

CIRCULAR

THE SUBDIVISION PROCESS

PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000

This is prepared as a general guide for persons wishing to subdivide land. It provides information answering the following common questions:

1. What is a subdivision?
2. What is the whole subdivision process?
3. What are the costs of subdivision?
4. How long does it take?
5. How do I apply for a subdivision?

Further information can be obtained from Municipal Planning Services (Alberta) Ltd.

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FAX: (780) 483-7326
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Send completed applications to:

Municipal Planning Services (Alberta) Ltd.
#208, 17511 – 107 Avenue
Edmonton, Alberta
T5S 1E9

March 7, 2008

WHAT IS A SUBDIVISION?

Generally, a subdivision creates more than one title from one titled area. For instance:

1. If a person owns a quarter section and wants to sell a portion of that quarter section to another person, or if he wants to sell off most of the quarter section and keep a small portion for himself, he needs a subdivision.
2. If a person owns a part of a quarter section and wants to do the same, he needs a subdivision.
3. If a person owns a Lot or a Block on a Plan and wants to do the same, he needs a subdivision.
4. If a person owns a quarter section, a part of a quarter section, a Lot, or a Block and he wants to sell several portions of that area to several persons, he needs a subdivision.
5. If a person owns several Lots or Blocks on a Plan and wants to create more Lots or Blocks, he needs a subdivision.
6. If a person owns a titled area which is split by a road, a railroad, a river, or a lake, and he wants to divide the titled area using the road, railroad, river or lake as a boundary, he needs a subdivision.

As well, if a person owns, in one title, several Lots on a Plan registered prior to July 1, 1950 (prior to Plan 1966 HW) and he wants to divide them into separate titles, he needs a subdivision.

Finally, just one more situation requires a subdivision:

1. If a person or two people own two titled areas (parts of quarter sections, Lots, or Blocks) and they want to change the boundaries of the titled areas (do a boundary adjustment), they need a subdivision.

Under the Municipal Government Act, R.S.A. 2000, as amended, before the Land Titles Office can register a Plan or another instrument creating a subdivision, the subdivision must be “approved” by a Subdivision Authority.

Again, under the Municipal Government Act, R.S.A. 2000, as amended, municipal Councils appoint Subdivision Authorities. In several municipalities, the Subdivision Authority or the Authority’s Officer is William Dolman, who works through a private company, Municipal Planning Services (Alberta) Ltd.

This brochure is prepared to assist people who must have a subdivision approval in order to do what they want to do with their land.

WHAT IS THE WHOLE SUBDIVISION PROCESS?

Generally, an application for subdivision goes through the following steps:

1. submission of a completed application with the required fee
2. referral to municipal staff, school divisions, utility companies, and government departments, among other agencies, for comment
3. notification of subdivision application to adjacent landowners and receipt of input
4. decision (tentative approval, tentative approval with conditions, or refusal), normally within 60 days
5. appeal period (19 days) - potential appeal to Subdivision and Development Appeal Board or Municipal Government Board by applicant or provincial agency - not by neighbours
6. fulfillment of any conditions specified in the decision
7. submission of a Descriptive Plan, Plan of Survey, or other instrument to Municipal Planning Services (Alberta) Ltd. together with the required fee for endorsement (final approval)
8. registration of the Plan or document at the Alberta Land Titles Office

WHAT ARE SUBDIVISION COSTS?

Generally, the costs for a subdivision are as follows:

1. fee due at application (see table at end of this brochure)
2. fulfillment of any conditions specified in the decision (dependent on conditions - may include building roads, accesses, sewer and water lines, etc., off-site levies, etc.)
3. preparation of Descriptive Plan or Plan of Survey to effect plan (contact an Alberta Land Surveyor to discuss costs)
4. fee due at endorsement (final approval) (see table at end of this brochure)
5. registration of the Plan and/or other instruments at the Alberta Land Titles Office (check with Land Titles - currently about \$200 plus transfer taxes (if a transfer involved))

All plus G.S.T.

HOW LONG DOES A SUBDIVISION TAKE?

Generally, a subdivision takes:

1. from submission of completed application to tentative approval - normally no more than 60 days
2. appeal period - 19 days
3. fulfillment of any conditions specified in the decision - as long as the landowner wants - can be 1 week, can be up to a year, in the landowner's control

Note: Subdivision approvals are only valid for 1 year, at which time a final plan (Descriptive Plan or Plan of Survey) must have been submitted to Municipal Planning Services (Alberta) Ltd. for final approval. Extensions for an additional year can be requested, but the extension request does not have to be granted. As well, there may be a small fee (\$25.00 or \$50.00, plus G.S.T., depending on the number of lots in the subdivision - but no fee for a "first parcel out" or a "physical fragmentation") for an extension.

4. final approval or endorsement - normally 1 or 2 days
5. registration of the Plan and/or other instruments at the Alberta Land Titles Office - normally 2 or 3 working days

APPLICATION REQUIREMENTS

To apply for a subdivision, the landowner or an agent authorized to act on the landowner's behalf shall submit the following:

1. A completed application form, signed by the landowner and/or agent. Where an application form is not signed by the landowner, a letter from the landowner authorizing the agent to apply for the subdivision shall accompany the application form;
2. The fee due at subdivision application, payable to Municipal Planning Services (Alberta) Ltd. (Note that G.S.T. is payable.);
3. 1 copy of a sketch plan (if the sketch plan is 11" x 17" or smaller - 16 copies if larger) showing the following:
 - a. the legal description, boundaries, dimensions, and size of the existing parcel of land as described on the existing certificate of title;
 - b. the location, registered plan number and dimensions of any road widenings, utility or railway rights-of-way, easements or existing parcels excepted from the titled area;
 - c. the location, **dimensions**, boundaries and size of the proposed parcel(s), clearly outlining the area to be subdivided;
 - d. the location of any buildings or structures and any existing water wells, sewage disposal or pump out sites;**
 - e. existing and proposed roads which will serve the proposed subdivision;
 - f. the location of existing and proposed **approaches** serving the proposed parcel(s) and remainder of the titled area;
 - g. all drainage channels, streams, rivers, lakes or large sloughs located on the titled area;
 - h. if the proposed lots are to be served by individual wells and private sewage disposal systems, the type and location of any existing or proposed wells and private sewage disposal systems, and the distance from these to existing and proposed buildings and existing and proposed property lines;**

Note: the items shown in **bold** print are frequently omitted on sketch plans. Please ensure that these items are on your sketch plan or on an accompanying site plan. Lack of this information may delay consideration of your application.

4. One photocopy of a Title Search for the subject land, validated within 30 days of the submission of your application. **Do not submit your original Duplicate Certificate of Title.** Title Searches can be obtained from your nearest motor vehicle registries office. (If you cannot obtain a Title Search, please submit an additional \$7.42 (\$7.00 + \$0.42 G.S.T.) and we will obtain a Title Search for you.); and
5. For a subdivision in a rural area, an aerial photograph showing the proposed subdivision in the approximate centre of the photo. Aerial photographs can be obtained from Alberta Environment - Air Photo Services (phone 780-427-3520). (If you cannot obtain the air photo, please submit an additional \$7.42 (\$7.00 + \$0.42 G.S.T.) and we will obtain the air photo for you.)

Applications are not considered complete until the above information has been provided. Please ensure that you have completed the application form accurately and clearly identified the existing and proposed land uses in the spaces provided.

Where applications are for land with severe topographic limitations or where applications are adjacent to a body of water, a map showing contour intervals may be required.

If the application is to create four or more new parcels and is not to be served by municipal piped sewage disposal services, a report certifying that water table levels and soil permeability on the site satisfy Alberta Environmental Protection's guidelines for the type of development proposed may be required.

If the application is to create a sixth or subsequent parcel on a quarter section and is not to be served by municipal piped water supply or cisterns (with trucked water), a report to satisfy Section 23(3) of the Water Act will be required.

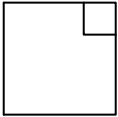
Should this or other information be required, you will be contacted directly by Municipal Planning Services (Alberta) Ltd.

You will be notified by letter when your application has been accepted, and also when a decision (point 4. in the Subdivision Process section above) has been made.

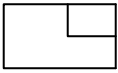
DETERMINING SUBDIVISION FEES

SAMPLE SITUATIONS

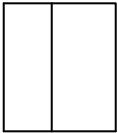
Fee due at the time of application generally is \$200 for each application (\$350 if for more than 3 lots) plus \$100 for each title being created, plus G.S.T. Fee due at the time of endorsement is \$50 for each endorsement plus \$150 for each title being created, plus G.S.T. Here are some examples.



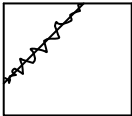
First lot from a quarter section which is unsubdivided except for roads, railroads, public uses. Fee at application is \$318.00 (\$200 + \$100 + \$18.00 (G.S.T.)). Fee at endorsement is \$212.00 (\$50 + \$150 + \$12.00 (G.S.T.)).



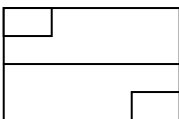
One lot from a previously subdivided parcel. Fee at application is \$424.00 (\$200 + \$100 for each of two titles to be created + \$24.00 (G.S.T.)). Fee at endorsement is \$371.00 (\$50 + \$300 + \$21 (G.S.T.)).



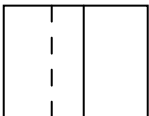
Splitting a parcel, whether urban or rural (e.g., 80-acre split). Fee at application is \$424.00 (\$200 + \$100 for each of two titles to be created + \$24.00 (G.S.T.)). Fee at endorsement is \$371.00 (\$50 + \$300 + \$21.00 (G.S.T.)).



Physical fragmentation by road, railroad, or waterbody excepted from title. Fee at application is \$318.00 (\$200 + \$100 + \$18.00 (G.S.T.)). Fee at endorsement is \$212.00 (\$50 + \$150 + \$12.00 (G.S.T.)).



Multiple (more than 3) parcels from a quarter section or parcel. Fee at application in this example is \$795.00 (\$350 + \$100 for each of 4 lots + \$45.00 (G.S.T.)). Fee at endorsement is \$689.00 (\$50 + \$600 + \$39.00 (G.S.T.)).



Boundary adjustment. Fee at application is \$318.00 (\$200 + \$100 + \$18.00 (G.S.T.)). Fee at endorsement is \$212.00 (\$50 + \$150 + \$12.00 (G.S.T.)).



Municipal Government Act, Section 652(4) - creating 2 titles from 1 title containing 6 lots. Fee at application in this example is \$318.00 (\$200 + \$100 + \$18.00 (G.S.T.)). Fee at endorsement is nil.