

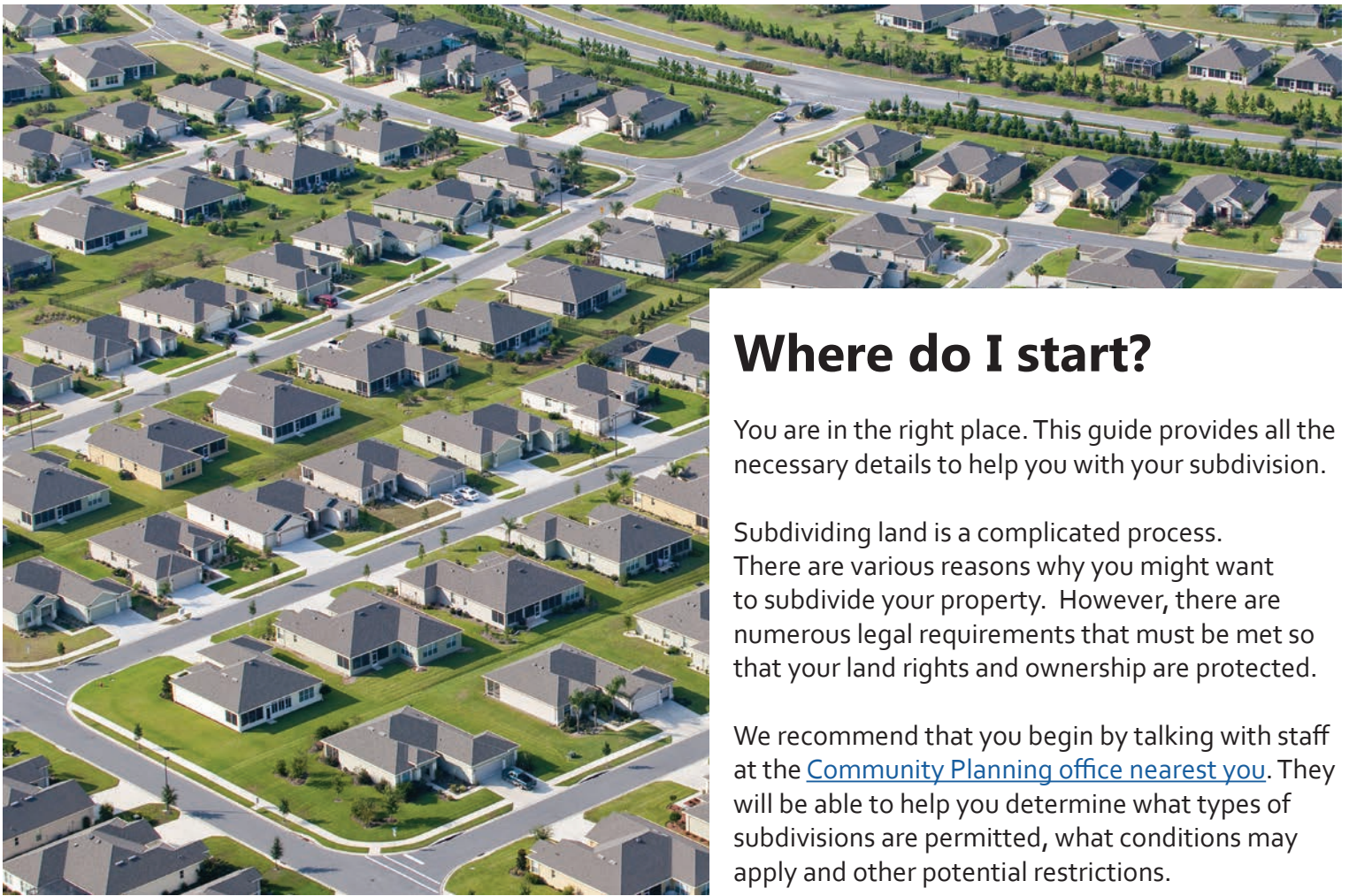


# PLANNING RESOURCE GUIDE

## 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 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 70](#) for contact information.

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

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

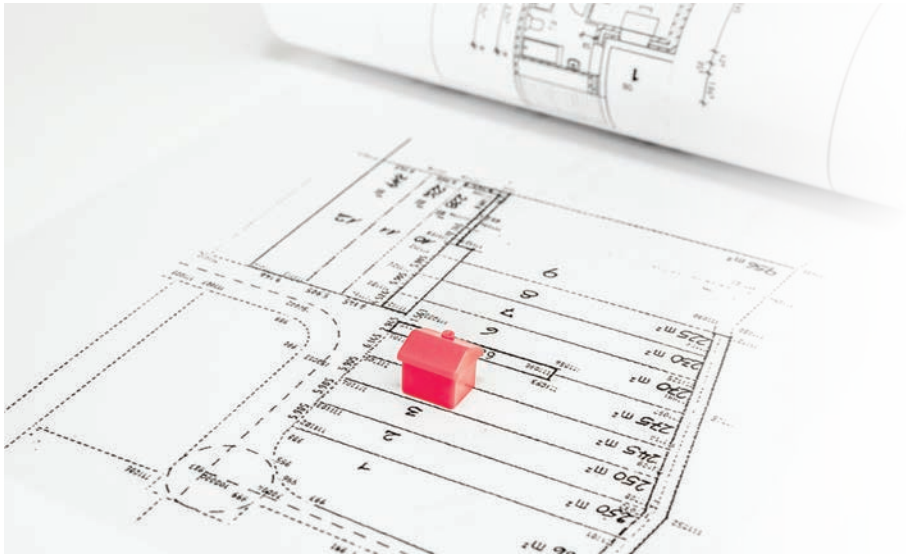
For detailed information, see [pages 13-21](#).

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

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*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 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 Planning Branch (CPB) of Municipal Relations. Refer to the map and list of offices on [pages 69-70](#) 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](http://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.

The Community Planning Branch 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	
CPB reviews and circulates application	5 days
Government review and comment	20 days
CPB submits report to council	5 days
Council decision	up to 90 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 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 the front of your subdivision application.

## How much will it cost?

Where the minister is the approving authority the fee to apply for a subdivision is \$550. If the subdivision application is approved, the approval fee is \$300. If the subdivision results in the creation of more than one lot, there is an additional \$300 approval fee per additional lot created.

Application fee	\$550
Revision fee	\$200
Conditional approval extension	\$200
Reissue certificate of approval	\$115
Approval fee (per new lot)	\$300

Planning districts with delegated subdivision approval authority may establish fees at or above the level charged by Manitoba 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 must hire a Manitoba land surveyor to prepare a Subdivision Application Map (SAM). This is a field survey that requires at least two survey monuments are shown. A surveyor will be able to provide accurate, reliable and objective information as part of the subdivision application. This ensures that CPB, 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 Planning Branch (CPB) offices, and to four planning districts (Red River Planning District, South Interlake Planning District, Lac du Bonnet Planning District, Cypress Planning District, and the City of Brandon). See pages 69-70 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 a parcel plan of survey.

## **Certificate of Exemption**

A certificate issued by Manitoba Environment, Climate and Parks 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 Real Estate Services Division 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 majority of subdivisions will require a Plan of Subdivision for registration at Land Titles.

## **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.

## **Subdivision Application Map (SAM)**

A map is a requirement under the Subdivision Regulation and is to be included with all subdivision applications. It must be prepared by a Manitoba land surveyor as defined in The Land Surveyors Act.

## **Zoning Bylaw**

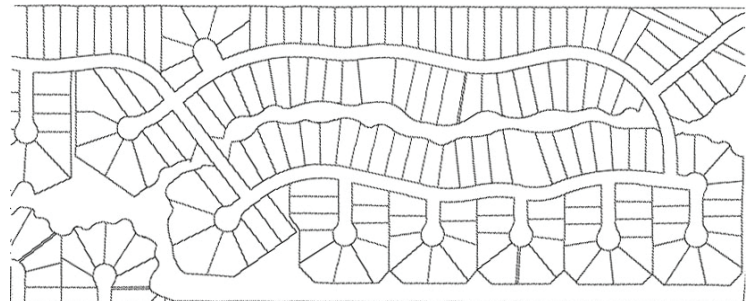
A bylaw adopted by a board or council which divides the municipality or planning district into zones; defines permitted and conditional uses for land and buildings in each zone; and sets out the procedures for applying for and issuing development permits, non-conforming certificates, zoning memoranda 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

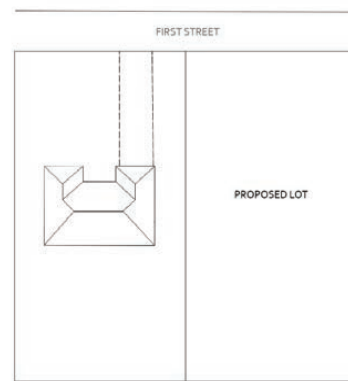
## Standard

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.



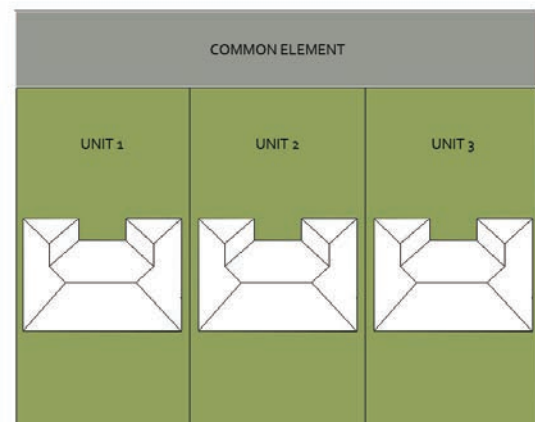
## Minor

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, Municipal Relations is the approving authority for subdivisions in Northern Affairs communities or on private land in unorganized territory in northern Manitoba.





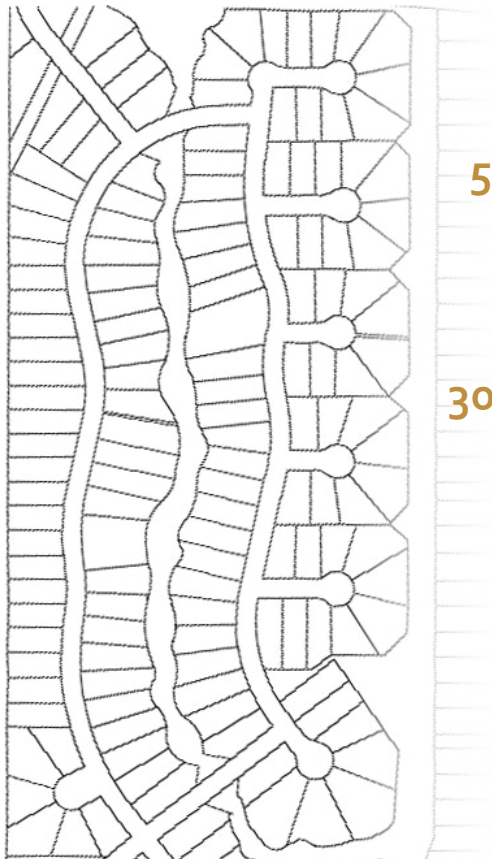




# Subdivision Process

PART 2

# Steps in the Subdivision Process



## 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, a subdivision application map and supporting information to the office of the approving authority (either the [Community Planning Branch 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 20 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.

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 24 months after issue.

## 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, a subdivision application map and supporting information 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**.

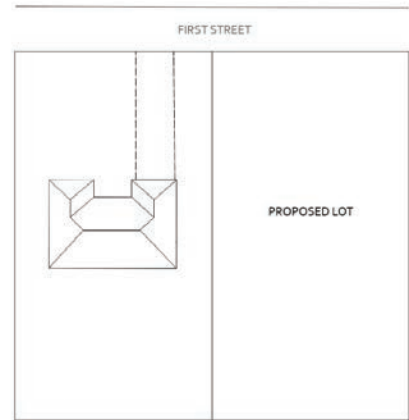
1

2  
3

4

5

6



< 1 week

4-24 months

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.

A certificate of approval is valid for 24 months after issue.

# 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 Planning Branch 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 Transportation Infrastructure Act must also be met. CPB 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, the requirement of a subdivision application map, 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

### Proposed Land Use:

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

### Roads and Driveways:

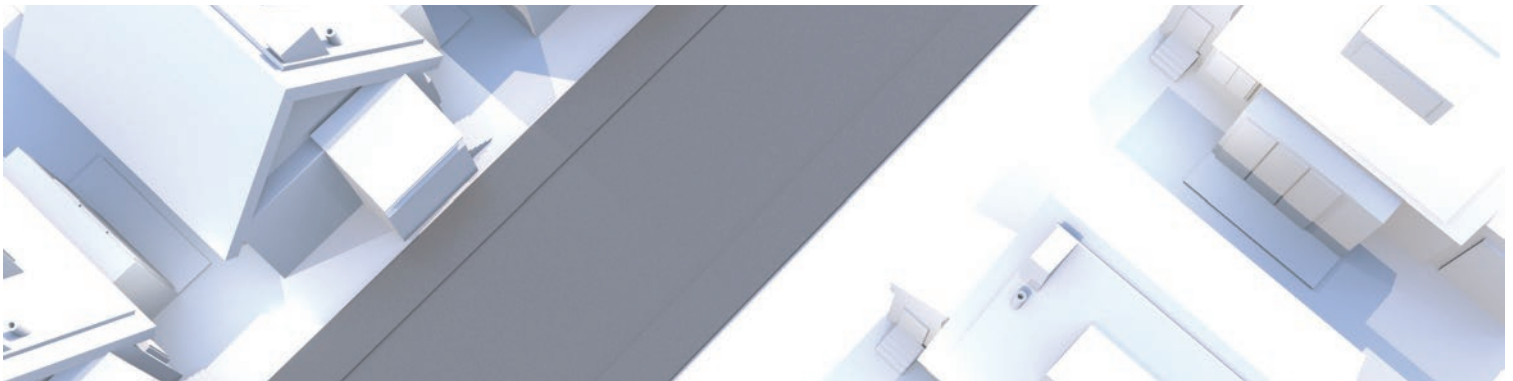
- layout of public roads
- how new lots are accessed
- connections to provincial highways or municipal roads

### Water:

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

### Environment:

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



# Application Form

You can get a copy of the Subdivision Application from your local Community Planning Branch office or on the department's website:

[www.gov.mb.ca/mr/land\\_use\\_dev/sra.html](http://www.gov.mb.ca/mr/land_use_dev/sra.html).

## Requirements

Your application must include:

- The application fee (\$550) 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 or a Manitoba land surveyor.
- A subdivision application map prepared by a Manitoba land surveyor 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 70](#) for locations.

For complex proposals or applications for multiple lots the approving authority may require additional information, including, but not necessarily limited to:

- 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 subdivision application map.***

## Subdivision Application

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



### Before You Start

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



### Application Requirements

- ☐ a subdivision application form with all questions answered, and signed by the registered owner and applicant
- ☐ a Subdivision Application Map (submitted as a TIFF image and a hard copy) prepared by a Manitoba land surveyor showing:
  - ties to a minimum of two survey monuments
  - proposed lot(s) with dimensions, area and angles
  - location of all buildings on foundations and fixed structures
  - driveway(s) including the current and proposed access
  - onsite wastewater management systems and distance to proposed lot lines
  - well
  - existing above-ground utilities
  - existing tree line and edge of field
  - major water bodies
  - title search
- ☐ Status of Title(s) for all land to be included in the subdivision from a Manitoba land surveyor. The Status of Title(s) cannot be more than 30 days old.
- ☐ a cheque or money order for \$510 payable to the Minister of Finance

A Subdivision Application Map is a requirement for all subdivision applications under the Subdivision Regulation and it must be prepared by a Manitoba land surveyor. Refer to the Planning Resource Guide. Subdivision in Manitoba for more details on application and map requirements.



### Submission

Mail or drop off the completed application form, the required application fee, map, 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.



# Subdivision Application Map (SAM)

A SAM is a map prepared by a Manitoba land surveyor showing the key features of the land involved in the subdivision. All subdivision applications must be accompanied by a SAM.

## Map must include the following:

1. Ties to a minimum of two survey monuments along any limit to locate the subdivision relevant to the limit. Survey monuments will not be required where:
  - monument restoration is required;
  - preliminary monument location would unnecessarily delay the subdivision application; or
  - the proposed subdivision is all or part of a registered plan.

Note: A statement on the SAM must provide the reason as to why no survey monuments are shown.
2. Proposed lot(s) with dimensions, area and angles.
3. Location of all buildings on foundations and fixed structures. Main use buildings are to be labelled as to use. Exceptions are to be discussed with the approving authority.

Buildings on the residual parcel within 15 metres in rural areas or within allowable building sidelines in urban areas must be located relative to the limit.
4. Driveway(s), including:
  - the location of current access, access to the proposed lot and any other proposed accesses ; and
  - the distance from the centre line of the current access to the next access (within 800 metres) if on a Provincial Trunk Highway or (within 400 metres) on a Provincial Road.

5. Onsite wastewater management systems and distance to proposed lot lines.
6. Well.
7. Location of existing above-ground utilities.
8. Listing of existing underground utilities.
9. Location of the existing tree line and edge of field.
10. Location of major water bodies (including lakes, rivers, creeks and water bodies reserved in Crown grants).
11. Current title search no more than 30 days old.

## Additional Information

*A subdivision application will only be accepted with a SAM.*

*There are generally no exceptions to the SAM requirement.*

*The approving authority will use the SAM for conditional approval.*

*The SAM (in a version modified by your Manitoba land surveyor) may be used in lieu of a legal description for registration at the Land Titles Office, under Section 128(3) of The Real Property Act.*

*The SAM may take the form of a draft Plan of Subdivision prepared by a Manitoba land surveyor which will be deposited at land titles for examination following conditional approval, with the applicable SAM features included (e.g., two located survey monuments, buildings, existing utilities, driveways, etc.).*



## Status of Title

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. If an applicant has a paper title (or duplicate), it can be converted to electronic title. CPB 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.

All subdivision applications must be accompanied by a Status of Title. You can obtain a status of title in one of two ways:

1. your surveyor will provide a copy of the title with the SAM; or
2. contacting your local Land Titles Office.

In order to find the title for a particular piece of land, the Land Titles staff must 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.

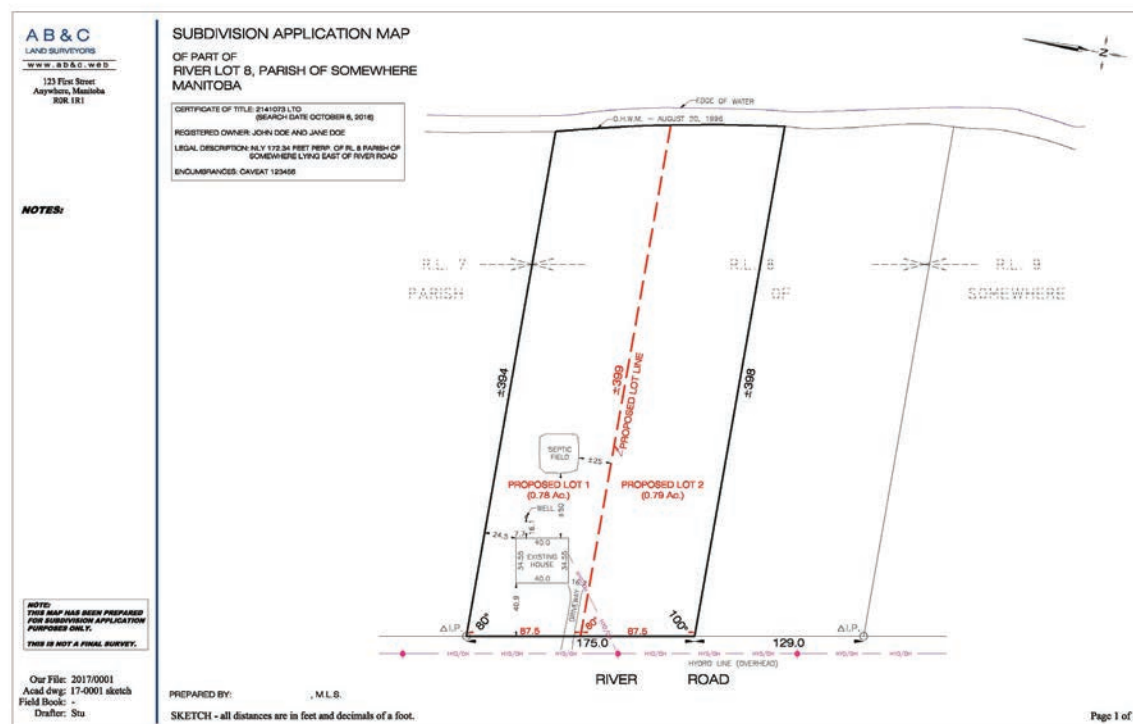
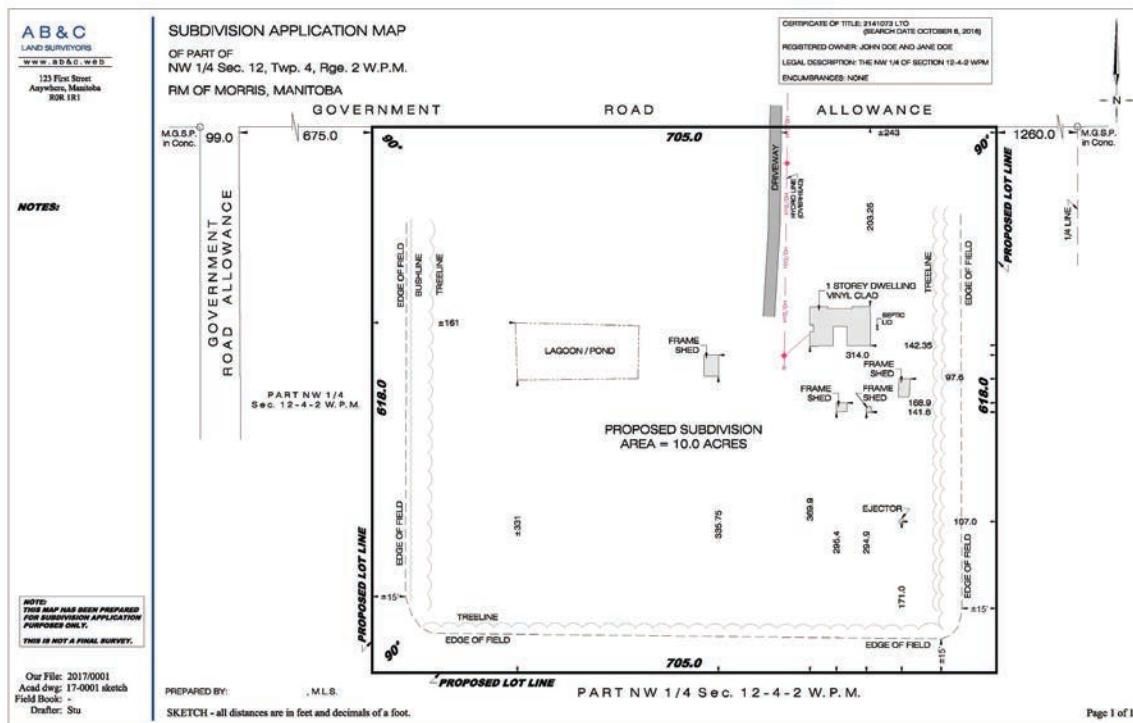
A status of title costs \$26. Additional information on title searches and other FAQs can be found on The Teranet website: [www.teranetmanitoba.ca](http://www.teranetmanitoba.ca).

You can find a list of registered Manitoba land surveyors at [www.aml.ca](http://www.aml.ca).

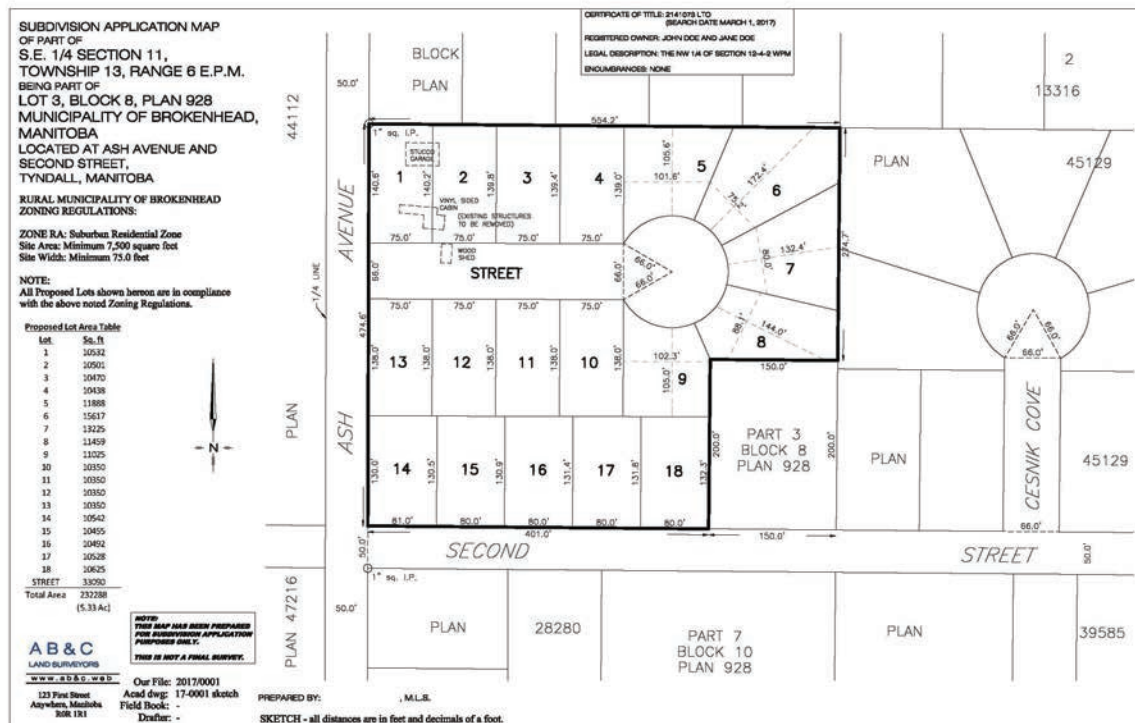
For farm yard and rural subdivisions, cultivated land or land outside of the shelterbelt should be excluded, unless required to meet the Onsite Wastewater Management System Regulation.

# Sample Subdivision Application Maps

## Rural Examples



# Urban Example (multi-lot subdivision)





## Review and Circulation

### Receipt and Review of Application

The CPB planner will review your application and map 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.

CPB will prepare a site map with ortho imagery and a location map to be circulated along with your application. The planner will use the surveyor's subdivision application map to ensure accuracy.

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 20 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 reject it.

Council must make a decision within 90 days (60 days for a minor subdivision) of receiving the subdivision application. If a decision is not made within 90 days, the application may be considered rejected and an appeal may be filed with the Municipal Board.

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.



## 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.

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 \$300 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).

**Manitoba**  
Indigenous and Municipal Relations  
Box 127, 257 St. James Street, Winnipeg, Manitoba R3B 0G1  
Tel: (204) 944-2577 Fax: (204) 944-2577  
www.manitoba.ca

April 18, 2018  
File: 400-16-7890  
EXPIRY DATE: April 18, 2019

Mr. John Smith  
Box 10  
Winnipeg MB R3C 2Z2

Dear Mr. Smith:

RE: Proposed Subdivision  
R/W 12, 36-1-1 EPM  
RM of XX

Please be advised that your subdivision application has been conditionally approved as per the attached sketch.

When you have satisfactorily provided this office with evidence that the following conditions and requirements have been met, you will be issued a Certificate of Approval. This Certificate will enable the District Registrar to register the subdivision instrument in the Land Titles Office.

**REQUIREMENTS**

- The fee payable before a Certificate of Approval will be issued is \$200.00 (\$200.00 per new lot). Please submit fee to this office. Cheques are payable to the Minister of Finance.
- The Winnipeg Land Titles Office has indicated it will require a **tabular plan of subdivision** drawn by a Manitoba Land Surveyor. Submit to this office the surveyor's final plan and two signed copies tentatively approved by the Examiner of Surveys together with three paper prints. If you have any concerns with this requirement, please contact the District Registrar in the Winnipeg Land Titles Office.
- Provide this office with the total area of each lot, calculated by a surveyor, in either square feet or square metres.

Please confer with this office prior to making any changes to the proposed subdivision, as per the attached approved sketch as this application may have to be sent back to Council for an amended resolution. Returns to this application for subdivision shall be subject to a fee of \$200.00, payable upon receipt of said revision. Please also confirm that the dimensions and locations of the proposed lots meet the intent of the subdivision as proposed.

**Manitoba**  
spiritual energy

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 CPB staff if you want a copy to go to anyone else (ex: lawyer, surveyor).

### REQUIREMENTS:

- (A) The CPB approval fee is \$300 for each new lot created. Where no new lots are created (i.e. consolidation), the fee is \$300.
- (B) This is Land Titles' requirement for either a legal description, plan of subdivision or a 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**

- Submit confirmation in writing to this office from the Chief Administrative Officer of the R.M. of Springfield that taxes on the land to be subdivided, for the current year plus any arrears, have been paid or that an arrangement satisfactory to Council has been made.
- Confirm that Council's conditions of approval as shown below and as set out under the attached Fee Schedule (12-18 dated April 15, 2018) have been met. To meet the conditions of Council, please provide this office with written confirmation from the municipality that:
  - A Building Location Certificate, produced by a Manitoba Land Surveyor is provided to the municipality showing the location of all structures on the affected land, including on-site sewage disposal facilities, in relation to the proposed lot lines.
  - Any variance orders required as a result of the Building Location Certificate have been obtained.
  - The capital levy of \$3,000.00 per new lot created has been paid.
  - A Development Agreement has been entered into regarding lot grading, drainage, road improvements, and any other public works deemed necessary by Council. Registration of this development agreement will be made a condition on the final Certificate of Approval.
  - The owner has entered into a Declaration of Right-of-Way Agreement for the common driveway approach. Registration of this declaration, as a caveat, will be included as a condition on the final Certificate of Approval, and
  - Monument restoration costs, for monuments that were found to be restored within the subdivision, will be borne by the Developer.
- Enter into a right-of-way agreement with MTS Inc. with respect to existing and/or future facilities associated with the subdivision as per their correspondence. Verification of said agreement must be submitted to this office. Registration of this agreement will be included as a condition on the final Certificate of Approval. Please contact MTS at 204-966-1758.
- Enter into an Easement Agreement with Manitoba Hydro/Centra Gas with respect to existing and/or future facilities associated with the subdivision and provide a plan of right-of-way for easement purposes, as required by the Real Property Act. Verification of said agreement must be submitted to this office from Manitoba Hydro. Manitoba Hydro will contact the applicant by way of letter indicating the procedure to obtaining an easement. Registration of this agreement will be included as a condition on the final Certificate of Approval.
- Submit written confirmation from Manitoba Conservation and Water Stewardship - Environmental Compliance and Enforcement that the onsite wastewater management system is in compliance with provincial guidelines.
- Submit written confirmation from the Highway Traffic Board that a permit has been obtained for the new joint-use access as required under The Highway Protection Act.

### 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.

**Please also note the following:**

- Removal or relocation of Manitoba Hydro or MTS Inc. equipment as a result of the proposed subdivision will be at the expense of the developer/customer.
- All Water Control Works require licensing under The Water Rights Act.
- Provincial Trunk Highway 12 is a Limited Access Highway under the jurisdiction of the Highway Traffic Board (HTB). Under The Highway Protection Act any new, modified or relocated access to this highway or its service road (including change in use of a driveway) requires a permit from the Highway Traffic Board. A permit is also required from the HTB to change the use of the highway. In addition, a permit is placed on such any structures (including the alteration of existing buildings) within 30 to 125 ft from the edge of the highway right-of-way. In addition, a permit is required from Manitoba Infrastructure and Transportation for any piling placed within 15.2m (50 ft) from the edge of the highway right-of-way.
- Manitoba Conservation must be contacted prior to installation of any septic system to ensure compliance with the Manitoba Code of Wastewater Management System Regulation No. 83/2003.

Please be informed that under Section 126(1) of the Planning Act you may appeal any of the above conditions to the Municipal Board. Such an appeal must be lodged within thirty (30) days of the date of this letter. If you wish to appeal, you should mail a notice of appeal to, or serve such a notice upon, The Secretary of the Municipal Board, at 1144-363 Broadway, Winnipeg, Manitoba, R3C 2H6. This notice should contain your name and address, the legal description of the land to be subdivided, the name of the municipality in which the land is located, and the conditions to which you wish to appeal. A fee of \$75.00 is payable to the Municipal Board must accompany the filing of the appeal (Reg. 19/99, The Municipal Board Act).

This conditional approval is valid for two years (24 months) from the date of this letter. If within this time period you have not met the above conditions and requirements and obtained your Certificate, the approval automatically expires, unless you have made satisfactory arrangements with this office for an appropriate extension. A time period extension shall be subject to a fee of \$200.00, payable upon receipt of said extension.

Yours sincerely,

**FOR THE APPROVING AUTHORITY**

Attachment

- R.M. of Springfield  
Winnipeg Land Titles Office  
MTR the capital development at: [cpb@manitoba.ca](mailto:cpb@manitoba.ca)  
Manitoba Hydro - Centra Gas  
Manitoba Conservation & Water Stewardship - Environmental Compliance  
Highway Traffic Board

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 map.

**If you have any concerns with the map, contact CPB or the planning district approving authority immediately.**



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

## 1. Notify your surveyor

Give your surveyor a copy of your conditional approval letter including the approved map. Your surveyor will begin meeting Land Titles plan (or in rare circumstances 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](http://apegm.mb.ca/directory) or in the Yellow Pages.

## 4. Enter Easement Agreements

You will need a lawyer to complete your Manitoba Hydro easement. If you only require a Bell MTS easement, contact Bell Canada directly at the number provided in the conditional approval letter.

## 5. Apply for Highways Permits

Apply for any required Manitoba Transportation and 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. CPB 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.





# Subdivision Requirements and Conditions

PART 3

# Land Titles

In Manitoba, Teranet owns and operates The Property Registry (Land Titles Office or LTO). LTO reviews all subdivision applications and determines if the proposed subdivision requires a Plan of Subdivision, Plan of Survey or a land description.

Once LTO receives a copy of the conditional approval letter from CPB, it is reviewed and the information is entered into the survey books.

## Preapproval

LTO waits until it receives prints of the Plan of Subdivision or survey from the surveyor then examines the plan for errors and reviews survey evidence. LTO notifies the surveyors of any corrections to be made, then waits for the surveyor to send the revised plan back. LTO reviews the revisions and then notifies the surveyor that they may create the Mylars™. The Mylars™ are then forwarded to the approving authority by the applicant or by the surveyor on request. This pre-approval process generally takes six to eight weeks.

Land descriptions prepared by a lawyer or surveyor must also be submitted to LTO for tentative approval. These are generally reviewed and approved within one day. Land descriptions must then be submitted to the approving authority.

Once the applicant has completed all of the conditions, the Mylars™ are signed by the approving authority and a certificate of approval is issued.

The applicant (or applicant's lawyer) collects the necessary signatures on the Mylars™, prepares documents for registration, and forwards the Mylars™ and documents to LTO for registration. The plan is registered, new titles are issued and certified copies are sent to the applicant (or applicant's lawyer). This process takes approximately one to two weeks.

## Plan of Subdivision

Plans of subdivision are required for many reasons. These include:

- Plans provide a clear and concise picture of the land being subdivided, eliminating the confusion and uncertainty created by multiple splits by land description.
- When plans are prepared permanent survey monuments are placed in the lands being subdivided. These monuments can be used later for locating property boundaries.
- Having a plan prepared is one way to ensure that the land intended to be subdivided is the land that is actually subdivided.
- Having a plan prepared ensures that tree lines, fences, buildings, roads and the like are on the property they are intended to be on.
- All new plans add to the survey fabric of lands in the province, making land holding more certain and safer.

## Consolidations

A consolidation occurs when more than one lot is joined together legally to create a new single lot. Consolidations do not require planning approval. Sometimes consolidations are required as part of a subdivision proposal, but that is the only time that CPB needs to be involved in consolidations.

Please note that consolidations can cause significant problems. Existing mortgages that only affect some of the lands being consolidated will likely have to be discharged and then new mortgages will have to be registered. Certain caveats may have to be discharged. Further, to later separate two pieces of land that have been consolidated may require planning approval, which can be an expensive process. It is strongly recommended that anyone considering consolidating two pieces of land obtain legal advice on the possible costs and long term ramifications before proceeding.

# Surveys and Land Descriptions

## Plan of Survey (Explanatory Plan)

In accordance with The Planning Act, explanatory plans are only to be used for all or the balance of the land contained in a Certificate of Title. Exceptions will be allowed in the following situations for subdivisions, providing there is no requirement to create a public interest such as a public road:

- a. to resolve differences in mines and mineral ownership in plans of subdivision
- b. to accommodate planning consolidation requirements and contiguity issues
- c. to accommodate an easement agreement or rights-of-way for ingress and egress

Public roads or reserves may not be created on an explanatory plan.

## Plan of Bare Land Condominium

The difference between a bare land condominium plan and other condominium plans is a bare land plan will show parcels of land as the units on the condominium plan. Such bare land units may have existing buildings on them, but they would not be completely covered by these buildings. A condominium proposal which shows only buildings or parts of buildings as the condominium units does not require the approval of the approving authority. However, a condominium proposal may also require a subdivision approval if all or part of the land is to be shown as lots or blocks on a plan of subdivision.

A bare land condominium plan requires the approval of the subdivision approving authority and the Registrar-General.

## Land Descriptions

In general, the only subdivisions which do not require plans are those that are bounded by a natural feature or split by a highway or railroad. In some cases a land description will be allowed when the limits of the land to be transferred can be described using existing neighbouring plans.

Any subdivision of a river lot, outer two mile lot, settlement lot, wood lot, or township lot that creates a new title boundary will require a plan of survey or subdivision.

Any land already subdivided by a plan will require a plan to subdivide it.

## Do I need a lawyer or a surveyor to subdivide my property?

A Manitoba land surveyor is required to create the subdivision application map (SAM). The surveyor will ensure that the lands being subdivided are the lands the parties intend to subdivide. A lawyer is recommended and will ensure the proper completion and registration of required documentation.

While technically you are not required to hire a lawyer to register documents at Land Titles, some Land Titles documents (including the transfer of land) cannot be completed without the involvement of a lawyer. Signatures in certain Land Titles documents must be witnessed by a lawyer as well. Given that registration of documents causes land titles records to be changed and this can significantly change your legal position and rights, a lawyer can help make sure that you are properly advised and protected.

Please note that staff at the Land Titles Office are prohibited from assisting or advising you regarding forms that can cause a change to your legal rights and interests in land, including transfers of land.

# Utilities

In accordance with The Real Property Act, utility easements (rights-of-way) require registration in the Land Titles Office. The developer is required to grant Manitoba Hydro and the communication utilities easements for the purpose of placing and maintaining services throughout the subdivision, for both existing and future facilities. The easement may be used for common trench locations, pad-mounted transformers, communication hand-holes, pedestals, poles, pipes, anchors, underground gas facilities, and other related features.

Approximately half of all subdivision applications require an easement agreement to be completed with Manitoba Hydro. A plan of easement may also be required for registration of these easements at Land Titles, prepared by a professional surveyor.

## General Considerations for Easements:

- Manitoba Hydro requires the name of the applicant's lawyer. A lawyer is required to execute the easement agreement and register the plan.
- All multiple-family dwellings (including semi-detached and duplexes) and condominiums automatically require blanket easements. Blanket easements are completed as a legal description.
- Utilities must be advised of whether a proposal is for a multi-family dwelling or condominium and of any future phases of development. Future phases (including plans for sidewalk placement, road widening, etc.) may impact the location of utility infrastructure. This will not increase costs to the developer or bind the developer to that idea, but it is required for information purposes.

## Hydro Easement Requirement:

### Timeline for processing: six months or longer

An easement agreement fully executed by the developer that will be registered at the Land Titles Office prior to any transfers of land. In order to prepare the documentation Manitoba Hydro requires the following:

- conditional approval from the approving authority
- final plan of subdivision/survey
- developer's lawyer's contact information (a lawyer is required for execution of the agreement)
- easement plan if applicable

Developers will be provided with Hydro contact information in the conditional approval letter. The developer's surveyor (or lawyer for legal descriptions), will then complete the plan of subdivision (or land description) and forward it to Manitoba Hydro. After reviewing the plan, Hydro will provide the surveyor with the easement requirements. The surveyor then prepares the plan of easement and submits it to Manitoba Hydro for its review. The plan of easement is forwarded to the LTO in Winnipeg for pre-approval. The easement agreement is prepared and, along with the Mylars™ for the plan of easement. Once Manitoba Hydro has received all the necessary signatures, a final easement agreement package is created which includes a trust letter, release of conditions letter, and the plan of easement Mylars™ and is forwarded to the applicant's lawyer. The applicant's lawyer obtains the applicant's signature and submits the plan of easement to LTO for registration. Registration in series with the subdivision is typically included as a condition on the Certificate of Approval.

**When complete, your lawyer must send the release of conditions letter to Community Planning (or approving authority) for the condition to be considered satisfied.**



# Bell MTS and Manitoba Hydro

These requirements ensure that Bell MTS, a division of Bell Canada, communication facilities (or other company facilities in some parts of the province) can be installed and maintained for all subdivided parcels of land. This would include any existing and future facilities that must be protected by easement rights.

Bell MTS reviews all subdivision applications to determine if easement agreements are necessary for their infrastructure. Approximately 25 per cent of all subdivision applications will require a joint Hydro/Bell Canada easement agreement to be completed and another 20 per cent require an easement agreement only with Bell Canada. If the easement is to be prepared jointly with Manitoba Hydro, then the internal process of Hydro is followed. Otherwise, Bell MTS has established its own internal easement agreement process.

Removal or relocation of Manitoba Hydro or Bell MTS equipment as a result of the proposed subdivision will be at the expense of the developer.

## Bell MTS Easement Requirement:

**Timeline for processing: three months or longer (Bell Canada solo easement agreement)**

An easement agreement fully executed by the developer that will be registered at the Land Titles Office prior to any transfers of land. In order to prepare the documentation Bell MTS requires the following:

- conditional approval from the approving authority
- final plan of subdivision/survey or pre-approved land description
- developer's lawyer's contact information
- easement plan if applicable

Bell MTS reviews the application and highlights where the easement is required and forwards these requirements to the applicant's surveyor. The surveyor creates the plan of easement and returns it to Bell MTS for review. Bell MTS reviews and then prepares the easement agreement. The easement agreement is sent to the applicant for their signature, and then the agreement is returned to Bell MTS. Bell MTS prepares a final easement agreement package and provides it to the developer's lawyer or directly to LTO for registration.

Bell MTS (solo) will also sometimes ask for a metes and bounds (land) description and has it signed and registered prior to registration of the subdivision. In this case a release is sent to CRP indicating that registration of the easement is not required as a condition on the certificate.

## For more information:

Prospective developers seeking information on existing Bell MTS facilities in their planned development area or with any questions related to the development should forward their questions to:

Bell MTS - Network Engineering Control Centre

Phone: 204-941-4369 – Winnipeg

Toll Free Phone: 1-866-756-7642

Fax: 204-957-5619

E-Mail: [neteng.control@bellmts.ca](mailto:neteng.control@bellmts.ca)

**Easement requirements for Manitoba Hydro electric, telephone and cable TV will be included on a single agreement administered by Manitoba Hydro. A separate easement agreement is required for Manitoba Hydro's natural gas installation.**

# Municipal Conditions

*Municipal council may approve your subdivision application with conditions in their resolution. Council's conditions must be included in the conditional approval letter. The following municipal conditions are typical:*

## **Payment of Taxes:**

Any outstanding property taxes on the subdivision lands must be paid in full or arrangements satisfactory to the municipality made.

## **Survey Monuments:**

If survey monuments are missing and are required for a Plan of Subdivision, the owner is responsible for paying the municipality the amount in excess of funds approved by the Land Titles Office.

## **Variances:**

A variance order is required if a proposed lot does not meet the minimum site area and width requirements for your zone, or if buildings and structures do not meet the minimum setbacks. To determine if buildings and structures meet the minimum setbacks, you may be required to provide a Building Location Certificate prepared by a Manitoba land surveyor. A public hearing is required for a variance.

## **Conditional Uses:**

A conditional use order is required if the proposed use of your land or buildings is one listed as a conditional use in the bulk table for your zone in the zoning bylaw. A public hearing is required and council may impose conditions on your proposed use in their order.

## **Zoning Bylaw Amendments:**

Every municipality has its own zoning bylaw, which affects the way that property can be used. If the proposed use does not comply with the zoning bylaw, a zoning bylaw amendment will be required.

## **Land and School Dedication:**

Council may require the developer to dedicate land for public reserves or school purposes. The amount of land dedicated cannot exceed 10 per cent of the total land being subdivided. Council may also require the land owner to provide money in lieu of land.

## **Opening and Closing Roads:**

The municipality must hold a public hearing if the proposed subdivision will result in the creation of a new public road (s. 125(2) of The Planning Act).

In some instances, a road closing bylaw may also be required, if the proposed subdivision involves portions of an unused road allowance that will form part of the proposed lots.

## **Lot Levies and Dedication Fees:**

In most municipalities, the developer is responsible for providing the services and infrastructure within a proposed subdivision. Developers are also required to contribute to lot levies, dedication fees and other charges. For example, lot levies may be collected to defer some of the costs for trunk services outside of the subdivision area. Reserve fund contributions may also be required for future water and sewer upgrades. Dedication fees can be collected in lieu of land or school dedication. Legal and engineering fees may also be paid by the developer. Each municipality charges different fees, and charges may differ in different areas of the municipality. Consult your local municipal office for more information.

## **Declaration of Right-of-Way:**

If the dominant and servient lands are owned by the same parties, a Declaration of Right-of-Way is required (used when establishing a right-of-way on your own land). These can only be discharged with the consent of all owners and all encumbrancers on the affected lands.

## **Right-of-Way Agreement:**

If the dominant and servient lands are owned by different owners, a Right-of-Way Agreement registered by way of caveat is required. A caveat protecting an easement can be discharged by the current owner of the dominant lands.

## **Lot Grading or Drainage Plan**

The developer may be required to submit a lot grade and/or drainage plan, prepared by a professional engineer, showing elevations and the overall drainage patterns on the subject lands.

# Easements, Covenants and Caveats

## Development Agreement:

Pursuant to The Planning Act, municipal governments outside the City of Winnipeg have the authority to enter into development agreements in the following circumstances:

- as a condition of amending a zoning bylaw
- as a condition of making a variance order
- as a condition of approving a conditional use
- as a condition of approving a conditional use for a livestock operation
- as a condition of subdivision approval

Note: Section 151(1) of The Planning Act specifies that development agreements must contain a specific statement that the agreement runs with the land it affects. The act also requires that a copy of the actual agreement be attached to the caveat registered.

The agreement must be between the municipal government and those parties who are the registered owners of the affected lands at the time the agreement is registered at Land Titles.

As per The Planning Act, the development agreement can deal with:

- the construction or maintenance – at the owner's expense or partly at the owner's expense – of works including sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access, connections to existing services, fencing and landscaping
- construction or payment by the owner of all or part of the capacity of works in excess of the capacity required for the proposed subdivision
- the use of the land and any existing or proposed building

## Caveats:

The Real Property Act allows a person who is claiming an interest in land to register a caveat. For the purposes of The Real Property Act, person includes natural persons and corporations. Land Titles will not accept as caveator a trust, a family trust, a limited liability partnership, a partnership or a law firm.

For the benefit of future parties, it is wise to attach copies of relevant agreements to caveats. Where the caveat is filed pursuant to section 111 of The Real Property Act (Rights analogous to easement and statutory easements), or is a development agreement filed by a municipal government (other than the City of Winnipeg), the agreement must be attached.

## Restrictive Covenants:

### Traditional Restrictive Covenants:

The first type of restrictive covenant caveat gives notice of an agreement entered into between a vendor and a purchaser of land, wherein certain restrictions are imposed upon the uses the purchaser can make of the subject lands, which restrictions are for the benefit of other lands owned by the vendor.

To be registerable at Land Titles a caveat based upon a traditional restrictive covenant must specify both the beneficial (dominant) and the affected (servient) lands.

### Building Schemes/Development Schemes:

The second sort of restrictive covenant that can be protected by caveat is one imposed by a developer. These are caveats registered by a party who has subdivided a large piece of land into numerous lots and is selling off the lots. These caveats are based upon separate agreements between the developer and the purchasers of each separate lot.

# Provincial Highways

## Subdivision Planning at the Local Level

### General Recommendations for Developers and Applicants:

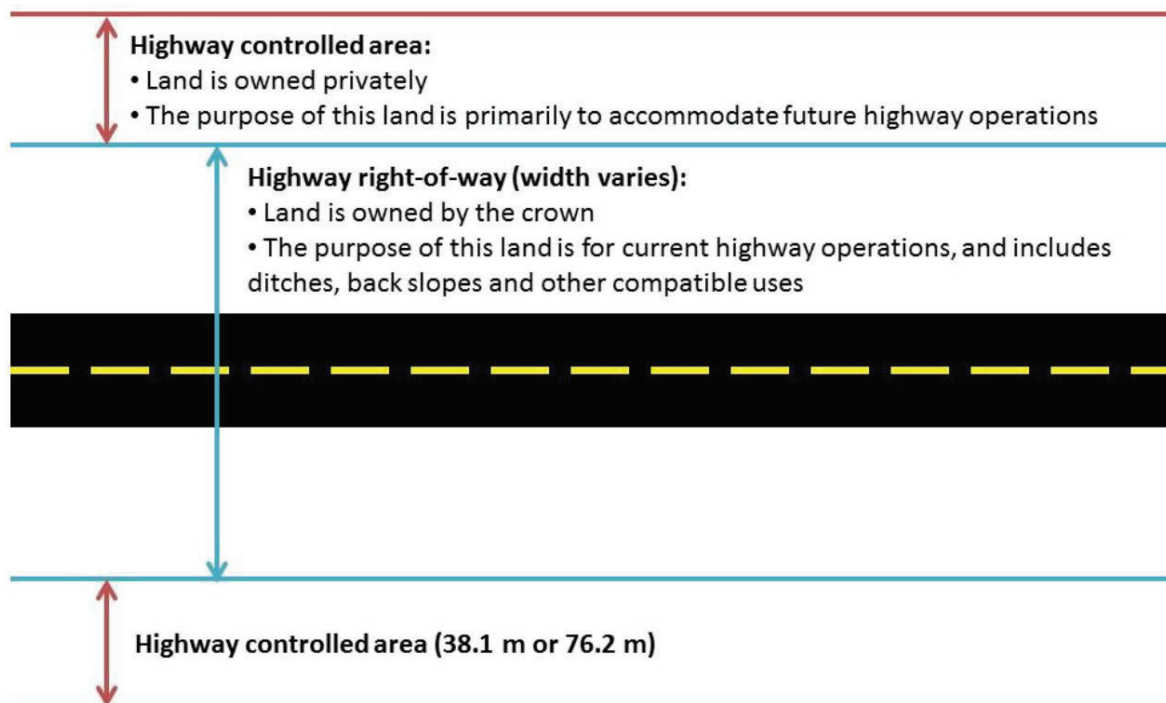
- Engage with Manitoba Transportation and Infrastructure (MTI) at the earliest possible stages of your planning process to ensure requirements are met. In some cases, engagement with MTI is recommended before land is purchased.
- All MTI permits are required before commencing construction.
- The following provincial acts may apply to developers: The Highway Traffic Act, The Off-Road Vehicles Act, The Municipal Act, The Environment Act and The Water Rights Act (Note: Additional acts may also apply).

### Highway Permit Requirements

Under The Transportation Infrastructure Act, the Minister of Manitoba Transportation and Infrastructure (via the Roadside Development section of MTI's Highway Planning and Design Branch) is the approving authority for any access to and structures, signs and plantings adjacent to highways.

### Where Permits are Needed: Highway Rights-of-Way Versus Controlled Areas

Land is allocated for provincial highways to ensure the safe operations of provincial traffic. Crown land used for provincial highway operations is formally called highway right-of-way. Highway right-of-way includes the roadway as well as the ditches, drainage facilities and highway-related signage. The controlled area is created for the protection of future highway expansions and improvements and future operations.



# Manitoba Transportation and Infrastructure

## General Considerations when Subdividing Adjacent to a Highway:

- Strip development, or development that contributes to the evolution of a row of lots, that fronts on and requires direct connection to a provincial highway will not be permitted.
- Overall planning of a site should be undertaken to ensure that highway access meets the desirable spacing for the highway that is being considered for access connection.
- Should access onto a provincial road be the only alternative, Manitoba Transportation and Infrastructure may decide to maximize the spacing between new and existing accesses, place any new accesses at a joint property line or relocate existing accesses to provide access to land at a better location.
- With any proposed development along a provincial highway, or in conjunction with any possible upgrading of the highway, existing access connections may be relocated or removed and replaced by alternative access.
- Manitoba Transportation and Infrastructure may request preliminary traffic information, a traffic impact study or on-highway improvements, where the proposed development requires a direct private access or public road connection onto the highway.
- Private accesses are generally not allowed within close proximity to intersections located along the provincial highway network.





# Manitoba Transportation and Infrastructure

## Typical Conditions of Approval

### Permit - Provincial Highways (PTHs) and Provincial Roads (PRs)

**Time to Complete:** approximately four to eight weeks (processing times vary seasonally)

#### Permit Covers:

- new access
- intensify the use
- access relocation, removal or modification
- construction within a controlled area
- signs
- tree plantings

*A copy of the subdivision conditional approval letter should accompany all permit applications.*

**Contact:** Highway Planning and Design, Manitoba Transportation and Infrastructure

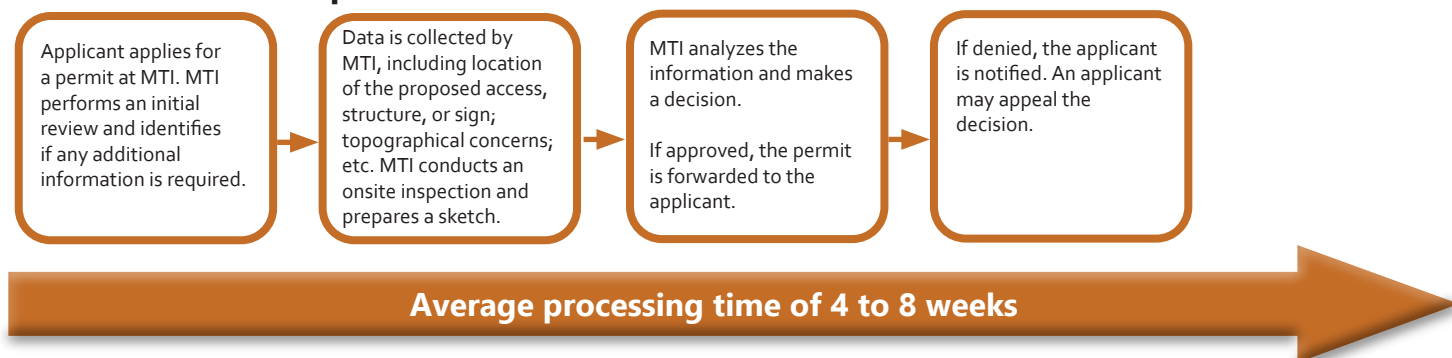
#### Access Spacing

When developing adjacent to the provincial highway network, it is preferable for all access to be from the internal road network (i.e. not from provincial highways) or from the lowest classification of highway. Direct access to highways may not be approved. If highway access is possible and practical, MTI will look to approve accesses at property lines for shared use.

For more information, see MTI's [Guide for Permits: Development Adjacent to Provincial Highways](#).

Subdivision applicants may be required to obtain a permit for access or to intensify the use of an existing access from Manitoba Transportation and Infrastructure (MTI) as part of the subdivision process if the proposed subdivision is adjacent to a provincial road (PR) or provincial trunk highway (PTH).

## Manitoba Transportation and Infrastructure Permit Process



# Provincial Highways

## Traffic Impact Studies

**Time to Complete:** three months to two years (includes time to hire a consultant, conduct the study, MTI's review and on-highway improvements, if required)

**Contact:** Highway Planning and Design, Manitoba Transportation and Infrastructure

Depending on the nature of a proposed subdivision or development, MTI may have a concern with the amount and type of traffic that may be generated by the proposed development.

If the department believes that there may be a need for on-highway improvements at the highway access location, the applicant/developer will be asked to provide the Manager of Roadside Development with traffic information regarding:

- The total amount of traffic (includes all traffic that will access the site) that will be generated by the proposed development on a daily basis (two-way daily traffic)
- The directional split of the traffic as it enters/exits the highway
- The breakdown of the type of vehicles that may be expected to access this proposed development on a regular basis

This information will be used to determine if there is a need for on-highway improvements and the type of on-highway improvements that may be required. Based on a review of this information, there may be a need for a more detailed Traffic Impact Study.

The Traffic Impact Study, prepared by a qualified transportation engineer, may identify the need for more elaborate on-highway improvements to safely accommodate the traffic generated by the proposed development. The cost of the Traffic Impact Study and any required on-highway improvements would be the responsibility of the developer. Any required on-highway improvements would have to be built to department standards.

## Drainage

Confirmation that drainage from the proposed subdivision will not adversely affect the highway drainage system may be required, including the requirement to provide an engineered drainage plan for MTI's review.

### MTI Roadside Development Section

The Roadside Development Section administers access and development controls established to protect the highway system through The Transportation Infrastructure Act. The Section reviews access and development applications adjacent to all provincial highways.

All highways-related questions should be directed to the Highway Planning and Design Head Office. Please contact:

**Manitoba Transportation and Infrastructure  
Highway Planning and Design Branch  
1420-215 Garry Street  
Winnipeg MB R3C 3P3**

**Phone:** 204-945-3660

**Fax:** 204-945-0593

**Email:** [roadside.development@gov.mb.ca](mailto:roadside.development@gov.mb.ca)



# Manitoba Transportation and Infrastructure

## Water Management, Planning and Standards Branch

The Water Management, Planning and Standards Branch is part of the Hydrologic Forecasting and Water Management Section within the Water Management and Structures Division, Manitoba Transportation and Infrastructure.

The branch reviews development and subdivision proposals with regard to flooding, erosion and bank stability risks and provides comment and recommendations to Community Planning Branch, Manitoba Municipal Relations. It also provides data and expertise for flood protection and for design of water control works or other infrastructure sensitive to water levels.

## Permanent Structures Near and Adjacent to Rivers

**Major Rivers and Streams** – where the flood hazard has been identified, the flood protection level is the corresponding design flood level plus 0.6 m (2 feet).

In areas where the specific hazard has not been identified, permanent structures should be set back from the top of the embankment at least 10 times the height of the embankment above the Ordinary High Water Mark or 60 m (200 feet) whichever is greater unless an engineering investigation shows that these limits may be reduced.

**Minor Rivers and Streams** – where the flood hazard has been identified, the flood protection level is the corresponding design flood level plus 0.6 m (2 feet).

In areas where the specific hazard has not been identified, permanent structures should be 1.5 m (5 feet) above ordinary high water elevation with a minimum setback distance of 30.5 m (100 feet) from the top of the waterway embankment to allow for erosion and instability unless an engineering investigation indicates that these limits may be reduced.

## Permanent Structures Near and Adjacent to Lakes

**Major lakes** - flood protection for permanent structures near or adjacent to major lakes are determined where sufficient information is available to do so, on a site specific basis by Water Management, Planning and Standards.

In areas where the specific hazard has not been identified, permanent structures should be set back from the top of the shoreline embankment at least 10 times the height of the embankment or 60 m (200 feet) whichever is greater unless an engineering investigation shows that these limits may be reduced.

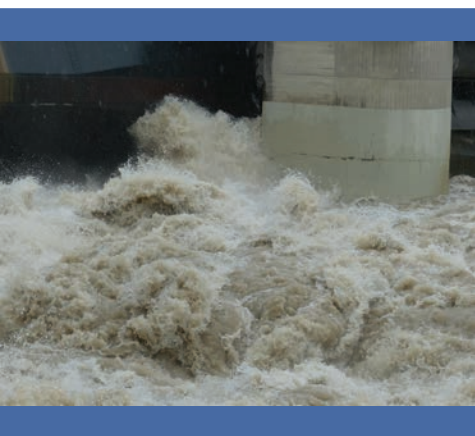
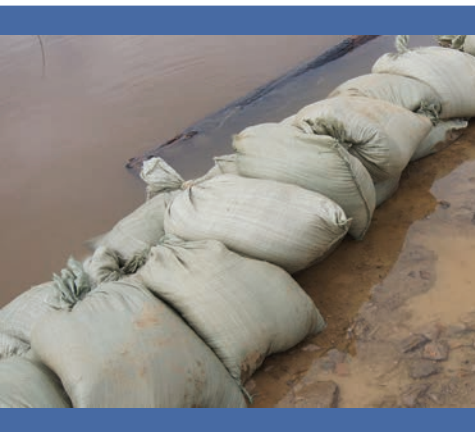
**Minor lakes** - where the flood hazard has been identified, the flood protection level is determined where sufficient information is available to do so, on a site specific basis by Water Management, Planning and Standards.

In areas where the specific hazard has not been identified, permanent structures should be 1.5 m (5 feet) above the ordinary high water elevation with a minimum setback distance of 30.5 m (100 feet) from the top of the shoreline embankment to allow for erosion and instability unless an engineering investigation indicates that these limits may be reduced.

For more information, visit the website at [www.gov.mb.ca/mit/wms/wm](http://www.gov.mb.ca/mit/wms/wm).

# Hazard Lands and Riparian Areas

## General Considerations When Developing Adjacent to Waterways:



- The flood hazard is assessed based upon documented, historical information, or upon calculated design flood levels, aerial imagery and available topographic information.
- The minimum design flood criterion used in assessing a particular site for flooding concerns is the 200-year flood level, the flood of record or whichever is greater.
- The flood protection level is defined as the corresponding design flood level (either 200-year flood level or the flood of record) plus freeboard to allow for wind setup, wave effects and unknowns such as ice jams. The flood protection level varies from location to location and may be determined, where sufficient information is available to do so, by Water Management, Planning and Standards on a site-specific basis.
- Permanent structures should be set back, from the top of the embankment or shoreline of an adjoining watercourse or waterbody, sufficient distance to allow for erosion and instability, over the ensuing 50 year period.
- Flood-prone lands should generally not be used for permanent structures. They should be left in their natural state or developed for uses compatible with the hazard, such as agriculture or open space recreational uses.
- Where local planning documents provide allowance for the subdivision and development of permanent structures on flood-prone lands, it should be approved only if flood protection is provided for all permanent structures.

**Subdivisions are reviewed by Water Management, Planning and Standards primarily for flooding issues, but also erosion and instability of the embankment or shoreline of an adjoining watercourse or waterbody. The subdivisions are assessed, and recommendations are provided to deter the development of hazard lands or mitigate the hazards, reducing or eliminating damages to property and the personal stresses caused as a result of those damages.**

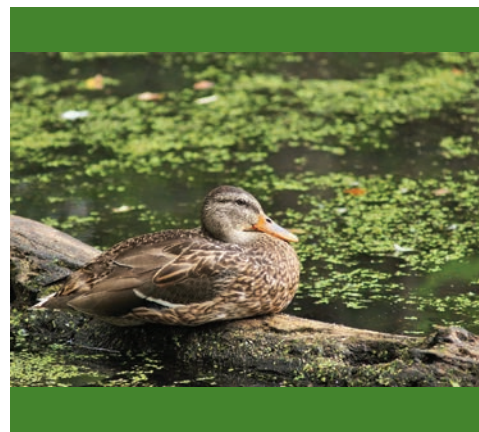
# Manitoba Environment, Climate and Parks

## Water Stewardship and Biodiversity Division

The Water Stewardship and Biodiversity Division of Manitoba Environment, Climate and Parks is mandated to ensure the sustainable development of Manitoba's water resources. The Water Stewardship and Biodiversity Division is committed to the goals of: protecting aquatic ecosystem health, ensuring drinking water is safe and clean for human health, managing water-related risks for human security, and stewarding the societal and economic values of our waterways.

### General Considerations for Protecting Riparian Areas:

- Maintain and establish undisturbed native vegetation located in the riparian areas of lakes, rivers, creeks, wetlands and streams to protect water quality. Maintaining an undisturbed native vegetation area immediately adjacent to the shoreline of lakes, rivers, creeks, and streams helps stabilize banks, provides aquatic and wildlife habitat and protects water quality by filtering overland runoff.
- In circumstances where native vegetation is limited or absent, re-establishment of this vegetation should occur through natural succession or be assisted by planting native vegetation.
- Alteration within this undisturbed native vegetation area should be limited to a maximum of 25 per cent of the shoreline length (for example: 25 metres per 100 metres of shoreline length) of each lot for a boat house, path, dock, etc.
- Alteration within this undisturbed native vegetation area (including the removal of near shore aquatic habitat) shall not occur unless an activity conforms to a Department of Fisheries and Oceans Canada Operational Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.
- Where a subdivision application proposes shoreland development (i.e. cottage development), the Water Stewardship and Biodiversity Division may request the local authority create a public reserve to protect land not suitable for building sites or other development.
- As an alternative to dedicating land upon subdivision as a public reserve, the Water Stewardship and Biodiversity Division may request that the applicant enter into a development agreement with the municipality or planning authority where the applicant agrees to conditions limiting, regulating or prohibiting any use, activity or development on the lands.
- Nutrient buffer zones apply to all water bodies and groundwater features located across Manitoba including within urban and rural residential areas and within agricultural regions. Since January 1, 2009, nutrients from all sources, including cosmetic fertilizers applied to lawns, cannot be applied to areas within the nutrient buffer zone.





# Hazard Lands and Riparian Areas

## Typical Conditions of Approval

### Geotechnical Engineer's Report

**Time to Complete:** Approximately three months to one year

**Contact:** Water Management, Manitoba Transportation and Infrastructure

- Lands subject to erosion and/or instability should not be used for the development of permanent structures unless the hazard can safely be mitigated as determined by a professional geotechnical engineer. Permanent structures developed on lands above a site which is subject to erosion and/or instability must have a development setback to allow for erosion and/or instability over the ensuing 50 year period.
- For subdivisions fronting directly onto major watercourses or waterbodies beyond the boundaries of the designated flood areas, a geotechnical engineering investigation and report should be prepared to determine the appropriate, site-specific set-back distance for permanent structures, as measured from the top of the embankment of the adjoining watercourse or waterbody.<sup>50</sup>

### Designated Flood Area Permits

There are two designated flood areas within Manitoba: the Red River Designated Flood Area and the Lower Red River Designated Flood Area, within which the development of permanent structures is governed by The Water Resources Administration Act and Manitoba Regulation 59/2002. For the development of permanent structures within either the Red River Valley Designated Flood Area or the Lower Red River Designated Flood Area, permits must be obtained from Water Management, Planning and Standards (Manitoba Transportation and Infrastructure) in accordance with Manitoba Regulation 59/2002. Designated Flood Area Permits will not be issued for sites immediately adjacent to waterways within the designated flood areas unless a geotechnical engineering investigation indicates that a flood protected structure may safely be constructed upon that site without negatively impacting bank stability or being subject to erosion.

### Riparian Area Protection

Removal of vegetation to accommodate construction of permanent structures may lead to, or increase the rate of existing erosion or bank instability. As such, existing tree and vegetation cover should be preserved to reduce erosion and maintain bank stability. Establishment and maintenance of riparian areas along waterways may be included in municipal development agreements, including restrictions on building within these areas.

For more information, please view *Planning for the Protection of Riparian Areas* at [www.gov.mb.ca/mr/plups/pdf/riparian\\_area\\_guide.pdf](http://www.gov.mb.ca/mr/plups/pdf/riparian_area_guide.pdf)

# Mineral Resources

## **General Considerations When Proposing Development in Proximity to Aggregate Resources:**

Manitoba has a system of dual land tenure in which surface rights and mine and minerals rights can be owned by different parties. A parcel of land or title may therefore be owned, leased, managed and used by different parties, creating possible access, use and land conflicts. A valid mineral disposition grants the holder the legal right to access the surface for exploration, extraction and development. It is the provincial interest to honour mineral access and development rights associated with mineral dispositions and ensure that appropriate security of tenure is achieved.

Mineral exploration, extraction and development is an industrial land use and can involve land use conflict when located in proximity to residential, recreational, institutional and urban land uses. Mineral resources have the potential to be expensive and/or difficult to identify.

Development plans and/or their background studies will often identify known aggregate and describe if the resource is a high, medium or low quality deposit. Subdivision of land for residential and other purposes on identified aggregate resources may be prohibited. In some instances, a geotechnical engineering investigation and report on the characteristics of the deposit may be used to inform development decisions. A community planner can help you to determine if your land is located in an area identified as having valuable aggregate resources.

Land use planning requirements should recognize the unique characteristics of this land use including subsurface exploration and subsurface mining under-rights. Specific zones that are compatible for mineral resource exploration and extraction may be identified. Subdivision proponents are advised to seek background information regarding the mineral potential, subsurface ownership, development standards and any relevant setbacks required.

For more information, visit the Manitoba Mineral Resources website at [www.gov.mb.ca/iem](http://www.gov.mb.ca/iem).

### **Manitoba Natural Resources and Northern Development**

Phone: 204-945-1119

Toll Free: 1-800-223-5215

Email: [mines\\_br@gov.mb.ca](mailto:mines_br@gov.mb.ca)



# Water and Waste Management

## Environmental Compliance and Subdivisions

Subdivision development should be planned to ensure that potential environmental impacts are taken into consideration and orderly growth occurs with respect to onsite and municipal sewer services, solid waste facilities, livestock facilities, chemical storage facilities, and industrial development.

The type of onsite wastewater management system that is most suited to your needs depends on the onsite conditions of your property, the proposed location and wastewater flows. A thorough evaluation of your onsite conditions is crucial in selecting a system that is efficient and cost-effective. All proposed onsite systems must be registered and approved prior to construction, and installed in compliance with the Onsite Wastewater Management System Regulation and the Nutrient Management Regulation.

More information can be found at:

[www.gov.mb.ca/sd/waste\\_management/wastewater/wastewater\\_management/index.html](http://www.gov.mb.ca/sd/waste_management/wastewater/wastewater_management/index.html)

## General Considerations when Servicing Your Property:

- Locate and install onsite wastewater management systems to prevent degradation of surface and ground water and to protect the environment and public health.
- Municipal sewer collection systems should be used to service areas where high density subdivision is proposed and the collection system must have the capacity available to handle wastewater from the new development.
- Residential subdivisions should be located with appropriate setbacks from wastewater treatment lagoons, waste disposal grounds, livestock operations and industrial development.
- Urban development should be located a safe distance away from chemical storage facilities.
- Ensure solid and liquid waste disposal is appropriately managed to protect and preserve the environment in provincial parks and Crown land cottage subdivisions and sensitive areas.
- Ensure drinking water is clean and safe for human health. Clean and safe drinking water is critical for maintaining sustainable development for current and future generations in Manitoba.
- Ensure an adequate water supply from surface water sources or groundwater is available that will not affect pre-existing water users. Proposed development may need a water supply for domestic or industrial purposes.

# Water and Waste Management

## Typical Conditions of Approval

### Confirm Onsite Wastewater Management System Compliance

As per Manitoba Regulation 83/2003, minimum setbacks must be maintained and in some cases, a minimum site area and width is required to accommodate onsite wastewater management systems. The table on page 42 outlines the requirements for three of the most common components: a septic tank, disposal field and sewage ejector.

In the Red River Corridor Designated Area the method of onsite disposal for new subdivisions is limited to holding tank only.

Connection to a new municipal wastewater collection system or an existing wastewater collection system in the area of the proposed subdivision is required.

For new development in provincial parks, Crown land cottage subdivisions and in sensitive areas, the method of onsite disposal is restricted to holding tank only or municipal collection if available.

### Decommission Sewage Ejector or Obtain a Certificate of Exemption

The owner of the land on which a sewage ejector system is located must take the sewage ejector out of service and replace it with a system which complies with the Onsite Wastewater Management System Regulation prior to the subdivision.

You may be able to keep an existing sewage ejector system, provided that the proposed parcel is a minimum of 10 acres in size, all required setbacks are met, and a Certificate of Exemption is obtained. The cost of the application for a certificate is \$157.50. Certificates are good for one year from the issue date.

To receive a Certificate of Exemption, the sewage ejector system must be in compliance with the setback requirements, be located on a parcel at least 10 acres in site area, and not be located within a sensitive area (per MR 83/2003 Schedule H), the Red River Corridor Designated Area, a provincial park, on Crown land cottage subdivisions, or on land classified as soil class 6 or 7 or unimproved organic soil (as per MR 62/2008). A copy of the conditional approval letter must be attached to the application for a Certificate of Exemption.

**Holding tanks are commonly used for wastewater collection in cottage country or in areas where disposal fields are not permitted (on environmentally sensitive land as per the Nutrient Management Regulation). Holding tanks are normally single compartment tanks that need to be regularly pumped out by a registered sewage hauler.**

**Holding tanks must be installed using the same minimum setback distance requirements as septic tanks, and must be located where they can be readily accessed by a sewage pump-out truck. A holding tank cannot be installed in areas where pump-out service is not available, or where facilities for final disposal of the wastewater are not provided.**



# Manitoba Environment, Climate and Parks

## Environmental Compliance and Enforcement

	Septic Tank	Disposal Field	Sewage Ejector*
<i>See the Manitoba Regulation 83/2003 for additional requirements, or contact your regional Environmental Compliance and Enforcement Office.</i>		minimum 2 acre site area is required	minimum 10 acre site area is required
		minimum 60 metres (198 feet) site width is required	
	<b>the septic tank must be set back at least:</b>	<b>disposal fields must be set back at least:</b>	<b>the discharge point of a sewage ejector must be set back at least:</b>
From any property boundary:	3 metres (10 feet)	8 metres (26 feet)	60 metres (200 feet)
From a building:	1 metre (3.25 feet)	11 metres (36 feet) from a dwelling with a basement 6 metres (20 feet) from a dwelling without a basement	60 metres (200 feet) from an occupied building
From a well:	8 metres (26 feet)	15 metres (50 feet)	60 metres (200 feet)
From a swimming pool:	3 metres (10 feet)	8 metres (26 feet)	
From a watercourse:	15 metres (50 feet) excluding a ditch	30 metres (100 feet) excluding a ditch	60 metres (200 feet) including a ditch
From a cut or embankment:	8 metres (26 feet)	15 metres (50 feet)	60 metres (200 feet)

\* New sewage ejector systems will not be approved. Setbacks are for existing systems only.

As per the Waste Management Facilities Regulation (MR 37/2016), dwellings must be set back 400 m (1,312 ft) from operating and abandoned waste disposal grounds, unless construction of the dwelling is approved by the director.

It is recommended that wastewater treatment lagoons be located 300 m (984 ft) from a single residence.



# Water and Waste Management

## Typical Conditions of Approval (continued)

### Confirm Servicing Capacity

Existing waste disposal grounds and sewage treatment lagoons should have the capacity to accept the additional waste generated by the proposed subdivision. You may be required to provide written confirmation from the municipal engineer that capacity is available to service your proposed number of lots. In some areas of the province, you may require a written agreement with either or both of a licensed hauler and the receiving wastewater treatment facility. This documentation must be forwarded to Manitoba Environment, Climate and Parks prior to final approval of the subdivision.

For new multi-lot subdivisions, the developer should determine that an adequate source of water, both in terms of the quantity and quality that will not infringe upon existing users, will be available for the completed development requirements.

### Drinking Water Systems

The Office of Drinking Water is the responsible authority under Manitoba's Drinking Water Safety Act and supporting regulations.

Proponents are advised to contact The Office of Drinking Water *prior to development construction* to confirm regulatory requirements under The Drinking Water Safety Act. Failure to do so could compromise the legality of the development and/or result in costly and untimely delays. Complete and accurate information must be provided by the proponent within their subdivision application form to the appropriate planning authority.

The Office of Drinking Water regulates Public Water Systems and Semi-Public Water Systems as defined under The Drinking Water Safety Act.

**Public Water System:** A water system that has 15 or more service connections.

**Semi-Public Water System:** A water system that is not a public water system or a private water system. In general, this includes water systems with 2 to 14 service connections or is a facility that provides water to the general public from its own water source (i.e. a water well) such as schools, hospitals, restaurants, etc.

Public and Semi-Public Water System owners and operators have significant responsibility under The Drinking Water Safety Act. For general information on requirements and responsibilities, visit [Manitoba.ca/drinkingwater](http://Manitoba.ca/drinkingwater).

Private water systems are defined as a water system that supplies water only to one private residence (including cottages). Private water systems are not regulated by the Office of Drinking Water. The Office of Drinking Water also does not regulate water well construction or onsite wastewater management systems. These aspects of development are regulated by other provincial authorities.

The following table provides a summary of types of water systems and if a water system is regulated and/or requires a permit (approval) from the Office of Drinking Water (ODW). Please contact the Office of Drinking Water if you have additional questions.

**Summary Table of Frequent Requests**

Request Type	Regulated by ODW	Permit Required by ODW	Comments
Residential Well (Individual supply)	No	No	Owner's responsibility under The Groundwater and Water Well Act.
"Shared Well" One well connected to 2 to 4 residential units (homes, cottages, trailers, etc.)	Yes	* Special Permission	Requires written approval from the ODW Director. Shared well information and forms can be requested from the ODW. Requests are reviewed on a case-by-case basis.
Commercial/Industrial Well (Individual supply; water served to employees and clients)	*	*	Contact the ODW.
Connect to Existing Piped Water System: watermain extension to <u>5 or more lots</u> (Residential or Commercial/Industrial)	Yes	Yes	Must be an existing regulated water system (semi-public water system or public water system). **
Connect to Existing Piped Water System: watermain extension <u>less than 5 lots</u> (Residential or Commercial/Industrial)	Yes	*	Must be an existing regulated water system (semi-public water system or public water system). **
Connect to Existing Piped Water System: new service connections to existing watermains; <u>no</u> new watermains	No	No	Contact the required planning officer, municipality or city. **
Requests within the City of Winnipeg or City of Brandon	N/A	N/A	Contact the required planning officer or city. **
New Water System: semi-public or public water system i.e. residential development, campground, RV park, etc.	Yes	Yes	Contact the ODW.
Property boundary line adjustment requests.	No	No	Do not contact the ODW.

\*Certain requirements and conditions apply. Details can be obtained from the Office of Drinking Water or the Drinking Water Officer.

\*\* Connection to a Public Water System or Semi-Public Water System on long-term boil water advisory is prohibited.

#### Contact Information:

For questions related to drinking water systems within a subdivision development, please contact your regional Drinking Water Officer. Contact information for regional offices of the Office of Drinking Water (Department of Environment, Climate and Parks) are available:  
online at [www.manitoba.ca/drinkingwater](http://www.manitoba.ca/drinkingwater) or contact [drinkingwater.subdivisions@gov.mb.ca](mailto:drinkingwater.subdivisions@gov.mb.ca).

# Manitoba Environment, Climate and Parks

## Water Control Works

Drainage must be managed to ensure human security and protect the ecological function of wetlands. Unauthorized drainage cannot be allowed due to the potential to adversely affect adjacent landowners. The net loss of wetlands is not allowed and their critical ecological function must be protected. Wetlands are defined as areas that are periodically or permanently inundated by surface or ground water long enough to develop special characteristics including persistent water, low-oxygen soils, and vegetation adapted to wetland conditions. These include but are not limited to swamps, sloughs, potholes, marshes, bogs and fens. Proponents should establish and maintain an undisturbed native vegetation area with at least a 30-metre width around wetland areas.

## Typical Conditions of Approval

### Obtain a Water Rights Licence to Construct Water Control Works

As required by The Water Rights Act, a valid Water Rights Licence is required to control water or construct, establish or maintain any water control works. Water control works are defined as any dike, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for carrying or conducting water, that temporarily or permanently alters, or may, alter the flow or level of water, water in a water body, by any means, including drainage or changes, or may change the location or direction of flow of water by any means including drainage. You will need to fill out a license application form.

### Submit a Drainage Plan

#### Engineering Design and Analysis:

An engineered drainage plan is required by Environment, Climate and Parks for all subdivisions creating 10 or more lots. The following information is required in a Drainage Plan, which is submitted for review by the Water Control Works and Drainage Licensing Section:

- With exceptions that may be granted by the Water Control Works and Drainage Licensing Section, subdivision storm water management and drainage plans shall be designed by a professional engineer registered to practice in Manitoba. The construction of the water control works shall be in accordance with the methods and materials as specified by the engineer.
- The applicant shall submit two copies of the design drawings of the proposed works approved by the engineer to the Water Control Works and Drainage Licensing Section for review.
- Developments of less than ten lots total in size, with lot sizes larger than two acres, may be subject to less stringent engineering design requirements. Nevertheless, the design and construction of the project shall still be completed in accordance with acceptable engineering standards. The applicant may be required to provide technical drawings showing design and construction details.
- Where the Water Control Works and Drainage Licensing Section determines it to be appropriate, we may direct the applicant to carry out an engineering analysis of hydrologic regime changes, potential physical impacts, and proposed mitigation measures.

*The approval of a drainage plan does not mean that developments that are adjacent to or encroaching on natural waterways are not at risk from overbank or overland flooding during extreme runoff events. There may be instances where overbank or overland flooding occurs during periods of extreme precipitation or spring runoff.*



# Drainage and Stormwater Management

## Hydraulic Design Requirements:

Hydraulic design calculations are to be provided for review using a design scenario that details how post-development storm water runoff rates of the subject property are to be equal to, or less than pre-development run-off rates subject to the following criteria\*:

- The site design must be able to handle a minimum of 1-in-25 year storm event. Water-ponding volumes should equal the difference between a one-in-five year allowable outflow, and a 1-in-25 year post-development flow hydrograph. The allowable outflow is the one-in-five year peak flow based on pre-development conditions. The ponding storage is typically accomplished through retention ponds, or internal storage via ditches and drainage patterns.
- The storm duration for the design should be three hours.
- Report must clearly detail:
  1. pre-development catchment area runoff volumes and rate for design event
  2. post development catchment area runoff volumes and rate for design event
  3. volume of water to be stored and proposed outflow rate

In cases where increased post development runoff cannot be accommodated within the development, the Subdivision Development Drainage Plan must detail how the developer will mitigate negative downstream impacts of an increase in surface water flows\*\*.

*\*Please note that if the development intends to direct water through provincial infrastructure (Highway or Provincial Road culverts), then different drainage standards may apply. Please contact Manitoba Transportation and Infrastructure for details (see page 33).*

*\*\*Mitigation may include upgrading existing drainage infrastructure, such as culverts and drainage channels downstream, to accommodate additional runoff.*

## Engineered Site Plan Requirements:

- Detailed engineering plans outlining any construction, alteration, improvement, blocking or modification of new or existing drainage works servicing the property.
- Drain flow direction(s).
- Proposed/existing culvert sizes, locations and schematics of any buried land drainage system.
- Detailed design drawings of proposed storm water storage works.
- Typical cross-sections of proposed drains.
- Existing and proposed geodetic lot grade elevations (in metric).
- Public rights-of-way or easements.
- Outlet(s) of proposed drainage works (where the water exits the development) – to be licensed in accordance with The Water Rights Act, and incorporating the above mentioned criteria.

# Drainage and Stormwater Management

The above list of requirements is specific to the surface water drainage aspect of a development only. Due to the nature of surface water drainage, there are other agencies that may have input as to drainage standards and requirements that result from the nature of their infrastructure and individual mandates. Agencies that may require further hydraulic and hydrologic information related to surface water run-off from subdivisions include:

- **Manitoba Transportation and Infrastructure (MTI)** owns and operates the provincial drain and highway system throughout Manitoba. Their road and drainage infrastructure is significantly impacted by surface water runoff, and if a development's drainage outlets through or into provincial infrastructure then MTI's approval will be required.
- **Hydrologic Forecasting and Flood Co-ordination Branch** may require minimum flood protection (FPL) elevations if development is located within a flood fringe area, existing and proposed geodetic lot grade elevations (in metric), both on the site and on adjacent property, public right-of-ways or easements.
- **Federal Department of Fisheries and Oceans (DFO)** – any surface water drainage works that affect fish habitat will require the separate approval of DFO. DFO determines whether the proposed development may affect fish habitat and require compensation for any potential destruction caused by alteration of existing drainage works. It is entirely the responsibility of the proponent to contact DFO in Winnipeg at 204-983-5220. Additional information may be found online at [www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html).
- Your municipality.
- Other regulatory agencies as required.





# Crown Lands and Provincial Parks

## Crown Lands

The proposed subdivision or consolidation must not affect any Crown land and all existing Crown reservations will continue to apply. The strip of land bordering a body of water, measured from the ordinary high water mark and 99 feet in width, must not be affected by the proposed activity. The area may be identified specifically on a plan of subdivision as a Crown Reserve, title to which remains in the name of the Crown. Only a surveyor can determine the extent of the 99 foot Crown reservation.

The Real Estate Services Division can advise if the proposed lands are subject to Crown reservations and if the proposed lands are affected by mineral interests held by the Crown.

Confirmation of ownership is considered to be the responsibility of the proponent. Ownership can be confirmed through advice from a surveyor, lawyer or by obtaining a copy of title from the applicable Land Titles Office.

The proponent should also be advised that if a request involves more than one Certificate of Title, the Land Titles Office may require the consolidation of mineral interests.

If the subdivision of land requires the consolidation of mines and minerals reserved in the name of the Crown (identified as a requirement by the Land Titles Office), the following information is to be provided to Real Estate Services Division (RESD) who will initiate a review of the request:

1. letter of request - state the purpose for the request
2. Deposit Plan of subdivision, if applicable
3. copies of any Certificates of titles or abstracts of the surface and sub-surface rights (mines and minerals) of the applicable lands involved in the subdivision or consolidation
4. Land Titles Office instructions / requirements (if provided)
5. any municipal road closure bylaw, if applicable
6. any underlying plan that may be affected by the new subdivision plan
7. complete name and mailing address of name of individual that will be issued the transfer should the request be approved

**For more information, please contact:**

**Real Estate Services Division**  
308-25 Tupper Street North  
Portage la Prairie, MB R1N 3K1

**Ph: 204-239-3510 Fax: 204-239-3560**  
**Toll free: 1-866-210-9589**

The RESD will review the request and determine if there are any existing or historic reservations to the Crown. The Crown will determine whether or not it is favourable to proceed with the request. Typically, approved requests are limited to two acres.

The RESD will request a legal description and acreage from Survey Services. The relevant information is then forwarded to the Mines Branch to determine if they have any concerns with the request. If there are no concerns, the RESD will prepare the relevant transfer documents and invoice to be issued to the applicant's lawyer in trust that the invoice is paid and the transfer is registered in series with the Plan of Subdivision at the Land Titles Office.

## Provincial Parks Subdivisions

If your land is located within a provincial park and you need information about your lot boundaries or public reserve, please contact your local Manitoba Environment, Climate and Parks district office. Visit [www.gov.mb.ca/sd/forests\\_and\\_lands/cottaging/ccp/index.html](http://www.gov.mb.ca/sd/forests_and_lands/cottaging/ccp/index.html) for more information.

# Manitoba Agriculture

## Preserving Agricultural Lands

Agricultural land is an important resource. We need a good supply of agricultural land to produce food and other goods that are used locally, provincially, nationally and globally. Only about 14 per cent of the provincial land base has agricultural potential and it is this same portion of land that is often the most desirable for non-farm use. Manitoba Agriculture's role in reviewing subdivision applications is to provide agricultural expertise and recommendations to councils and approving authorities to ensure the agricultural area is protected for continued and possibly changing agricultural production. The agricultural industry is an important component of the provincial economy and the dominant land use in many rural municipalities. Proper planning should protect agricultural land (especially prime agriculture lands and working landscapes) from conversion to other uses.

## Agricultural Capability and Subdivision Size

- Lands of Class 1, 2, or 3 for agricultural capability are referred to as prime agricultural lands. If at least 60 per cent of a quarter section is Class 1, 2 or 3, then the whole quarter is considered prime. Both the Provincial Land Use Policies and local development plans stress the need to retain these lands for a wide variety of agricultural uses.
- Overall planning of a site should be undertaken to ensure that these lands, especially if cultivated, are not included in the rural residential subdivision.
- Viable lower class lands (agriculture capability of Class 4 and 5) are important to agriculture as they provide hay and pasture lands for livestock, as well as important environmental goods and services. These lands should also be protected when planning the size of a subdivision. Rural subdivisions should not be wasteful of agricultural land and excess land beyond the shelterbelt or yard should not be included.

## Proximity and Size of Livestock Operations

- The Provincial Planning Regulation identifies the minimum separation distance requirement between livestock operations and residences and designated areas. Planning districts and municipalities may set the separation distances in their zoning bylaw higher than the provincial standard if they have indicated this in their development plan.
- It is important that applicants advise in their application where livestock operations exist with respect to their residence and how many animals are involved in that operation in order to determine if minimum separation distances can be met.

For more information regarding the considerations for subdivisions in agricultural areas, please visit:

- *Planning for Agriculture* at [www.gov.mb.ca/mr/plups/pdf/prg\\_agri.pdf](http://www.gov.mb.ca/mr/plups/pdf/prg_agri.pdf)
- *The Provincial Planning Regulation* at [www.gov.mb.ca/mr/plups/index.html](http://www.gov.mb.ca/mr/plups/index.html)
- *Farm Practice Guidelines* at [www.gov.mb.ca/agriculture/livestock](http://www.gov.mb.ca/agriculture/livestock)
- *Living, Playing and Working in Farming Communities* at [www.gov.mb.ca/mr/plups/pdf/farm\\_communities.pdf](http://www.gov.mb.ca/mr/plups/pdf/farm_communities.pdf)

# Agricultural Lands and Livestock

## General Considerations when Subdividing Rural Land:



The government has expressed a strong interest in ensuring that land designated agricultural is prioritized for agricultural uses and protected from encroachment by non-agricultural uses, such as rural residential subdivision. This is because the effect of a rural residential subdivision can extend beyond its lot boundaries, through:

- increased complaints about noise, dust, insects, smoke, and odours resulting from normal farming practices including the operation of large equipment, livestock housing, aerial application of crop protection products, residue burning, and manure application
- increased residential traffic on public roads used by large farm equipment may result in safety issues
- inflated land prices
- opposition to new livestock facilities

In its review, Manitoba Agriculture:

- compliance with subdivision policies of the local development plan;
- the agricultural capability of the soils and the current and surrounding land use
- proximity to existing livestock operations and separation distance requirements based on the size of the livestock operation
- lot configuration, including man-made features (shelterbelts, buildings) which could be boundary indicators
- appropriate lot size which should not include cultivated land or pasture lands and is not wasteful of agricultural land
- the number of pre-existing lots and current land fragmentation
- the possibility of consolidation of a residual parcel with an adjacent parcel, especially if the two are already farmed together



# Historic Resources

The Heritage Resources Act provides for Heritage Resource Impact Assessments. These studies are intended to reduce the risk of last-minute discovery, and possible destruction, of heritage resources and human remains at land development sites. The process is a public initiative, administered and facilitated by the Historic Resources Branch.

Heritage resources are works of nature or human endeavour that have prehistoric, historic, cultural, natural, scientific or aesthetic value. These include artifacts such as arrowheads, or paleontological objects such as fossils. Prehistoric or historic human occupation sites, historic landscapes, buildings or structures, and the exterior portions of buildings or structures are also examples of heritage resources.

An impact assessment is a written evaluation of the effect a proposed development project may have upon heritage resources or human remains at a site. The assessment outlines the project, describes the cultural and natural context of the development, identifies the impact of the project and recommends ways to avoid or lessen its impact on heritage resources or human remains.

## **Will I Be Required to Do an Impact Assessment?**

Any work, activity, development or project that alters or disturbs the surface of land is subject to review by Manitoba Sport, Culture and Heritage. The department participates in a referral system whereby provincial and municipal agencies issuing permits or licenses for development projects circulate the applications they receive for review and comment. Developers may also submit proposals directly to the department.

Proposed projects are screened in terms of their locations, the types of landforms involved, the types and amounts of ground disturbances to occur, previous land disturbances, nearness to known heritage resources or areas already examined, and proximity to sources of water. Those projects judged likely to affect heritage resources or human remains

may be examined further and, if there is reason to believe that heritage resources or human remains may be damaged or destroyed by the project, the owner or lessee of the site may be required, via a written order under the act, to apply for a Heritage Permit authorizing the project. If the evaluation of the permit application confirms that heritage resources or human remains may be adversely affected by the proposed project, a Heritage Resource Impact Assessment will be required before the permit is issued.

## **How Do I Do an Impact Assessment?**

If a developer is required to conduct an impact assessment, a qualified archaeologist or other heritage resource consultant should be engaged to carry out the necessary research and field work, and to prepare the required written report, which will be submitted to the department for evaluation. The Historic Resources Branch has detailed guidelines for conducting heritage resource impact assessments and would be pleased to assist developers in making arrangements for these studies when required.

## **Is Impact Assessment Costly?**

Experience has shown that budgeting up to one per cent of the capital costs of a project is generally adequate for carrying out an impact assessment and any measures that are needed to rescue or protect heritage resources.

## **Will the Project Be Delayed?**

An average impact assessment takes from five-to-twenty days for planning and preparation, travel, field inspection and report writing. Larger projects, however, can require more time. The Historic Resources Branch may conduct a preliminary field examination of the site. This pre-impact assessment determines if heritage resources or human remains are actually present at the site and provides an evaluation of them.



# Heritage Resource Impact Assessment (HRIA) Process

1. A project proposal is submitted to the Historic Resources Branch by the applicant or other permitting or licensing agency.
2. A proposal is screened for its potential to affect heritage resources including human remains.
3.
  - a. If screening determines no impact, the applicant is advised to proceed with the project.
  - b. If screening determines impact is likely to occur, the applicant is advised that a Heritage Resource Impact Assessment will be necessary.
4. The applicant prepares the project, in consultation with the branch, and selects a consultant who obtains the necessary heritage field permit.
5. The consultant conducts the Heritage Resource Impact Assessment.
6. The consultant submits the impact assessment report to the branch for review.
7. The branch determines either:
  - a. Impact to heritage resources has been managed and the applicant is advised to proceed with the project.
  - b. Additional studies or migration are required and/or the applicant is advised to modify or proceed with the project, upon branch review.

More detailed information concerning heritage resource impact assessments or The Heritage Resources Act can be obtained from:

**Manitoba Sport, Culture, and Heritage**  
**Historic Resources Branch**  
**Main Floor, 213 Notre Dame Avenue**  
**Winnipeg, MB R3B 1N3**  
**Telephone: 204-945-2118**  
**Fax: 204-948-2384**  
[www.gov.mb.ca/chc/hrb](http://www.gov.mb.ca/chc/hrb)





# Other Agency Requirements

Depending on the location of your land, number of lots proposed and proximity to potential safety hazards, the following agencies may be circulated your application and have additional requirements that will be included in your conditional approval letter.

## Railways

The standard recommended building setbacks for new residential development in proximity to railway operations are as follows:

freight rail yard	300 metres
principal main line	30 metres
secondary main line	30 metres
principal branch line	15 metres
secondary branch line	15 metres
spur line	15 metres

Setback distances must be measured from the mutual property line to the building face.

Setbacks and berms should typically be provided together in order to afford a maximum level of mitigation. Berms are to be constructed adjoining and parallel to the railway right-of-way with returns at the ends and to the following specifications:

principal main line:	2.5 metres above grade with side slopes not steeper than 2.5 to 1
secondary main line:	2.0 metres above grade with side slopes not steeper than 2.5 to 1
principal branch line:	2.0 metres above grade with side slopes not steeper than 2.5 to 1
secondary branch line:	2.0 metres above grade with side slopes not steeper than 2.5 to 1
spur line:	No requirement

At a minimum, all new residential developments in proximity to railway corridors must include a 1.83 metre high chain link fence along the entire mutual property line, to be constructed by the owner entirely on private property. Other materials may also be considered, in consultation with the relevant railway and the municipality.

You should consult with the affected railway about any proposed development that may have impacts on existing drainage. Railway corridors/properties with their relatively flat profile are not typically designed to handle additional flows from neighbouring properties and so development should not discharge or direct stormwater, roof water, or floodwater onto a railway corridor.

Any access roads across the railway will be subject to approval from the relevant agency, and must be in compliance with Transport Canada regulations. If the crossing is approved, the owner may be required to execute a license agreement with respect to the terms and conditions of the crossing.

Appropriate legal agreements and restrictive covenants registered on title are also recommended to secure the construction and maintenance of any required mitigation measures, as well as the use of warning clauses and other notification requirements.

**For more information, consult the *Guidelines for New Development in Proximity to Railway Operations* available at [www.proximityissues.ca](http://www.proximityissues.ca).**

## Pipelines

The pipeline right-of-way should be kept out of the proposed subdivision area where possible. If this is not feasible, development setbacks from the right-of-way will be required. Additional authorizations and agreements may also be required prior to development or construction. If your proposed subdivision is in proximity to a pipeline, it will be circulated to the appropriate agency for comment. You will receive notice of the agency's easement and development requirements.

## Conservation Districts

Subdivisions should generally comply with Integrated Watershed Management Plans adopted by the regional conservation district, and should not adversely impact district facilities. Conditions requested by the conservation district may include drainage right-of-ways, lot grade and/or drainage plans, incorporation of green space design for water storage, and the developer obtaining permission to cross existing facilities.

**For more information, visit [www.gov.mb.ca/sd/water/watershed/cd/index.html](http://www.gov.mb.ca/sd/water/watershed/cd/index.html) or the Manitoba Conservation Districts Association at [www.mcda.ca](http://www.mcda.ca).**

## Canada Post

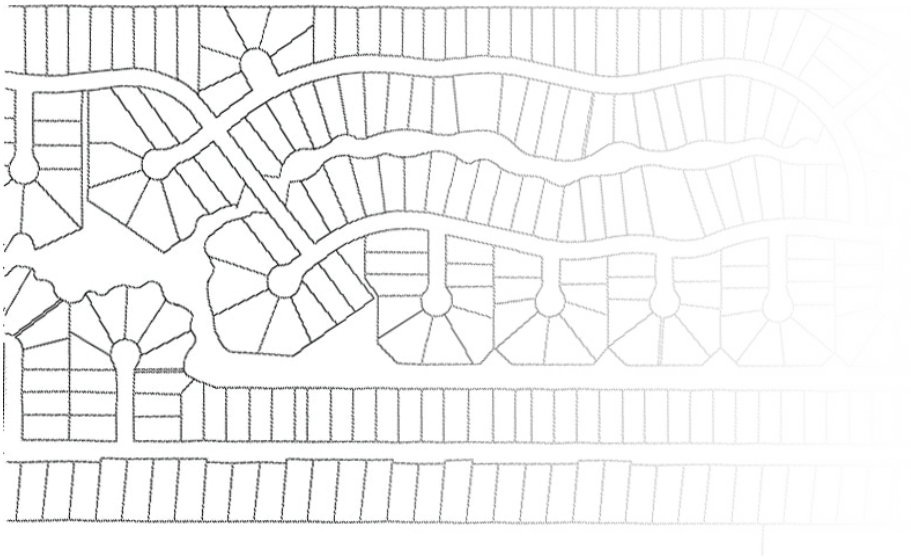
Canada Post generally provides recommendations or requirements on multi-lot subdivisions. Conditions include that:


- the developer consult with Canada Post on the placement of community mailboxes
- required concrete pads and curb depressions are constructed
- notification to purchasers respecting mail delivery is provided

**For more information, please consult the *Delivery Planning Standards Manual for Builders and Developers* available at [https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf).**

## School Divisions

Subdivisions proposing four lots or more will be circulated to the local school division and Public Schools Finance Board (PSFB) for review. This will ensure that schools in the area have the capacity to accommodate additional students resulting from new housing developments. The act requires the subdivision applicant, school division and PSFB to consult with one another. This consultation should result in a subdivision design that, where necessary, provides a school site that meets the needs of the school division and PSFB.





# Subdivision Registration

PART 4

Once all conditions in the conditional approval letter are completed, the approving authority will sign the Mylars™ and prepare a Certificate of Approval. These are required to register your subdivision with Land Titles.

A Certificate of Approval is valid for 24 months.

The following signatures are also required on a plan of subdivision:

- the registered owners
- all encumbrancers (persons with a legal interest in a property) if a road, lane or public reserve is being created on the plan (This will be noted on your conditional approval letter under Requirement B, if required.)
- the registrar-general of Land Titles
- the examiner of surveys

A plan of survey requires only the signature of the examiner of surveys, and sometimes planning ([CPB or the approving authority](#)). Your surveyor or lawyer can assist you in obtaining the required signatures.

Land Titles registration fees apply to the plan and all accompanying registrations. Transfers may be taxable. Fees are subject to change. Currently, the base fee for most registrations, including plans, is \$107. For more information on the LTO fee schedule and the tax calculator, visit the LTO website: [teranetmanitoba.ca/land-title/land-titles-fees/](http://teranetmanitoba.ca/land-title/land-titles-fees/).

Additional documents to be filed with a plan of subdivision or survey may include:

- a Registration Details Application (RDA) form
- duplicate titles for all of the affected lands if they have been issued by land titles
- requests for new titles using the land titles request/transmission form
- transfers for any lots to be transferred to new owners
- documents such as caveats or easements which may be required as a condition of planning approval
- discharges of caveats or mortgages affecting lands to be consolidated

Development agreements must be attached to a caveat. The municipality also has to sign the caveat form.

Registration takes approximately two to three weeks. Plan examination occurs in the Winnipeg and Brandon Land Titles Offices. Registration occurs in the appropriate regional Land Titles office. The examiner of surveys (Winnipeg Land Titles Office or Brandon Land Titles Office) must sign the mylar plans prior to registration. CPB staff should direct you to Winnipeg or Brandon if the examiner of surveys signature is required, or to the regional Land Titles Office if the signature has already been obtained and the plans are ready for registration. Please call the Winnipeg Land Titles Office or Brandon Land Titles Office prior to coming in to get signatures to make sure the examiner of surveys will be available.

## Land Titles Office Locations

### Winnipeg Land Titles Office

500 - 200 Graham Avenue  
Winnipeg MB R3C 4L5  
Phone: 1-844-737-5684 (toll-free)

### Morden Land Titles Office

14 - 379 Stephen Street  
Morden MB R6M 0G8  
Phone: 1-844-737-5684 (toll-free)

### Neepawa Land Titles Office

329 Hamilton Street  
Neepawa MB R0J 1H0  
Phone: 1-844-737-5684 (toll-free)

### Brandon Land Titles Office

705 Princess Avenue  
Brandon MB R7A 0P4  
Phone: 1-844-737-5684 (toll-free)

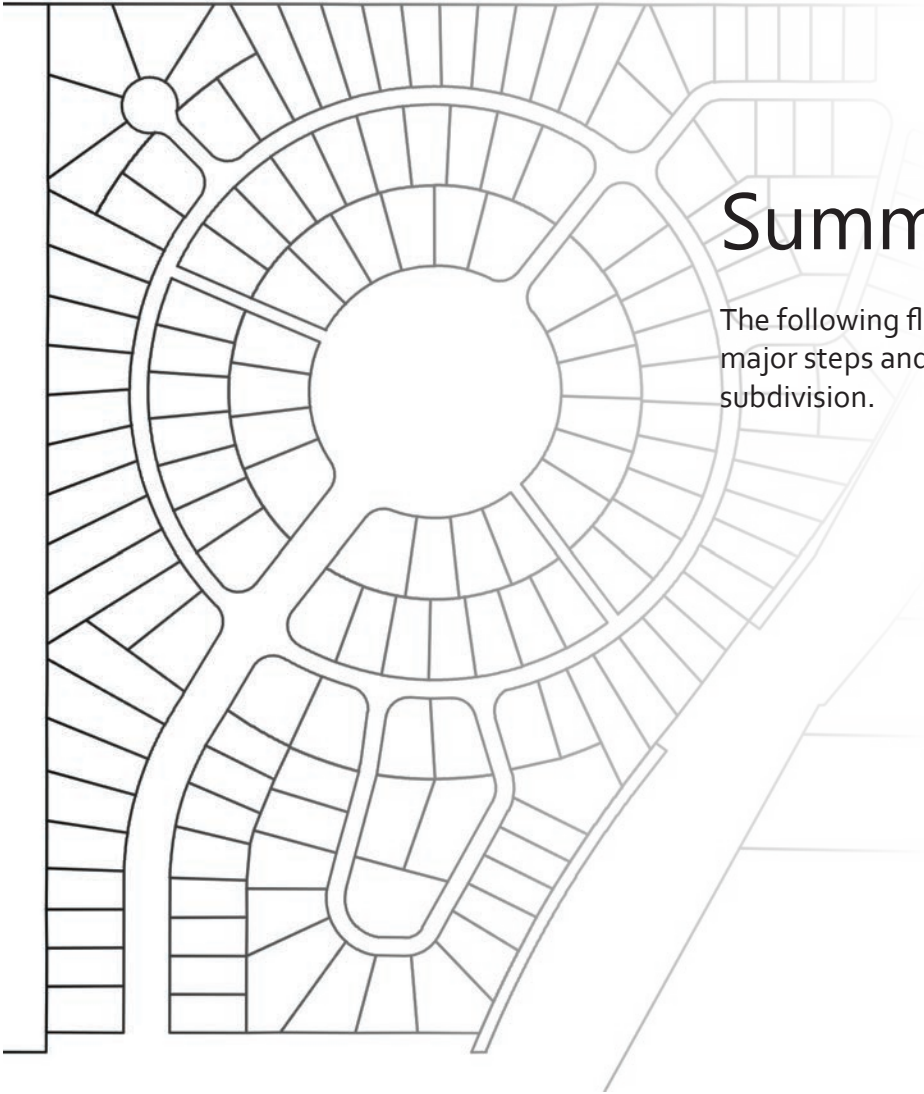
### Portage Land Titles Office

25 Tupper Street North  
Portage la Prairie MB R1N 3K1  
Phone: 1-844-737-5684 (toll-free)

### Dauphin Land Titles Office

308 Main Street South  
Dauphin MB R7N 1K7  
Phone: 1-844-737-5684 (toll-free)

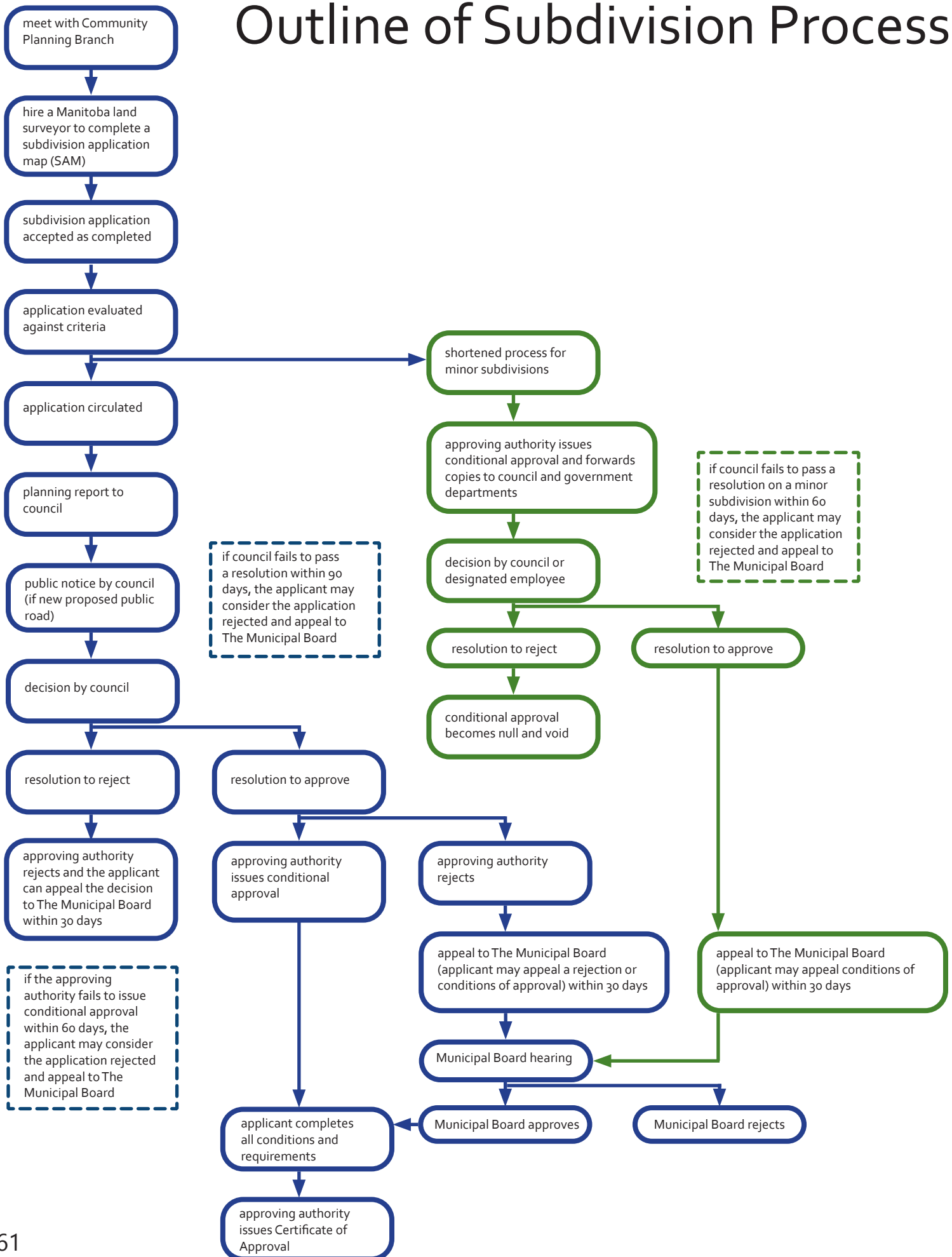


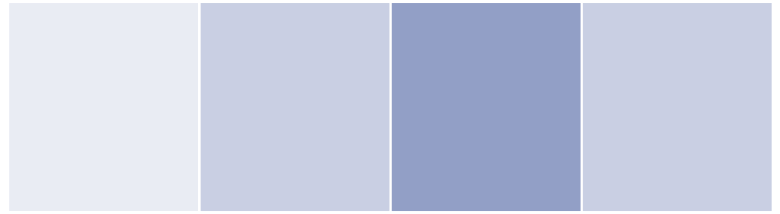


# Summary of Essentials

The following flow charts and checklists summarize the major steps and timelines involved in completing your subdivision.

# Outline of Subdivision Process





## 1. Essentials for Applying for a Subdivision

The applicant is required to submit the following to the approving authority. Be as thorough as possible since applications cannot be processed with required items missing.

- ☐ subdivision application: all applicable questions must be answered and the application signed by the registered owner and applicant
- ☐ subdivision application fee: a cheque or money order for \$550 payable to the Minister of Finance
- ☐ a Surveyor's Subdivision Application Map prepared by a Manitoba land surveyor showing:
  - survey monuments (a minimum of two)
  - proposed lot(s) with dimensions and area
  - structures:
    - ☐ including each building/structure nearest to the existing and proposed lot lines
    - ☐ a list of additional buildings and structures
  - onsite wastewater management systems and distance to proposed lot lines
  - well
  - driveway(s)
    - ☐ location of current access, access to proposed lot and any other proposed accesses
    - ☐ distance from centre line of current access to next access if on a Provincial Trunk Highway or Provincial Road
  - existing above-ground utilities
  - existing tree line and edge of field
  - water bodies
  - all affected registered plans
  - a list of any encumbrances on the title
  - any other relevant information
- ☐ Status of Title from a Manitoba land surveyor or The Property Registry for all land to be included in the subdivision. The Status of Title cannot be more than 30 days old.

## 2. Essentials for Completing Requirements and Conditions

All requirements and conditions listed in your conditional approval letter must be completed before the subdivision can be registered at the Land Titles Office. Ensure you have completed the requirements and conditions applicable to your subdivision.

### REQUIREMENTS

- ☐ Certificate of Approval fee paid
- ☐ Plan of Subdivision or land description provided to CPB

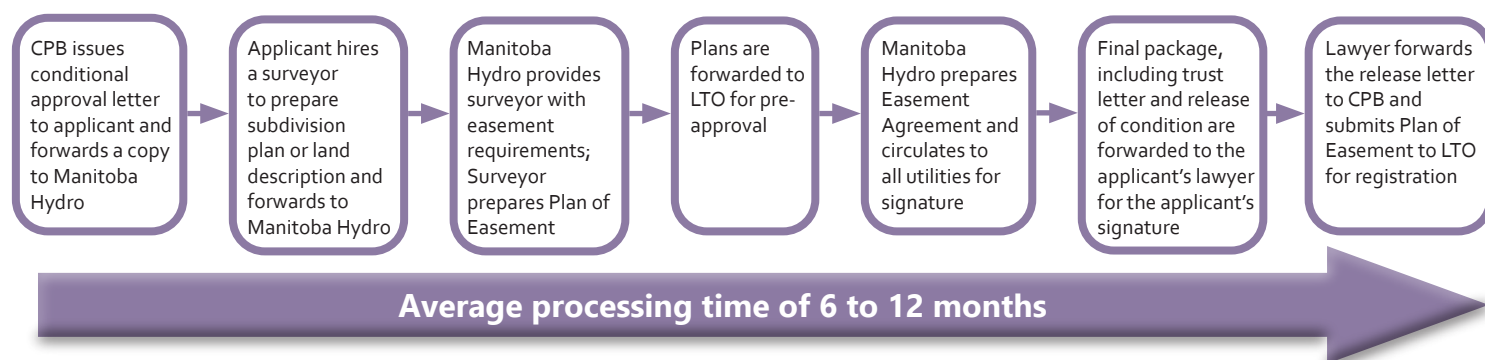
### CONDITIONS (to be provided to CPB by applicant)

- ☐ written confirmation from the municipality that all property taxes are paid
- ☐ satisfied Council's conditions of approval (ex: conditional use order, variance order, development agreement, etc.)
- ☐ written confirmation from the utility company that an easement agreement has been entered into or is not required
- ☐ written confirmation from the telecommunications company that a right-of-way agreement has been entered into or is not required
- ☐ written confirmation from Manitoba Environment, Climate and Parks – Environmental Compliance and Enforcement that the onsite wastewater management system is in compliance with provincial regulations
- ☐ written confirmation from Manitoba Environment, Climate and Parks that a licence has been issued for an engineered storm water management and drainage plan
- ☐ written confirmation from Manitoba Transportation and Infrastructure that the appropriate highway permits have been obtained
- ☐ a copy of the Right-of-Way Agreement prepared by a lawyer

**Not all conditions will apply to all subdivisions. Refer to your conditional approval letter to see which specific conditions apply to your subdivision. Additional conditions may be required that are not listed here.**

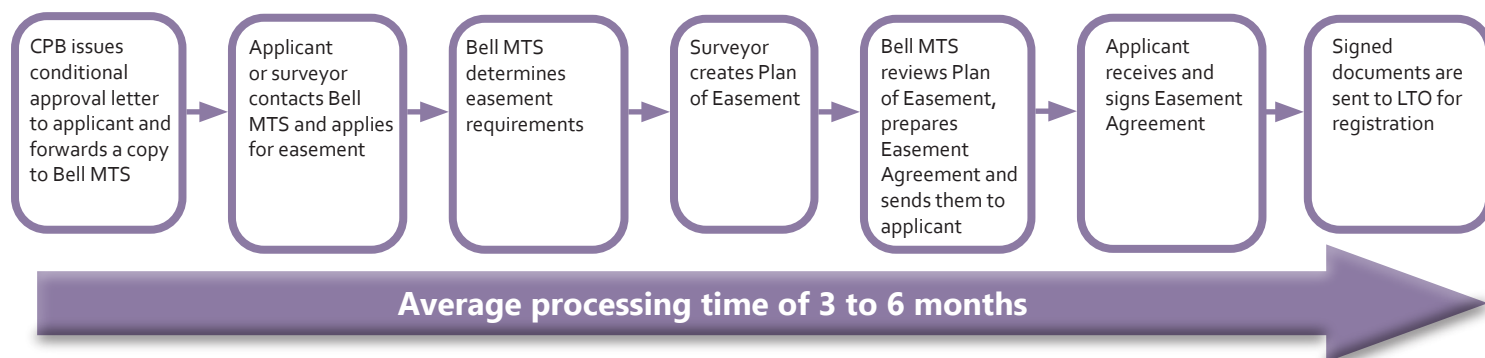
## Manitoba Hydro Process for Easement Agreements

see page 27



## Bell MTS Process for Easement Agreements

see page 28





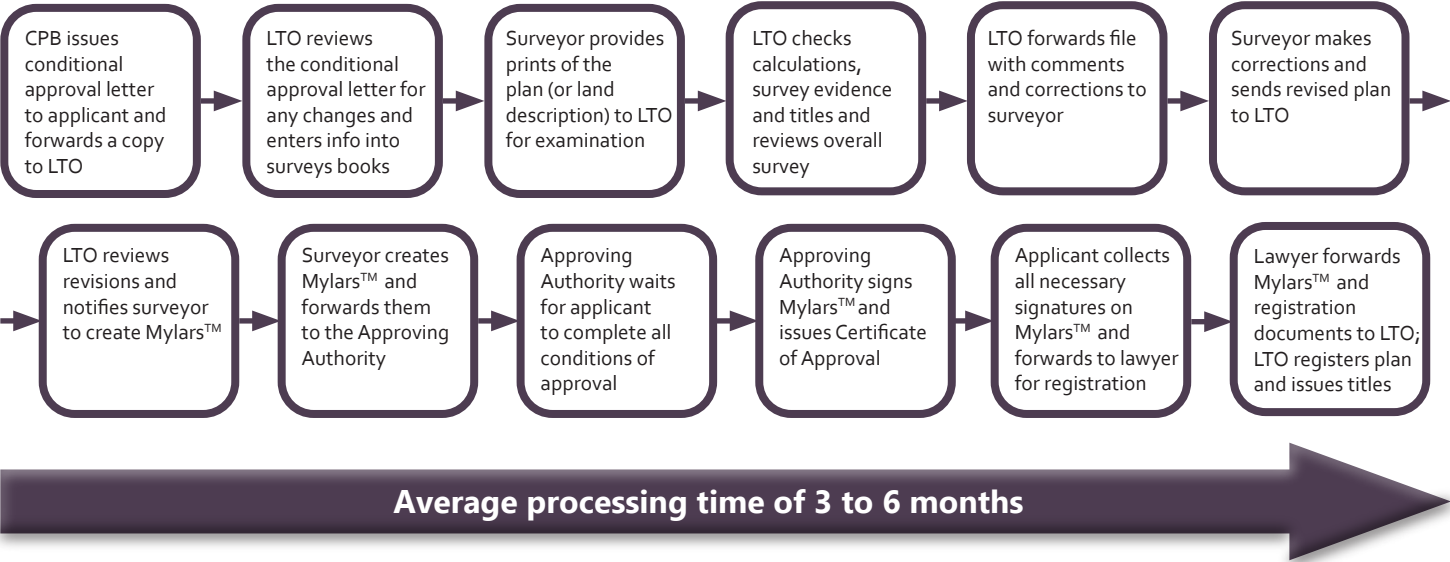
### 3. Essentials for Registering an Approved Subdivision

After completing the requirements and conditions listed in the conditional approval letter, you may submit your final package to your regional Land Titles Office for registration. Ensure that you have included the following (if applicable):

- ☐ Certificate of Approval from the approving authority
- ☐ Plan of Subdivision: Ensure all necessary signatures are obtained including the approving authority, the registered owner(s), the Registrar General and the Examiner of Surveys
- or
- ☐ Plan of Survey: Requires signatures by the approving authority and the Examiner of Surveys
- or
- ☐ land description
- ☐ Registration Details Application (RDA) form
- ☐ duplicate titles
- ☐ requests for new titles
- ☐ transfers for any lots to be transferred to new owners
- ☐ additional documents to be filed with a plan of subdivision or survey (ex: caveats, easements, etc.)
- ☐ discharges of caveats or mortgages affecting lands to be consolidated
- ☐ registration fee of \$109 (additional fees may apply)

**Not all items will be necessary for all subdivisions. Contact your regional Land Titles Office for more information.**

# Land Titles Office Examination and Registration Process see page 25



All plan examination occurs in the Winnipeg or Brandon Land Titles Office. The Examiner of Surveys must sign the Mylars™ prior to registration of the plan in one of the regional Land Titles Offices.

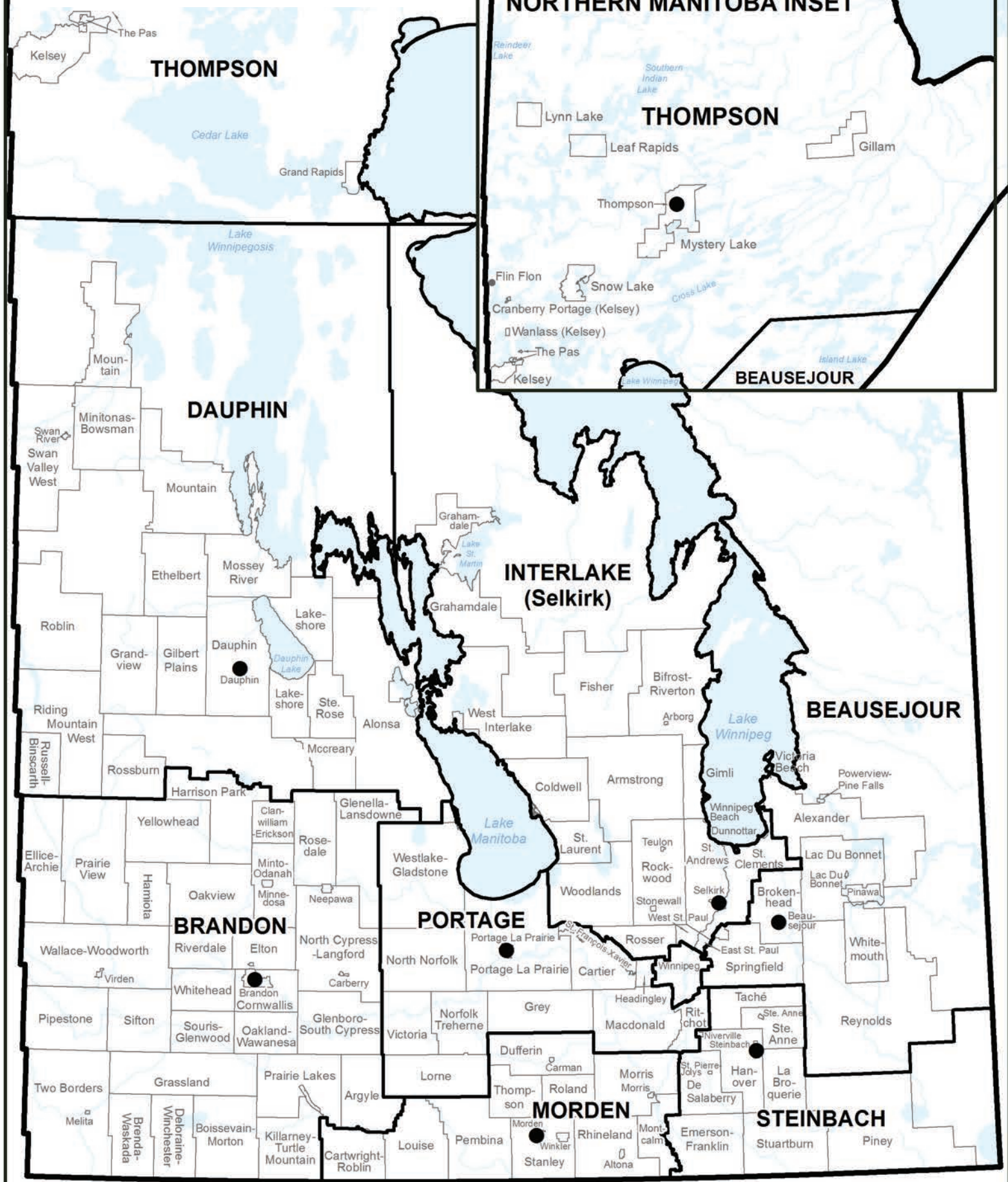




# Appendix



# Community Planning Branch Regional Office Map



## Community Planning Branch (CPB) Offices:

### **Beausejour**

Box 50, L01-20 First Street  
Beausejour MB R0E 0C0  
Phone: 204-268-6058

### **Brandon**

1B-2010 Currie Boulevard  
Brandon MB R7B 4E7  
Phone : 204-726-6267

### **Dauphin**

27-2nd Avenue S.W.  
Dauphin MB R7N 3E5  
Phone: 204-622-2115

### **Morden**

Box 50075  
536 Stephen St, Unit A  
Morden MB R6M 1T7  
Phone: 204-822-2840

### **Portage**

108 - 25 Tupper Street N  
Portage la Prairie MB R1N 3K1  
Phone: 204-239-3348

### **Selkirk (Interlake)**

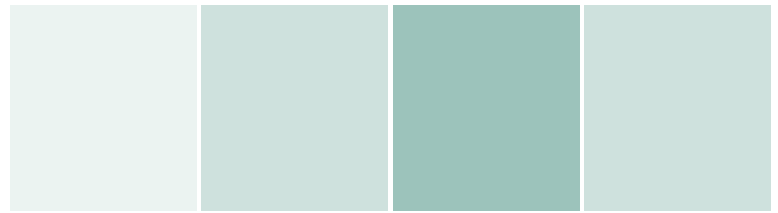
103-235 Eaton Avenue  
Selkirk MB R1A 0W7  
Phone: 204-785-5090

### **Steinbach**

240-323 Main Street  
Steinbach MB R5G 1Z2  
Phone: 204-346-6240

### **Thompson**

604-800 Portage Avenue  
Winnipeg MB R3G 0N4  
Phone: 204-945-4988



## **Subdivision Approving Authorities:**

### **City of Brandon**

Planning & Buildings Department  
638 Princess Avenue  
Brandon MB R7A 0P3  
Phone: 204-729-2110

### **Cypress Planning District**

(Town of Carberry, R.M. of North Cypress-Langford,  
Village of Glenboro and R.M. of South Cypress)  
122 Main Street  
Carberry MB R0K 0H0  
Phone: 204-834-6618

### **Lac du Bonnet Planning District**

(Town and R.M. of Lac du Bonnet)  
P.O. Box 309  
Lac du Bonnet MB R0E 1E0  
Phone: 204-345-6724

### **Red River Planning District**

(Dunnottar, Selkirk, St. Andrews, St. Clements,  
West St. Paul and East St. Paul)  
806-A Manitoba Avenue  
Selkirk MB R1A 2H4  
Phone: 204-482-3717

### **South Interlake Planning District**

(Stonewall, Teulon, Rockwood and Rosser)  
P.O. Box 1219  
Stonewall MB R0C 2Z9  
Phone: 204-467-5587



**Manitoba Municipal Relations  
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