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COMMON QUESTIONS ABOUT THE SUBDIVISION PROCESS

About this handout

This handout is provided to help you understand the reason for the subdivision process, the information that is required, the cost of processing an application, and the length of time it is likely to take. The process described is based on the new legislation – the Municipal Government Act Subdivision and Development Regulation and the Provincial Land use Policies.

Information is provided to the following questions:

1. What is the subdivision process?
2. Why is there a subdivision approving process?
3. How do I make my application?
4. Who can apply to subdivide land?
5. What information is required?
6. What is the application process?
7. How is an application evaluated?
8. How can a decision of the subdivision authority be appealed?
9. What is the process for obtaining and endorsement of the subdivision?
10. What is registration of the subdivision?
11. What are the timelines that I can expect?
12. Fees?

COMMON QUESTIONS ABOUT THE SUBDIVISION PROCESS

1. What is the Subdivision Process?

The subdivision process is the way one parcel of land is divided into two or more parcels. Each newly created parcel is issued its own registered title from the Alberta Registries Land Titles Office.

2. Why is there a Subdivision Approving Process?

Most people invest in property at some point in time. To insure that your investment is protected, the Land Titles offices were set up in Alberta. At these offices, ownership of land, by way of title is registered for each parcel in the province. The subdivision process ensures that the title is clear and encumbrances are recorded on it. This protects the owner and subsequent buyer. It also ensures that the parcel is clearly described and can be located by an Alberta Land Surveyor. It allows the owner to sell and/or to mortgage his/her property.

The creation of a new lot is almost always an irreversible act. Very seldom are separated lots re-combined into one parcel. The creation of a new lot, like most planning decisions, needs to be carefully vetted to protect the long-term interest of the community. For this reason, the bylaws and policies of the municipality are carefully reviewed by the Subdivision Authority before a decision is rendered.

When you decide to subdivide your land, it is because you want to do something with it, either build on it, or perhaps sell it. It is important that the lot created is suitable for the proposed use and complies with the land use bylaw. For example, if the lot is to be used for a country residence, you would want to be sure that there is an adequate water supply and that sewage can be disposed of.

The process may seem cumbersome and costly. However, it is worth the time and effort. You will end up with a parcel of land that has a clear title which you can build on, mortgage and sell.

3. How do I make my Application?

Before making a formal application, discuss your plans to subdivide with your local municipality for advice on the merits of your proposal. The necessary application forms and a detailed list of the information requirements can be obtained from your municipality. The municipality will tell you who the Subdivision Authority is.

4. Who Can Apply to Subdivide Land?

Only the person(s) who is the registered owner(s) of the land can submit a subdivision application or someone authorized in writing to do so on their behalf.

5. What Information is Required?

All subdivision application must include the following:

- 1) completed application Schedule Form 1 with signature(s) of owner(s) or person(s) acting on their behalf.
- 2) a proposed plan of subdivision or other instrument that affects a subdivision showing:
 - location and legal description of property
 - the size of the parcel of land being subdivided
 - the existing use(s) of the land
 - the proposed use(s) of the land (be specific), and the number of lots being created
 - existing rights of way of each public utility or other rights of way
 - the physical characteristics of the land
 - existing building(s) structures, and other improvements including those to be demolished
 - existing and proposed access to the land to be subdivided and the remaining land
 - boundaries of the bed and shore of any body of water this is within or next to the property
 - water & sewage services if not municipally serviced
- 3) correct application fee
- 4) a copy of the current land title for the land that is the subject of the application

In addition you may be asked to supply at the request of the municipality additional information at your discretion. However, if you decide not to supply this information your application may be refused by the Subdivision Authority.

- a map of the land that is to be subdivided and show topographic contours at not greater than 1.5 meter intervals and related to the geodetic datum, where applicable,
- if a proposed subdivision is not to be served by a water distribution system, information supported by the report of a person qualified to make it, respecting the provision, availability and suitability of potable water on or to the land to be subdivided,
- an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system,

- if the land that is subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood,
- if a proposed subdivision is not to be served by a water collection system, information supported by the report of a person qualified to make it, respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision,
- information respecting the land use and land surface characteristics of land within 0.8 kilometers of the land proposed to be subdivided,
- if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 kilometers of a sour gas facility, a map showing the location of the sour gas facility,
- a conceptual scheme that relates the application to the future subdivision and development of adjacent areas.

6. What is the Application Process?

The Subdivision Authority will receive your application and review it to ensure that all the necessary information has been provided. An incomplete application will be returned to you with a letter stating why it is incomplete and what other information needs to be supplied.

If your application is complete, you will receive written acknowledgment from the Subdivision Authority. The application will be circulated to all required referral agencies and parties with an interest in the property such as utility companies and all adjacent landowners.

Sometimes a decision cannot be made within the time specified in the Municipal Government Act. In this case, you may be asked to sign a time extension form.

A written notice stating "Approval", "Approval with Condition", or "Refusal" will be mailed to you when a decision has been reached by the Subdivision Authority.

If the Subdivision Authority approves your application, it must notify the relevant government departments, persons and local authorities to which the application was referred.

7. How is an Application Evaluated?

When evaluating an application, the Subdivision Authority considers the following:

- suitability of the land for the proposed use, and
- impact of the proposal on adjacent land owners, the neighbourhood in general and the community as a whole.

- the Municipal Plan, the Land Use Bylaw and other policies of Council
- meets with the Municipal Government Act, Subdivision and Development Regulation and the Provincial Land Use Policies.

8. How Can a Decision of the Subdivision Approving Authority be Appealed?

A decision of the Subdivision Authority can be appealed by the applicant, a government department, the local school authority, or the local municipality. The appeal must be launched within 14 days from the time the written decision is received (5 days from mailing). A written objection stating the reason(s) can be launched with either the local Subdivision and Development Appeal Board or the Municipal Government Board. The appropriate Board will be indicated by the Subdivision Authority in its written decision to you.

9. What is the Process for Obtaining Endorsement of the Subdivision?

You have one year from the date of approval of a subdivision in which to prepare a final plan or registrable instrument; satisfy all conditions attached to the approval; and have the final plan or instrument endorsed by the Subdivision Authority. Endorsement fees are due at this time. If you are unable to have the final plan or instrument prepared or the condition(s) satisfied prior to the end of the one year period, you may apply to the Council of the Municipality for a time extension.

10. What is Registration of the Subdivision or Plan?

You have one year from the date of endorsement in which to have your final plan or instrument registered with the Alberta Registries Land Titles Office. Upon registration, new titles will be issued for each lot which has been created.

11. What are the Timelines that I can Expect?

Approximate Time Lines
as per
Subdivision and Development
Regulation

Day 0 *

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Day 40

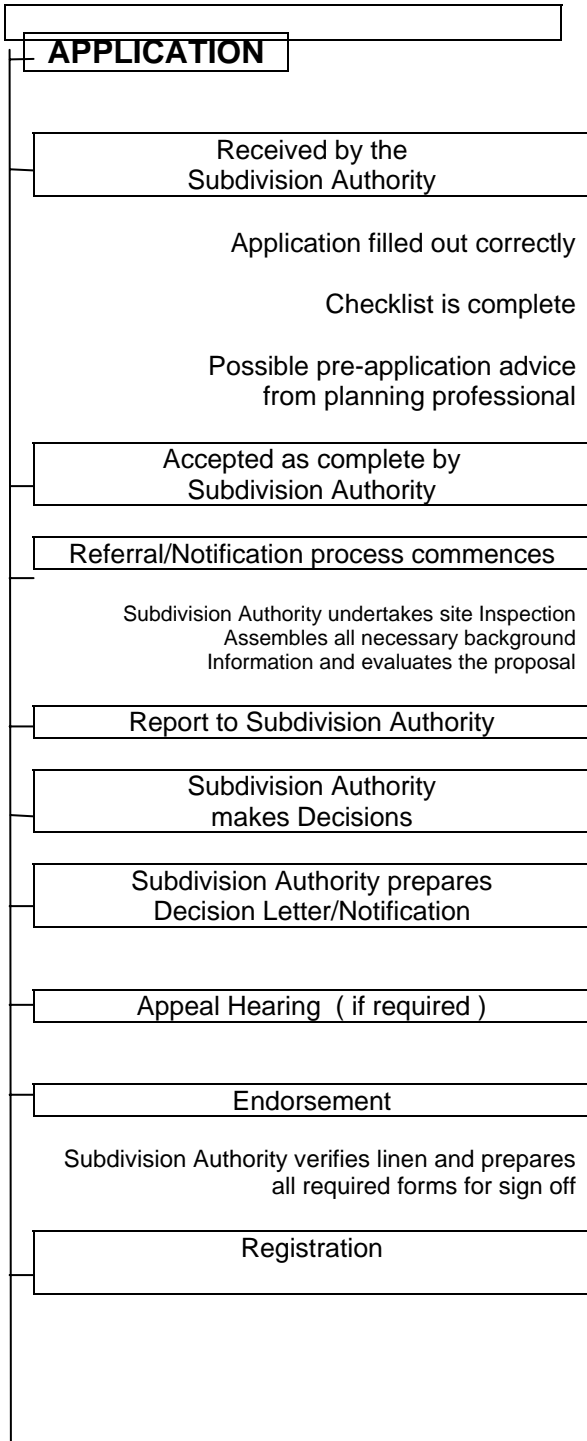
Day 60

Day 65 – Day 74

Add Minimum 45 Days

Day 95 to One Year

Day 110 to One Year



Notes:

) The application is accepted as complete. The sketch is accurate and meets with the Subdivision & Development Regulation. Fees are paid, a file number assigned and the file acknowledged. This is when the time clock starts for the subdivision process.

**) Referral/Notification – Copies of application and sketch are referred to agencies which include the municipality, school authority, utility companies, government departments and anyone with an interest on the title. Notification to all adjacent landowners.

***) Decisions must be made within 60 days of acknowledgement of the application (21 days for an application under the ACT 652 (4)) unless extended by agreement between the SA and the applicant.