

The Process of Subdivision Approval

Subdivision is a term used to define the legal creation of new lots of land. A new lot of land means one that did not previously exist in its new configuration. i.e. new one acre lots from an original ten acre parcel, and also lots which have had small pieces added to them or taken away from them. Joining two or more lots into one single lot (called consolidation) is also subdivision.

Since 1984 provincial statute has required all subdivision of land to be ‘approved’ by a Development Officer. The definition of ‘Subdivision’ in the Municipal Government Act is: “the division of an area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.” All new lots and remainder portions of land must meet lot size, frontage, and access requirements (rights-of-way). Subdivision plans are registered in the Registry of Deeds when they are approved.

NOTE:

Where a subdivision **adds or consolidates** parcels or areas of land, **executed deeds suitable for registering to effect the addition or consolidation** must also be provided to the Development Officer along with the required registration fees for registering the deeds. Also, a Deed Transfer Affidavit of Value must accompany all deeds submitted for registration.

Approval of subdivision in a rural area can be done by an actual legal survey plan called a ‘**Final Plan of Subdivision**’, or in some circumstances subdivision approval can be done by a hand drawn plan called an ‘**Instrument of Subdivision**’. Instruments of Subdivision are only permitted where every lot created is a minimum of 100,000 sq.ft. in area, and each lot can contain a 250' diameter circle within its boundaries. Additions to existing lots and consolidations of lots can also be done by Instrument of Subdivision.

The process of obtaining ‘Subdivision Approval’ begins with the applicant meeting with the Development Officer, completing a written application including a ‘plan’ showing the proposed lots. The ‘plan’ could be a ‘Preliminary Plan’, a ‘Final Plan’ or an ‘Instrument of Subdivision’ plan. The proposed plan for the new lots is required to be assessed by the Department of Environment and Labour to determine lot suitability for on-site sewage disposal system approval, and by the Department of Transportation and Communications to determine suitability of the lots for access and stopping sight distances. In the case of the Department of Environment and Labour, lot assessments are performed by private sector licensed on-site sewage ‘**Qualified Persons**’. The Department of Environment and Labour reviews the submissions of Qualified Persons and then writes the required assessment of subdivision to the Development Officer.

When the subdivision plan has met all the requirements of the Subdivision By-Law, and all deeds if necessary are submitted to the Development Officer, the subdivision and registration fees are required to be submitted. The Subdivision Fee is \$175.00 payable to the Municipality of Yarmouth, and all registration fees are also payable to the Municipality of Yarmouth. There is no charge for registering Deed Transfer Affidavits of Value.

If you have any questions on this process of subdivision, or if you have any other questions on the By-Laws of the Municipality of Yarmouth please don’t hesitate to contact the Development Officer of the Municipality of Yarmouth at 742-9691.