



THE CORPORATION OF THE TOWNSHIP OF BROCK

PLAN OF SUBDIVISION/CONDOMINIUM APPLICATION GUIDE & PROCESS

Introduction

1. Plans of subdivision/condominium are authorized under Section 51 of the Planning Act as well as the Condominium Act. Within the Township of Brock, the Regional Municipality of Durham is responsible for the approval of a plan of subdivision and condominium. Approval of a plan is based on securing two items: draft plan approval (approving the plan's concept and layout together with conditions) and final registration (satisfying all conditions).
2. Plans of subdivision are normally required if the intention is to create more than three (3) lots. Development of less than three (3) lots can normally be accommodated through the consent to land severance process. Please consult the municipality or Region if you are in doubt.
3. Prior to submitting the enclosed application form to the Township you should be aware of the following documents to assist you through this process:
 - Region of Durham Official Plan
 - Township of Brock Official Plan
 - Township of Brock Zoning By-law No. 287-78-PL
 - Township of Brock Engineering Design Criteria
 - Planning Fees By-law No. 1290-94-PL
4. In addition to the Township application form you must submit an application to the Region of Durham Planning Department as they are the approval authority.
5. The Region of Durham has adopted the "Complete Application Form" for plans of subdivision/condominium. This application form is extensive in its request for detailed information which must accompany the application. You should be aware that it will be necessary to submit any required reports to assist the Region and Township in their review of the application. Further, it will be necessary to review the Regional application in terms of Provincial policy statements and development guidelines. In such cases it may be necessary to submit a planning report addressing these issues. Further information can be obtained from the *Guide to Provincial Planning Applications* available from the Ontario Government Bookstore, 880 Bay Street, Toronto, Ontario. A reference copy is available at the municipal office.
6. In addition to the Regional requirements the Township of Brock will require submission of a Preliminary Engineering Report together with any other studies required by the Regional and/or Township Official Plan PRIOR to the Township reviewing your application. Therefore, it is imperative that you review the above-noted documents carefully.

7. The attached form must be completed in full by the applicant. In particular, please note the following important items:
 - a) the application fee is NON-REFUNDABLE and, in accordance with Planning Fees By-law No. 1290-94-PL, as amended, the applicant may be required to cover additional costs expended by the Township in the processing of the application (i.e., legal, planning, engineering consultants) including the need to enter into a financial agreement with the municipality and the posting of a letter-of-credit to cover consulting costs. In addition, by signing the application form, you agree to pay ALL costs which may be incurred before the Ontario Municipal Board in the event the municipality supports your application and it is appealed to the OMB.
 - b) please identify whether you have submitted concurrent applications to amend the Region or Township Official Plan, or Township Zoning By-law. In addition, please indicate whether you are intending to submit any of these applications. You should be aware that if a Regional or Township Official Plan Amendment is required these applications MUST be submitted to the respective agency PRIOR to submission of an application for a plan of subdivision/condominium. Please refer to the Region's subdivision/condominium application form.
 - c) the submission of a legal survey or sketch showing all dimensions of the property, property lines to buildings and uses on the property (whether existing or proposed) is VITALLY IMPORTANT. The Township must have a clear understanding of what is proposed.
 - d) the application must be SIGNED BY THE OWNER or, alternatively, the OWNER must appoint an AGENT and SIGN THE FORM to this effect. Applications without the OWNER'S acknowledgment will NOT be processed.
8. Municipal staff are available to assist you in the completion of the application form.

APPLICATION PROCESS

PRE-DRAFT APPROVAL

1. Formal application for a plan of subdivision/condominium is made to the Region of Durham Planning Department. The Township of Brock requires submission of the attached application form and payment of fees.
2. Upon receipt of the Regional application form and payment of fees at this level the Region of Durham will circulate your application to a number of agencies for comment. Please note that the Township of Brock, for this purpose, is considered an agency.
3. Prior to the Township of Brock reviewing the application, and ultimately, responding to the Region of Durham, the following will be required.
 - a) Receipt of a completed Township application and payment of all required fees including the need to enter into a financial agreement with the municipality to cover its consulting costs (By-law No. 1290-94-PL);

- b) Submission of all required reports/studies etc., as authorized by the Township and Regional Official Plans and the Township's Engineering Design Criteria. Until such time as this information is received the Township will NOT authorize its consultants to review your application in order to save you time and expense.
- i) Planning information required should address those matters contained in Section 51 of the Planning Act, R.S.O. 1990, a statement of conformity to the Township's Municipal Housing Statement in terms of satisfying Provincial affordability guidelines, as well as any matters addressed in the Regional and Township Official Plans (e.g., noise, servicing, landscape analysis, etc. depending on the location of the plan of subdivision).
 - ii) Engineering requirements for plans of subdivision/condominium are detailed in the Township of Brock Engineering Design Criteria (under separate cover). Such requirements include submission of a Preliminary Engineering Report addressing such issues as contour plans, general plan of services, drainage plan, soils report, etc.
 - iii) It is VITALLY IMPORTANT that the recommendations contained in these various reports are co-ordinated and incorporated into the draft plan of subdivision/condominium submitted for review.
4. You should be aware that certain information required by the Region and Township is prescribed through a Planning Act Regulation (O.Reg. 43/95). Other information requested by the Region and Township is deemed necessary in order to properly evaluate your submission. You should also refer to the Guide to Provincial Planning Applications available from the Ontario Government Bookstore, 880 Bay Street, Toronto, Ontario. A reference copy is available at the municipal office.
5. Following the submission of a complete application to the Region and the municipality's receipt of same, we will circulate notice of your application and schedule a public meeting to obtain comments from the agencies and members of the public. Notice will be circulated to all property owners within 120 metres (400') of the lands subject of the application as well as any adjacent lands you may own. The notice will contain a brief description of what is proposed, where the property is located, and when and where the public meeting will be held.

The Planning Act also requires that you erect a sign on the subject property advising as to the nature of the application and the public meeting date. The municipality will provide you with appropriate wording for the sign. It is your responsibility to ensure that the sign is erected by the date specified by the Township.

Given that a public meeting is required it is a good idea to speak to your neighbours in advance of their receiving the public meeting notice to discuss your proposal. In this regard, potential problems can be overcome at an early stage.

6. Following the public meeting the municipality will forward the application and background materials to its planning and engineering consultants for review and preparation of a report for the Township's consideration. It is normal procedure for the Township consultants not to respond until such time as the remaining agencies have responded to the application in order that a complete and comprehensive report can be placed before Council.

This report, from a planning perspective, will review the plan of subdivision/condominium against Section 51 of the Planning Act, R.S.O. 1990, relevant goals, objectives, and policies contained within the Official Plans, general planning principles (compatibility, design, etc.), and relevant zoning provisions. In addition, consideration will be given to other agency comments in relation to the design of the plan to accommodate their respective interests.

From an engineering perspective the plan will be reviewed against the Township's Engineering Design Criteria, relevant agency comments (particularly the Conservation Authority insofar as stormwater management is concerned, etc.), and generally accepted engineering principles.

7. Upon receipt of a report from the municipality's engineering consultants and preparation of a report by the planning consultant, it will be placed before the Planning Committee for discussion assuming that ALL required information has been submitted to enable a comprehensive review of your plan of subdivision/condominium. Normally, the authors of this report will review its contents with the Committee. It is at this point where the Committee actively participates in the subdivision design process offering their suggestions on the design of the plan as well as resolving certain issues which may have been raised thus far.

The Planning Committee will normally take a position on the report of the planning consultant and either accept, reject, or modify the contents of the report to represent the Township position on the application. The municipality will ensure that you receive a copy of this report.

8. Once the Township Planning Committee takes a position on this report, you should have a clear indication of what will be required prior to the municipality recommending that the Region grant draft plan approval. You will be expected to address those comments and revisions made by the Township vis-a-vis Council for further consideration by the municipality and its consultants.
9. Upon your resubmission of a revised plan of subdivision addressing ALL of the municipality's concerns the Township will prepare an appropriate set of draft plan conditions for review by Council. You should be aware that it may be necessary for you to "red-line" revise your plan of subdivision prior to the municipality adopting a set of recommended conditions.
10. Planning Committee, upon receipt of these suggested conditions of draft approval, will review each of these with the planning consultant prior to adopting a resolution to accept them as the municipality's position on the plan of subdivision/condominium.

Once they have been adopted by Council staff will formally respond to the Region by enclosing the suggested conditions of draft approval for consideration.

11. Upon receipt of all circulated agency comments together with proposed conditions of draft approval the Regional Planning Department will assemble a letter formally granting draft plan approval together with all necessary conditions to be satisfied prior to registration. Please note that this is a public process and appeals to the Ontario Municipal Board are possible.

Note: You should be aware that the Council of Corporation of the Township of Brock WILL NOT RECOMMEND the granting of draft plan approval to anyone who is not serious about developing and "building-out" the plan of subdivision nor if the provisions of the Township Official Plan are not complied with.

POST-DRAFT PLAN APPROVAL (PRE-REGISTRATION)

1. Once the plan of subdivision/condominium is draft approved by the Region of Durham ALL of the associated conditions (imposed by the commenting agencies including the Township and Region) must be satisfied PRIOR to the Plan's final approval (Registration). The applicant will be solely responsible to satisfy each of the conditions and obtain a written letter of clearance prior to registration.
2. The Township of Brock will require the applicant to enter into a subdivision agreement with the municipality in order to secure each party's obligations with respect to the construction of the subdivision and will include such matters as road construction, signage, stormwater management facilities, lot grading, easements, conveyances, parkland dedication, etc. In addition, the agreement will provide for the posting of security to guarantee construction of the subdivision.
3. Prior to the preparation and signing of a subdivision agreement the municipality will require the applicant to prepare a Functional Engineering Report signed and sealed by a Professional Engineer, as well as to convene a meeting with Township and Regional staff to further discuss municipal requirements. The purpose of this report is to discuss all of those engineering matters associated with the plan of subdivision to determine the most acceptable means of "engineering" the plan. Specific requirements of this report are contained in the Township's Engineering Design Criteria (under separate cover).

Please note that submission of a Functional Engineering Report is REQUIRED and that the municipality will NOT authorize its consultants to review a first submission of engineering drawings in the absence of this report or meeting with municipal staff.

4. Following the preparation and submission of a Functional Servicing Report as well as a meeting with municipal staff the municipality will be in a position to receive the "First Submission of Engineering Drawings" based on those matters discussed within the Functional Servicing Report and having regard to the Engineering Design Criteria.
5. The Engineering Drawings submitted, and ultimately approved by the municipality, will form the basis of what the subdivision agreement will contain in terms of the cost of services, easements and other conveyances, parkland dedication, etc. These drawings will detail all facets associated with the construction of the subdivision. Drawings to be submitted include lot grading, plan of services, plan and profile drawings, etc. to be completed in accordance with the Township's Engineering Design Criteria. In addition, calculations supporting the design must be submitted for review. All requirements for the first submission are contained in the Engineering Design Criteria.
6. Upon receipt of the first submission of engineering drawings the Township will authorize its consultants to review same and provide comments. Generally, comments from our consultants will be provided directly to the Developer (and/or consultant) in order to expedite the process.

The municipality expects that completed and acceptable engineering drawings can be achieved with a LIMITED number of submissions. Not only will this expedite approval of a plan of subdivision, it will also reduce the overall cost to you. In the event problems are encountered you are requested to contact the municipality immediately.

7. In addition to the preparation of acceptable engineering drawings you will be responsible for securing other approvals including MOEE applications for storm sewers, and other Provincial agencies. These approvals may be in addition to those conditions of draft approval.
8. Once the engineering drawings are deemed acceptable by the municipality's consultants the Township will authorize its consultants to prepare appropriate subdivision agreement schedules for inclusion. These schedules could include the following: location plans (M-Plan), service installation, plans approved, cost estimates for construction, timing, conveyances, restrictions, warnings-on-title, and payments to the municipality.

Prior to the preparation of subdivision agreement schedules the Township consultants will require information as set forth in the Engineering Design Criteria.

The completed schedules to the agreement will be incorporated into the actual subdivision agreement prepared by the Township solicitor. Upon completion the agreement will be forwarded to your solicitor for review and execution (if deemed appropriate). You should be aware that adequate securities (letter-of-credit) to cover the cost of construction of those services required by the subdivision MUST be received by the municipality PRIOR to execution of the agreement by the municipality.

9. Following the execution of a subdivision agreement and approval having been received from all parties the Developer will be responsible to forward the original "tracings" of the engineering drawings for signing by the Township consultants.
10. Execution of a completed subdivision agreement with the municipality is but one of the conditions of draft approval to be satisfied. You should be aware that a subdivision agreement will also be required by the Region of Durham in addition to satisfying other agency conditions.

Once ALL conditions of draft approval have been satisfied AND clearance letters from each agency clearing a condition of draft approval has been received by the Region of Durham the Region will be in a position to register the subdivision on title.

11. Any concurrent applications for rezoning associated with the plan of subdivision will NOT be enacted by the municipality until such time as the subdivision agreement has been executed by all parties and registered on title.

Note: In accordance with Planning Fees By-law No. 1290-94-PL, as amended, you will be required to post sufficient security to cover the cost of municipal consultants in the preparation of an appropriate subdivision agreement. These will include services rendered by the Township's solicitor, and engineer.

If, at any time, the amount of outstanding accounts exceed fifty (50) percent of the total security held the municipality will instruct its consultants to cease work immediately. In addition, all accounts must be paid PRIOR to the municipality issuing a clearance letter (i.e., condition of draft approval) to the Region of Durham.

The foregoing securities are in addition to any letter of credit required in respect of estimated costs to build the plan of subdivision (as set forth in the subdivision agreement).

POST REGISTRATION

1. Prior to the commencement of construction you must submit information pertaining to construction of services, contractors and suppliers to be used, any necessary work permits, and all other information contained in the executed subdivision agreement for approval by the municipality. This should be supplied two (2) weeks prior to the start of construction.
2. You should be aware that any reductions in the letter-of-credit posted upon the signing of the subdivision agreement **MUST** be requested in writing following the installation of services. In such cases an inspection will be undertaken by the Township consultants and report addressing the request will be prepared for Council's consideration.
3. A "Certificate of Completion" will be issued by the municipality at such time as when it is determined that the services installed have been completed and are acceptable to the municipality. Prior to the issuance of this certificate you must request that an inspection be conducted by the municipality's consulting engineer. If the services are found to be acceptable a report will be prepared recommending a date for the commencement of the maintenance period. Please note that any outstanding deficiencies **MUST** be corrected prior to the certificate being issued.
4. Following the issuance of a "Certificate of Completion" you are required to submit "As-Constructed" drawings to the municipality confirming the manner in which services within the subdivision have been installed. This will involve a field inspection of various matters as set forth in the Engineering Design Criteria.

In the event that there are differences between the original engineering drawings (tracings) to what has been constructed revisions to the original tracings must be undertaken and submitted to the municipality for their permanent records.

5. "Final Acceptance" refers to the date upon which a report has been prepared recommending acceptance of the subdivision by the municipality. This normally occurs near the end of the maintenance period (as specified in the subdivision agreement). Following an inspection and report prepared by the Township's consulting engineer an "assumption" by-law is adopted wherein the municipality formally agrees that **ALL** of the conditions of the subdivision agreement have been fulfilled and all maintenance requirements have been completed.

OTHER

1. The plan of subdivision/condominium process takes much time, effort, and expense on the part of the applicant. Despite the fact that the Region of Durham has been delegated approval authority delays can be expected while awaiting comments from the various agencies. In many cases, when problems occur, agencies will expect you to offer proposed solutions.

Prior to submitting an application you should be fully committed to secure approvals and take necessary steps to avoid delays on your part.

2. You should also be aware that you are always welcome to discuss your plans with municipal staff and/or Planning Committee prior to submission of an application.
3. The information contained in this Guide is intended only to be a summary of the draft plan of subdivision/condominium process. Specific reference should be made to the Planning Act, R.S.O. 1990, as well as those policies established by the Regional

Municipality of Durham Planning Department.

Information pertaining to engineering requirements has been summarized from the Township of Brock's Engineering Design Criteria. Recourse **MUST** be made to this document in the preparation of those documents/drawings pertaining to a plan of subdivision/condominium.