account with LTO

In order to find the title for a particular piece of land, the Land Titles staff must, as a general rule, be provided with the current title number, or the legal description. The legal description of the land is not the same thing as the civic address.

A status of title costs \$23.

Land Titles Office Locations:

Winnipeg Land Titles Office

276 Portage Avenue
Winnipeg MB R3C 0B6
Phone: 204-945-2042
Fax: 204-948-2140

Brandon Land Titles Office

705 Princess Avenue
Brandon MB R7A 0P4
Phone: 204-726-6279
Fax: 204-726-6553

Morden Land Titles Office

351 Stephen Street
Morden MB R6M 1V1
Phone: 204-822-2920
Fax: 204-822-2928

Portage Land Titles Office

25 Tupper Street North
Portage la Prairie MB R1N 3K1
Phone: 204-239-3306
Fax: 204-239-3615

Neepawa Land Titles Office

329 Hamilton Street
Neepawa MB RoJ 1Ho
Phone: 204-476-7040
Fax: 204-476-7049

Dauphin Land Titles Office

308 Main Street South
Dauphin MB R7N 1K7
Phone: 204-622-2084
Fax: 204-622-2454

If an applicant has a paper title (or duplicate), it can be converted to electronic title. CRP can send a paper title to LTO and request conversion. When LTO receives an application with a paper title, LTO will convert it to electronic title. There is no charge to convert paper titles to electronic.



Review and Circulation

Receipt and Review of Application

The CRP planner will review your application to ensure it is complete. When accepted as complete, you will receive a letter of acknowledgment and processing of your application will begin. If your application is incomplete, you will be asked to provide the missing information.

CRP will prepare a site map, ortho imagery and a location map to be circulated along with your application. The planner may send the site map to you to confirm it accurately depicts your proposal.

The planner reviews the proposal to ensure it meets the provisions of the applicable development plan and zoning bylaws and the Subdivision Regulation.

Circulation of Application

Following review, your application is circulated to various government departments and agencies for their review. The departments and agencies have 30 days to respond.

Comments received from government departments and agencies are sent with a planning report to the municipal council, with a copy to you.

Report to Council

The planning report includes an explanation of the proposal, relevant background and contextual information, development plan policies, zoning bylaw regulations, government department and agency comments, and recommendations to council. It is intended to give council the information they need to make an informed decision on your proposal.

Municipal council will add your subdivision application to their meeting agenda. If you want to appear before council to explain your proposal, you should contact the municipality directly.

Municipal Council Decision

If the proposed subdivision will result in the creation of a new public road, the council must hold a public hearing to receive representations on the proposed subdivision and give notice of the hearing in accordance with section 169 of The Planning Act before approving the application by resolution.

Some municipalities hold a public hearing for all subdivision applications, regardless of whether a public road is proposed or not. Contact your municipal office to find out if this is the case in your jurisdiction.

The municipal council considers your application, together with the planning report, and decides either to approve it (with or without conditions) or to refuse it.

Council's conditions may relate to such items as development agreements, drainage, driveways, additional fees, etc. These conditions will be included in their approving resolution.

Council sends a copy of the decision to the appropriate approving authority. The approving authority can proceed only after council's decision has been received.

If council rejects a subdivision, the approving authority must also reject the subdivision. If this is the case, you will receive a letter advising that your application has been rejected. A decision of council to reject an application cannot be appealed, and you must wait six months to make a new application.

Decision

Approving Authority Decision

If council has approved your application, the approving authority must determine if the proposed subdivision:

- conforms with local bylaws such as development plans and zoning bylaws and provincial policies
- is suitable for the proposed use
- may be expected to be used within a reasonable period of time

If the approving authority determines your application meets all requirements under The Planning Act, it will issue you a letter of conditional approval. This letter sets out the conditions and requirements that must be met before the subdivision can be registered in Land Titles.

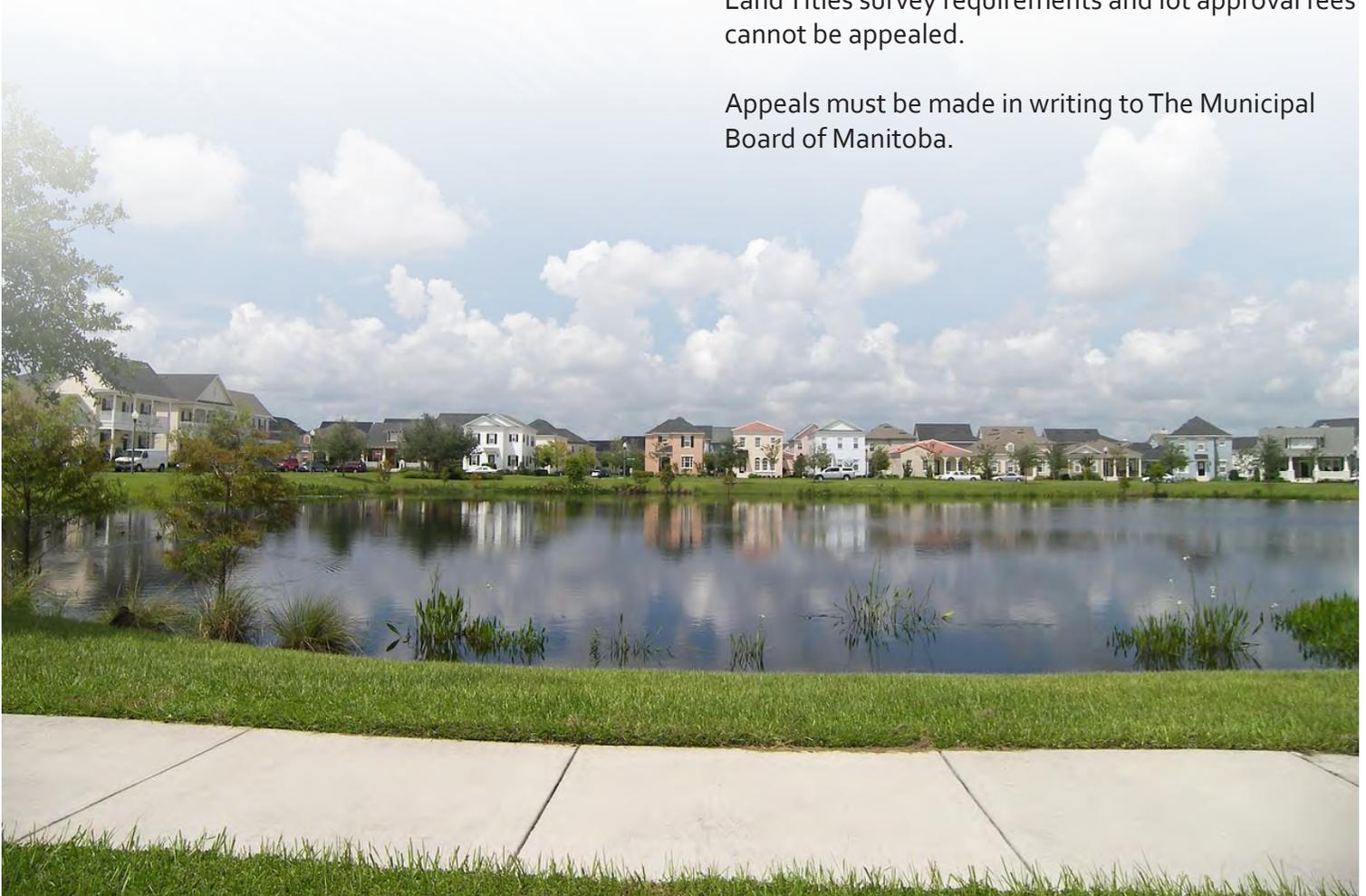
Appeals

If the approving authority rejects your subdivision, you may appeal the decision within 30 days of the date of the approving authority's notice of decision. There is, however, no appeal if the council rejected your application.

If the approving authority fails to make a decision within 60 days of the council resolution approving the subdivision, you may consider the application as having been rejected by the approving authority and appeal.

You may also appeal any of the conditions of your approval, including any of the conditions required by council. Please note that Requirements including Land Titles survey requirements and lot approval fees cannot be appealed.

Appeals must be made in writing to The Municipal Board of Manitoba.





Conditional Approval

As per The Planning Act (s. 135), a subdivision of land may be approved subject to one or more of the following conditions, which must be relevant to the subdivision:

- any condition necessary to ensure compliance with The Planning Act or another act, regulation, or a development plan bylaw, secondary plan bylaw or zoning bylaw
- any condition necessary to satisfy the requirements of a municipal bylaw, including the payment of fees and levies, and the requirement to pay property taxes
- a condition that the applicant enter into a development agreement with the government, the municipality or the planning district, as required
- any condition recommended or required by a government department or other entity to which the application was referred by the approving authority
- any condition necessary for the proper design of the subdivision or to implement the reorganization of titles
- a condition that the applicant dedicate the following land, without compensation:
 - land for adequate public roads and municipal services in the subdivision
 - land for public reserve purposes, not exceeding 10 per cent of the land being subdivided, but only if the land is being divided into parcels of less than 4 hectares or cash in lieu

- land for school purposes, not exceeding 10 per cent of the land being subdivided or cash in lieu
- land not suitable for building sites or other development because it is unstable, subject to severe flooding, required for source water protection, or is otherwise unsuitable
- shore lands designated in a development plan bylaw as land to be dedicated upon subdivision as a Crown reserve or a public reserve, including access to shore lands

An approval fee of \$200 is payable for each new lot created by the subdivision.

Note: Where approving authority has been delegated to a planning district, it will set its own fee schedule and collect the fees.

A conditional approval is valid for two years to permit you time to meet the conditions. This period may be extended for an additional year, upon written request received by the approving authority prior to the expiry date and accompanied by the extension fee (\$200).



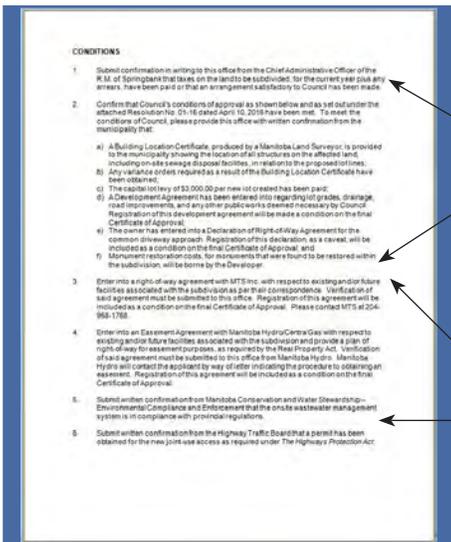
You have two years to meet your conditions. The expiry date is provided at the top of the letter.

The letter is addressed to the individual listed as the applicant in the application form. Please advise CRP staff if you want a copy to go to anyone else (ex: lawyer, surveyor).

REQUIREMENTS:

(A) The CRP approval fee is \$200 for each new lot created. Where no new lots are created (i.e. consolidation), the fee is \$200.

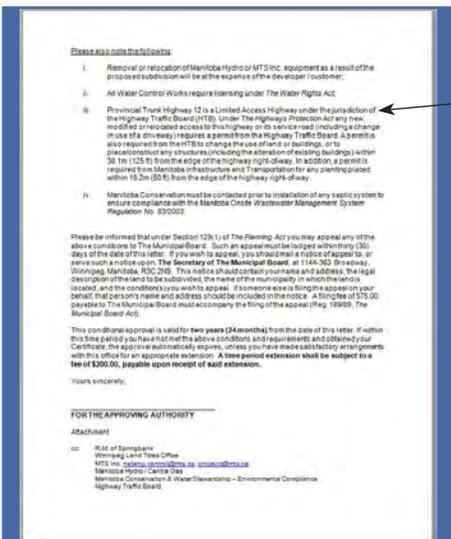
(B) This is Land Titles' requirement for either a legal description, plan of subdivision or plan of survey. Land Titles will also provide additional surveying instructions if required, as well as notice respecting mortgage amendments and discharge, duplicate certificate of titles and signatures required on the Mylars™ prior to registration.



CONDITIONS:

Nos. 1 and 2 are typically the municipality's conditions. These will include such things as confirmation that taxes are paid, lot levies or dedication fees, development agreements, zoning amendments, variances or conditional use orders, and Building Location Certificate(s).

The remaining conditions include departmental and agency conditions, such as utility easements, highways permits, and confirmation of onsite wastewater management system compliance. You can find more information regarding potential department conditions in Part 3 of this guide.



Statutory requirements are also provided under the heading: Please also note the following. These are not conditions, but regulatory requirements and notices that you should be aware of as they may impact the future development of your land.

The conditional approval will also include a copy of council's resolution and the approved sketch.

If you have any concerns with the sketch, contact CRP or the planning district approving authority immediately. Do not begin surveying or easements for the development before discussing your concerns with a planner.

You've received a conditional approval letter...now what?

1. Contact a surveyor

You can find a list of Manitoba land surveyors at www.amlis.ca. Give your surveyor a copy of your conditional approval letter including the approved sketch. Your surveyor will begin meeting Land Titles plan or land description requirements, preparing any required building location certificate(s), and working with utilities to prepare any required easement plans or facility sketches.

2. Call your municipal office to discuss your municipal conditions

(Condition #2 in the conditional approval letter). Municipal staff can assist you in meeting these requirements and provide the necessary forms and fees to proceed.

3. Find an engineer if you require engineered plans or studies

If you need a drainage plan, lot grade plan or geotechnical engineer's report, you will need to hire an engineer. You can find an engineer at apegm.mb.ca/directory or in the Yellow Pages.

4. Enter Easement Agreements

Manitoba Hydro will send you an instruction letter if they require easements. You will need a lawyer to complete your Manitoba Hydro easement. If you only require an MTS easement, contact MTS directly at the number provided in the conditional approval letter.

5. Apply for Highways Permits

Apply for any required Highway Traffic Board or Manitoba Infrastructure permits immediately to avoid potential seasonal delays in processing.

6. Complete all other government and agency conditions

Contact information is included with each condition. CRP can also supply required forms upon request.

Conditions can be completed at the same time.

Some conditions (easement agreements, permits and licenses from agencies) may take time to process and complete. Please note the timelines associated with each requirement and plan accordingly.

Details about possible conditions are provided in the next section. Not all conditions are required for all subdivisions. Review your conditional approval letter to see which conditions apply to your proposal.