

CITY OF WHITEHORSE
REGULAR Council Meeting #2026-08

DATE: Monday, April 27, 2026
TIME: 5:30 p.m.

Mayor Kirk Cameron
Deputy Mayor Eileen Melnychuk
Reserve Deputy Mayor Jenny Hamilton

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS Jewish Heritage Month (May 2026)
Asian Heritage Month (May 2026)
Wildfire Community Preparedness Day (May 2, 2026)

MINUTES Regular Council meeting dated April 13, 2026

DELEGATIONS

PUBLIC HEARING

STANDING COMMITTEE REPORTS

Community Services Committee – *Councillors Gallina and Melnychuk*

Public Health and Safety Committee – *Councillors Boyd and Gallina*

Corporate Services Committee – *Councillors Melnychuk and Middler*

1. Upcoming Procurements (May/June) – For Information Only
2. FCM Annual Conference Travel Authorization

City Planning Committee – *Councillors Middler and Hamilton*

Development Services Committee – *Councillors Hamilton and Morris*

City Operations Committee – *Councillors Morris and Boyd*

NEW AND UNFINISHED BUSINESS

1. Administrative Report – Subdivision Control Bylaw

BYLAWS

2025-31 Subdivision Control Bylaw

2nd and 3rd Reading

ADJOURNMENT



PROCLAMATION
JEWISH HERITAGE MONTH
MAY 2026

WHEREAS there is a historic Jewish population in the Yukon; and

WHEREAS the Jewish population of Whitehorse reflects the rich and varied history of the Jewish people comprised of a population that traces its origins to many different parts of the world; and

WHEREAS Jewish Heritage Month provides an opportunity to remember, celebrate and educate future generations about the inspirational role that Jewish Canadians have played and continue to play in communities across the country;

NOW THEREFORE I, Mayor Kirk Cameron, do hereby proclaim May 2026 to be Jewish Heritage Month in the city of Whitehorse.

Kirk Cameron
Mayor



PROCLAMATION
ASIAN HERITAGE MONTH
MAY 2026

WHEREAS May is Asian Heritage Month in Canada, a time to reflect on and recognize the many contributions that Canadians of Asian heritage have made and continue to make to Whitehorse; and

WHEREAS the people of this diverse, vibrant and growing community have contributed to every aspect of life in Whitehorse, and have brought a rich cultural heritage to our community representing many languages, ethnicities and religious traditions; and

WHEREAS Asian Heritage Month offers all Canadians an opportunity to learn more about the history of Canadians of Asian heritage and to celebrate their contributions to the growth and prosperity of Whitehorse;

NOW THEREFORE I, Mayor Kirk Cameron, do hereby proclaim May 2026 to be Asian Heritage Month in the city of Whitehorse.

Kirk Cameron
Mayor



PROCLAMATION

WILDFIRE COMMUNITY PREPAREDNESS DAY

May 2, 2026

WHEREAS Wildfire Community Preparedness Day provides opportunities to raise awareness of wildfire risk, share information and knowledge, and help residents prepare to improve the safety and resiliency of their homes and neighbourhoods; and

WHEREAS wildfire preparedness is an important way to make sure residents and their families are ready in the event of an emergency;

NOW THEREFORE I, Mayor Kirk Cameron, do hereby proclaim May 2, 2026 to be Wildfire Community Preparedness Day in the city of Whitehorse.

Kirk Cameron
Mayor

MINUTES of REGULAR Meeting #2026-07 of the Council of the City of Whitehorse called for 5:30pm on Monday, April 13, 2026, in Council Chambers, City Hall.

PRESENT: Mayor Kirk Cameron
Councillors Dan Boyd
Paolo Gallina
Jenny Hamilton
Eileen Melnychuk
Anne Middler
Lenore Morris

ALSO PRESENT: City Manager Valerie Braga
A/Director of Community Services Elizabeth Beecroft
Director of Corporate Services Brittany Dixon
Director of Development Services Lindsay Schneider
Director of Operations Travis Whiting
Director of People, Culture, and Technology Landon Kulych

Mayor Cameron called the meeting to order at 5:30 p.m.

CALL TO ORDER
AGENDA

2026-07-01

It was duly moved and seconded
THAT the Agenda be adopted as presented.

Carried Unanimously

MINUTES

2026-07-02

It was duly moved and seconded
THAT the Minutes of the Regular Council meeting dated March 23, 2026 be adopted as presented.

Carried Unanimously

DELEGATE SUBMISSIONS

Delegate Ryan Burke, Senior Geologist, representing Gladiator Metals, presented to Council regarding Gladiator Metals' proposed Official Community Plan Text Amendment for mineral exploration.

The delegate responded to questions from Committee Members regarding Council's regulatory role, the implications of Class 3 exploration, and environmental and land use protections. Committee Members raised concerns regarding the broad scope of the proposal, the shift from Class 1 to Class

Ryan Burke, Senior
Geologist, Gladiator Metals –
Official Community Plan Text
Amendment – Mineral
Exploration

3 activities, and discussed interest in a more targeted amendment.

PUBLIC HEARING

Mayor Cameron advised that a Public Hearing was scheduled at this meeting to hear any submissions with respect to Zoning Bylaw 2025-37.

Zoning Bylaw 2025-37

Administration confirmed that at the time of counting 17 written submissions were received, 1 in support, 8 in opposition and 8 noting concerns.

Mayor Cameron called three times for submissions with respect to the proposed Zoning Bylaw 2025-37.

Josh Gellman raised concerns regarding the definition of a “unit” in the proposed bylaw, requesting clarification that a single property with multiple rental rooms be considered one unit, and noting the importance of clear definitions to support small, owner-operated short-term rentals (STRs) .

Josh Gellman

Laird Herbert spoke in opposition to the amendments made regarding STRs, requesting that council return to the original proposal set by administration. The speaker referenced recent outcomes in British Columbia, noting STR regulations have been linked to increased vacancy and reduced rents.

Laird Herbert

Nancy Meagher, representing the Yukon Dark Skies Initiative, spoke in support of the proposed outdoor lighting provisions, specifically the inclusion and language used to protect dark skies in Whitehorse. The speaker further informed Council that the Yukon Dark Skies initiative’s study of Whitehorse’s light levels would be released in the coming weeks.

Nancy Meagher, Yukon Dark Skies Initiative

Keitha Clark, representing the Yukon Anti-Poverty Coalition, expressed support for the original STR regulations and raised concerns with the amended approach, noting it could allow residential properties to be used entirely for STRs. The speaker also raised concerns regarding restrictions on mobile homes, the absence of provisions for tiny homes, and further commented that affordable housing measures may still create barriers to development.

Keitha Clark – Yukon Anti-Poverty Coalition

Lang Huang, representing a development at 138 Keno Way, spoke regarding zoning restrictions on indoor recreation uses at ground level, requesting an amendment to allow such uses

Lang Huan

within single-story buildings. The speaker noted the proposal includes a street-facing commercial use with indoor recreation located behind, and that current regulations limit the viability of this layout.

Anson Zhen spoke in support of the new amendments to the bylaw, noting support for increased density and mixed-use development in the downtown core. The speaker supported STRs in the downtown area and suggested reduced limitations, citing their role in supporting visitors, business travel, and access to services.

Anson Zhen

Jason Charlie spoke in opposition to the STR amendments, emphasizing the importance of stable, long-term housing

Jason Charlie

Barbara Chamberlin spoke to concerns regarding the treatment of Bed & Breakfasts and STRs under the proposed amendments, noting a lack of clarity and potential impacts to operations and revenue. A Committee Member noted that the proposed amendments may not restrict the described current operations and directed the speaker to Administration for clarification.

Barbara Chamberlin

Ben Pereira, representing Neighbourly North, spoke in support of a permissive approach to STRs, noting they should be considered a residential use regardless of rental duration and have a limited impact on overall housing supply. The speaker referenced Edmonton's approach to zoning, and responded to questions from Council Members regarding its application.

Ben Pereira, Neighbourly
North

Eve Sankar spoke in opposition to the new amendments regarding STRs, sharing personal experience of the rental market and highlighting the financial incentive for landlords to convert long-term rentals to STRs. The speaker referenced impacts in other jurisdictions and expressed support for stronger limits on STRs.

Eve Sankar

Laure, spoke to concerns regarding access to affordable housing for newcomers, noting that many immigrants rely on STRs upon arrival but struggle to transition to long-term housing due to cost and availability.

Laure

Gabriele Watts spoke to STRs, noting there is a need for some STR availability while emphasizing that housing supply should remain the priority, and suggested the City consider monitoring the number of STRs. The speaker also expressed support for the revised parking requirements in the urban core.

Gabriele Watts

Hearing no additional submissions come forward, Mayor Cameron declared the Public Hearing for Zoning Bylaw 2025-37 now closed.

Public Hearing Closed

COMMITTEE REPORTS

Community Services Committee

There was no report from the Community Services Committee.

No Report

Public Health and Safety Committee

There was no report from the Public Health and Safety Committee.

No Report

Corporate Services Committee

2026-07-03

It was duly moved and seconded
THAT Council amend the 2026 Operating Budget to increase the Heritage Grant in the amount of \$3,000 funded by a transfer from the Heritage Trust and;
THAT Council approve the Heritage Grant allocation in the amount of \$3,000 to the Yukon Historical and Museums Association to support the 2026 Yukon/Stikine Regional Heritage Fair.

Heritage Fund Grant
Application – 2026
Yukon/Stikine Regional
Heritage Fair

Carried Unanimously

2026-07-04

It was duly moved and seconded
THAT travel expenses be authorized for Mayor and Council to attend AYC's Annual Conference and AGM in Watson Lake from May 7 to May 10, 2026.

Association of Yukon
Communities Annual
Conference and AGM Travel
Expense Authorization

Carried Unanimously

2026-07-05

It was duly moved and seconded
THAT Council Authorize Administration to commence the
procurement for project 500c01525 – Compost Facility
Loader Replacement.

Commencement Report –
Compost Facility Loader
Replacement

Carried Unanimously

City Planning Committee

2026-07-06

It was duly moved and seconded
THAT Council direct that Bylaw 2026-14, a bylaw to amend the
zoning of vacant Commissioner's land comprising Phases 10
and 11 of Whistle Bend and 198 Rampart Avenue (Phase 9),
be brought forward for consideration under the bylaw process.

Zoning Amendment – Whistle
Bend Phases 10 & 11 & 198
Rampart Avenue

Carried Unanimously

2026-07-07

It was duly moved and seconded
THAT Council direct that Bylaw 2026-11, bylaw to amend text
within the Official Community Plan, be brought forward for
consideration under the bylaw process.

Official Community Plan Text
Amendment – Mineral
Exploration

Carried Unanimously

Delegate Brook Land-Murphy asked for Mayor and Council's
support similar to the 2024 Motion passed by the previous
Council calling on the Yukon Government to ensure an
Elementary School remain in downtown Whitehorse. The
delegate re-affirmed their understanding that the Yukon
Government has jurisdiction on this matter but asked for broad
support from Council noting alignment with the Official
Community Plan.

Delegate Brook Land-Murphy
– Downtown School
Retention

A Committee Member inquired about the status of the City and
Yukon Government's ongoing planning initiatives to create
more housing supply in Whitehorse, including the potential for
a written update on key projects. Administration confirmed this
aligns with previous discussions and noted that a follow-up
letter from the Mayor may be appropriate.

New Business – Housing
Supply and
Intergovernmental
Coordination

A Committee Member raised the matter of reaffirming
Council's support for an Elementary School in downtown
Whitehorse. Administration confirmed that a previous Council
resolution supporting a downtown school remains in effect.

New Business – Downtown
School Support

Development Services Committee

Administration presented a summary of progress and key considerations arising from the review of the Whitehorse Sustainability Plan (WSP), highlighting advancements in energy efficiency, waste diversion, and community well-being. Committee Members asked questions regarding greenhouse gas tracking, water conservation efforts, and upcoming initiatives. Administration provided clarification on ongoing work to improve data collection and monitoring, water use and infrastructure considerations, and next steps for implementation and public communication.

Whitehorse Sustainability
Plan 2015-2050 – 10 Year
Report – For Information Only

City Operations Committee

There was no report from the City Operations Committee.

No Report

BYLAWS

2026-07-08

It was duly moved and seconded
THAT Bylaw 2026-11, a bylaw to amend text within the Official
Community Plan, be given First Reading.

Defeated (2-5)

IN FAVOUR: Councillors Boyd and Councillor Gallina
OPPOSED: Mayor Cameron, Councillors Hamilton,
Melnychuk, Morris, and Middler.

BYLAW 2026-11
Official Community Plan
Text Amendments –
Mineral Exploration
FIRST READING

2026-07-09

It was duly moved and seconded
THAT Bylaw 2026-14, a bylaw to amend the zoning of vacant
Commissioner's land comprising Phases 10 and 11 of Whistle
Bend and 198 Rampart Avenue (Phase 9), be given First
Reading.

Carried Unanimously

BYLAW 2026-14
Zoning Amendments –
Whistle Bend Phases 10
& 11 & Rampart Avenue
FIRST READING

There being no further business, the meeting adjourned at 8:46 p.m. **ADJOURNMENT**

Kirk Cameron, Mayor

Corporate Services

Adopted by Resolution at Meeting #2026-08



**Minutes of the meeting of the
Community Services Committee**

Date	April 20, 2026	2026-08
Location	Council Chambers, City Hall	
	Councillor Paolo Gallina - Chair	
	Mayor Kirk Cameron	
Committee Members Present	Councillor Dan Boyd	
	Councillor Eileen Melnychuk	
	Councillor Anne Middler	
	Councillor Lenore Morris	
	Valerie Braga, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Brittany Dixon, Director of Corporate Services	
	Lindsay Schneider, Director of Development Services	
	Travis Whiting, Director of Operations	
	Landon Kulych, Director of People, Culture, and Technology	

* Indicates electronic participation

Your Worship, there is no report from the Community Services Committee.



**Minutes of the meeting of the
Public Health and Safety Committee**

Date	April 20, 2026	2026-08
Location	Council Chambers, City Hall	
	Councillor Dan Boyd - Chair Mayor Kirk Cameron	
Committee Members Present	Councillor Paolo Gallina Councillor Eileen Melnychuk Councillor Anne Middler Councillor Lenore Morris	
Staff Present	Valerie Braga, City Manager Krista Mroz, Director of Community Services Brittany Dixon, Director of Corporate Services Lindsay Schneider, Director of Development Services Travis Whiting, Director of Operations Landon Kulych, Director of People, Culture, and Technology	

* Indicates electronic participation

Your Worship, there is no report from the Public Health and Safety Committee.



Minutes of the meeting of the Corporate Services Committee

Date	April 20, 2026	2026-08
Location	Council Chambers, City Hall	
	Councillor Eileen Melnychuk - Chair Mayor Kirk Cameron	
Committee Members Present	Councillor Dan Boyd Councillor Paolo Gallina Councillor Anne Middler Councillor Lenore Morris	
Staff Present	Valerie Braga, City Manager Krista Mroz, Director of Community Services Brittany Dixon, Director of Corporate Services Lindsay Schneider, Director of Development Services Travis Whiting, Director of Operations Landon Kulych, Director of People, Culture, and Technology Svetlana Erickson, Manager, Financial Services Michael Prowse, Manager, Legislative Services	

* Indicates electronic participation

Your Worship, the Corporate Services Committee respectfully submits the following report:

1. Upcoming Procurements (May/June)

In accordance with the Procurement Policy, the Committee was presented with a bi-monthly update on forthcoming procurement projects for May/June with an anticipated value greater than \$100,000. Administration provided clarification on commencement reports, timelines, and the factors that determine significant community interest.

2. Federation of Canadian Municipalities

Administration presented a report seeking authorization of travel expenses for Councillors, Gallina, Melnychuk and Morris to attend the Federation of Canadian Municipalities Annual Conference and Trade Show from June 4 to 8, 2026, in Edmonton, Alberta. Administration provided clarification on Council stipends for attendance at events, including applicable rates and how they are funded within the Council expense budget.

The Recommendation of the Corporate Services Committee is:

THAT travel expenses be authorized for Councillors Gallina, Melnychuk, and Morris to attend the Federation of Canadian Municipalities Annual Conference and Trade Show being held in Edmonton, Alberta;

AND THAT Council authorize the use of remaining funds within Council's budget, including amounts allocated for delegated representation and any unused individual Councillor allocations, to cover any resulting overages.



Minutes of the meeting of the City Planning Committee

Date	April 20, 2026	2026-08
Location	Council Chambers, City Hall	
	Councillor Anne Middler - Chair	
	Mayor Kirk Cameron	
Committee Members Present	Councillor Dan Boyd	
	Councillor Paolo Gallina	
	Councillor Eileen Melnychuk	
	Councillor Lenore Morris	
	Valerie Braga, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Brittany Dixon, Director of Corporate Services	
	Lindsay Schneider, Director of Development Services	
	Travis Whiting, Director of Operations	
	Landon Kulych, Director of People, Culture, and Technology	

* Indicates electronic participation

Your Worship, there is no report from the City Planning Committee.



Minutes of the meeting of the Development Services Committee

Date	April 20, 2026	2026-08
Location	Council Chambers, City Hall	
	Councillor Lenore Morris - Chair	
	Mayor Kirk Cameron	
Committee Members Present	Councillor Dan Boyd	
	Councillor Paolo Gallina	
	Councillor Eileen Melnychuk	
	Councillor Anne Middler	
	Valerie Braga, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Brittany Dixon, Director of Corporate Services	
	Lindsay Schneider, Director of Development Services	
	Travis Whiting, Director of Operations	
	Landon Kulych, Director of People, Culture, and Technology	

* Indicates electronic participation

Your Worship, the Development Services Committee respectfully submits the following report:

1. Proclamation – Earth Day (April 22, 2026)

Mayor Kirk Cameron proclaimed April 22, 2026 to be Earth Day in the City of Whitehorse, a day to celebrate and inspire environmental awareness and to encourage the conservation, protection, and appreciation of our natural resources.

2. Delegate Peggy Land – Climate Action and Mining

Delegate Peggy Land spoke to the potential greenhouse gas emissions associated with mining and the need for Council to consider these impacts in line with the City's Climate Action Plan. As requested by a committee member the delegate spoke to a question regarding the offsetting of greenhouse gas emissions, reiterating that the primary concern is the scale of emissions and that determining whether or how to offset them would be a decision for Council.

3. Delegate Angela Sabo – Copper Belt Drilling and Indoor Radon Impact

Delegate Angela Sabo spoke to research regarding radon exposure in rural communities, noting a link between well drilling activities and increased radon levels. As requested by a committee member the delegate provided information on radon prevalence in Whitehorse and requested that the City consider measures to require disclosure of radon levels during property sales and in rental situations.

4. Delegate Don Roberts – Mining in Whitehorse

Delegate Don Roberts spoke to the City's role in relation to mining activities within and adjacent to city limits, referencing public survey results indicating concern with mining development. The delegate spoke further to the importance of monitoring, inspection, and enforcement of regulations, and suggested the City advocate for stronger territorial action and responsible mining practices.

5. Delegate John McLeod – Mining in Whitehorse

Delegate John McLeod spoke to the history and legislative context of mining in the Yukon, including concerns with outdated mining legislation. The delegate emphasized the role of the Official Community Plan and Municipal Act in regulating land use, and raised concern with potential changes that could limit the City's ability to regulate mining within City limits.

6. Delegate Carl Schulze, Yukon Prospectors Association – Responsible Mining Within City Limits

Delegate Carl Schulze of the Yukon Prospectors Association spoke to Council on the geochemical composition of the Whitehorse Copper Belt deposits as well as the benefits of copper mining and its role in renewable energy. As requested by Committee members, the delegate also emphasized the importance of responsible mining of critical minerals and effective regulation and enforcement.

7. Delegate Timothy Green – Copper and Climate Change in Whitehorse

Delegate Timothy Green spoke to the history of mining within the local area, noting the importance of understanding mineral locations to inform planning decisions. The delegate proposed that allowing mining companies exploration permits could provide information on mineral deposits to shape future growth of the City while also avoiding land use conflicts and not compromising the environment.

8. Delegate Marcus Harden, President, Gladiator Metals – Exploration Update

Delegate Marcus Harden President of Gladiator Metals provided an update on Gladiator Metals' exploration activities, expanding on Gladiators objectives and addressing common concerns related to the project. As requested by Committee members the delegate spoke to responsible mining practises, regulatory oversight and inspection, relationships with local First Nations, potential economic benefits, and site rehabilitation.

9. Delegate Spence Hill – Mineral Exploration Impact on Water

Delegate Spence Hill spoke to concerns regarding potential environmental impacts, particularly water protection, related to mineral exploration within city limits. The delegate urged Council to undertake active monitoring of drilling programs, citing concerns with territorial enforcement and suggesting the City maintain a visible oversight role.

10. Delegate Chris Arsenault – Mining and the Whitehorse Economy

Delegate Chris Arsenault spoke to the role of minerals in everyday life, noting that mining is an integral part of modern society, and that responsible mining practices, supported by regulation and oversight, can provide economic benefits to the Yukon and contribute to a more resilient local economy.

11. New Business – Gladiator Metals Permits

As requested by a Committee member, Administration provided information that Gladiator Metals has been working with City staff on a potential Official Community Plan amendment. Administration also confirmed that there are currently no applications before the City for specific sites, and no approved permits for Gladiator Metals to operate within the City this summer.



Minutes of the meeting of the City Operations Committee

Date	April 20, 2026	2026-08
Location	Council Chambers, City Hall	
	Councillor Lenore Morris - Chair Mayor Kirk Cameron	
Committee Members	Councillor Dan Boyd Councillor Paolo Gallina	
Present	Councillor Jenny Hamilton Councillor Eileen Melnychuk Councillor Anne Middler	
	Valerie Braga, City Manager Krista Mroz, Director of Community Services	
Staff Present	Brittany Dixon, Director of Corporate Services Lindsay Schneider, Director of Development Services Travis Whiting, Director of Operations Landon Kulych, Director of People, Culture, and Technology	

* Indicates electronic participation

Your Worship, there is no report from the City Operations Committee.

There being no further business the meeting adjourned at 6:57 p.m.

Kirk Cameron, Mayor

Corporate Services

ADMINISTRATIVE REPORT

TO: Council
FROM: Administration
DATE: April 27, 2026
RE: Subdivision Control Bylaw

ISSUE

A bylaw to update the Subdivision Control Bylaw to incorporate the new Condominium Act regulations, change the approval process, and make other updates to modernize the subdivision process as a result of discussions with the Government of Yukon (YG).

REFERENCE

- [Municipal Act \(2015\)](#)
- [Condominium Act \(2015\)](#)
- [Subdivision Control Bylaw 2012-16](#)
- Proposed Bylaw 2025-31(Attachment 1)

HISTORY

The Subdivision Control Bylaw was introduced to Council on September 15, 2025 and was subsequently brought back to Council on October 20, 2025, and January 12, 2026. The Bylaw received 1st Reading on January 26, 2026, where Council requested a meeting with YG to clarify the City's responsibilities related to the Condominium Act and Converted Building Regulations.

Meetings were held between Council, the Minister of Justice, and Administration of both governments. Administration is bringing forward an update to Bylaw 2025-31 which provides additional information related to Council concerns.

ALTERNATIVES

1. Bring forward Bylaw 2025-31 for 2nd and 3rd Reading as amended under the bylaw process;
2. Refer back to Administration for further consideration.

ANALYSIS

Consultation with the Government of Yukon

Administration consulted with the Government of Yukon regarding their appetite for revisiting and amending the Condominium Act, 2015. Administration was informed that no amendments are planned at this time, nor are any amendments planned in the near future. Staff working on behalf of the Minister of Justice clarified the role of the Approving Authority in the building conversion process, as well as liability for the City in accepting a Building Assessment Report.

In response to Council concerns related to the requirements of the *Condominium Act, 2015* and *Converted Building Condominium Regulations, 2022*, Administration is recommending several changes to Bylaw 2025-31.

Changes include removing references to the “building assessment report” and replacing the clauses in the Condominium Conversion section with the following statement:

All applications for condominium conversions shall meet the requirements of the Condominium Act, 2015 and the Converted Building Condominium Regulation, 2022, as amended from time to time.

It is important to note that all applications to the City are still required to meet YG legislation and Administration will still be accepting a building assessment report and declaration of occupancy as part of all applications for condominium conversions.

As per the requirements of the *Converted Building Condominium Regulations, 2022*, Administration will publish the rules respecting the procedural aspects of preparation and submission of a building assessment report, including the timelines and validity period, on the City of Whitehorse website.

The Motion to be Considered by Council is (requires a mover and a seconder)

THAT Bylaw 2025-31 be brought forward for 2nd and 3rd Reading; and

THAT Council amend Bylaw 2025-31 at 2nd Reading as follows:

- Delete the definition for ‘building assessment report’
- Delete section 25 and add a new section 25 as follows:
 25. All applications for condominium conversions shall meet the requirements of the *Condominium Act, 2015* and the *Converted Building Condominium Regulation, 2022*, as amended from time to time.
- Delete section 26.

CITY OF WHITEHORSE

BYLAW 2025-31

A bylaw to control and regulate the Subdivision of land in the City of Whitehorse

WHEREAS section 311 of the *Municipal Act, 2002* provides that Council may, by bylaw, act as Approving Authority and control the Subdivision of land within the Municipality; and

WHEREAS sections 6 to 9 of the *Condominium Act, 2015* provide the requirements for a Condominium plan and Application to be approved by the Approving Authority; and

WHEREAS sections 179 and 312 of the *Municipal Act, 2002* provide that Council may, by bylaw, delegate and of its powers, duties, or functions under the Act, specifically its power as Approving Authority, from Council to the chief administrative officer or a designated municipal officer; and

WHEREAS section 315 of the *Municipal Act, 2002* provides that every Applicant who applies for Subdivision of land shall make provision for the dedication to the Public Use, in addition to streets and lanes, of ten percent of the land to be subdivided, except under certain conditions identified in this section; and

WHEREAS section 316 of the *Municipal Act, 2002* provides that if the dedication of land to the Public Use under section 315(1) would, in the opinion of the Approving Authority, serve no practical purpose or for any other reason would be unnecessary or undesirable, the Approving Authority may direct that the dedication of land to the Public Use in respect of the proposed Subdivision could be deferred or waived in whole or in part;

NOW THEREFORE the Council of the Municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the “**Subdivision Control Bylaw**”.

SCOPE

2. Council hereby delegates its power as the Subdivision Approving Authority to the Subdivision Approving Officer, subject to the provisions of this Bylaw, including that the Subdivision Approving Officer, as approving authority, may refer Applications to Council for decision. The following positions at the City are appointed as Subdivision Approving Officers:
 - (a) City Manager
 - (b) Director of Development Services
 - (c) Land Development Supervisor
 - (d) Manager of Land and Development Services
 - (e) Subdivision and Lands Coordinator

Subdivision Control Bylaw 2025-31

3. This Subdivision control bylaw shall apply to all land within the boundary of the City of Whitehorse as defined in the *Municipal Act, 2002*. Such boundary may change from time to time, subject to the amendment of the *Municipal Act, 2002*.

DEFINITIONS

4. For the purposes of this bylaw, unless the context otherwise requires, certain terms and words are hereby defined as follows:

“APPLICANT” means a person applying for approval of a proposed Subdivision, Consolidation, or Condominium, whether as owner of land or the owner’s authorized agent;

“APPLICATION” means an Application for approval of a proposed Subdivision, Consolidation or Condominium;

“APPROVING AUTHORITY” means, as applicable,

(a) a Subdivision Approving Officer, as appointed pursuant to this bylaw; or

(b) Council, in the case where a Subdivision Approving Officer has referred an Application for approval to Council;

~~“BUILDING ASSESSMENT REPORT” means a report provided as part of an Application for a Condominium for a converted building that meets the requirements set out in Section 3 of the Converted Building Condominium Regulation under the Condominium Act, 2015;~~

“CANADA LANDS SURVEYOR” means a licenced Canada Lands Surveyor as that term is defined in the *Canada Lands Surveyors Act*, as amended from time to time;

“CITY” means the corporation of the City of Whitehorse;

“CONDOMINIUM” means a Condominium plan, as that term is defined in the *Condominium Act, 2015*;

“CONDOMINIUM CONVERSION” means the conversion of an existing residential structure or structures to create units of separate ownership, pursuant to the *Condominium Act, 2015*;

“CONSOLIDATION” means combining two or more contiguous Lots to form one Lot;

“COUNCIL” means the Council of the City of Whitehorse;

“DEVELOPMENT” means the carrying out of any activity involving a material change to any use on, over or under the land or buildings on the land that results, or is likely to result, in a change of use or intensity of use and includes site clearing or excavation, dumping or filling, mining and related activities, remediation of contaminated material, construction, renovation or demolition, or the introduction of new or revised property lines;

“DEVELOPMENT AGREEMENT” means a binding agreement between the owner of the land that is the subject of an Application for Subdivision and the Approving Authority with respect to the requirements or limitations of the conditional approval

Subdivision Control Bylaw 2025-31

and said agreements may be registered in the Land Titles Office and shall have the force and effect of a restrictive covenant running with the land;

“SUBDIVISION APPROVING OFFICER” means a City official appointed by Council to interpret, administer, and enforce the provisions of the City of Whitehorse Subdivision Control Bylaw 2025-31, as amended or replaced;

“DEVELOPMENT REVIEW COMMITTEE” means a committee for the comprehensive technical review of Development proposals in the City of Whitehorse, comprised of various City of Whitehorse employees, as well as relevant outside organizations, as appropriate;

“DIRECTOR OF DEVELOPMENT SERVICES” means a director for the corporation of the City of Whitehorse;

“FIRST NATION” means any Yukon First Nation;

“HIGHWAY ACCESS” means a street or road right-of-way that may be required pursuant to the *Municipal Act, 2002* ;

“LOT” means a Parcel of land or an area of vacant Commissioner’s land, which is legally defined either by registered plan or description in the registry of the Land Titles Office or Settlement Land which is legally defined either by registered plan or description in the registry of the Land Titles Office or official plan under the *Canada Lands Surveys Act*;

“LOT, PANHANDLE” means a Lot consisting of a narrow driveway strip to provide access to a wider portion of the Lot;

“MUNICIPAL UTILITIES” means a system or facility that is used to provide any of the following things for the public: water, sewage treatment and disposal, storm water conveyance, public transportation, heat, waste heat, and waste management; and a service or product provided for public consumption, benefit, convenience, or use;

“MUNICIPALITY” means the City of Whitehorse;

“PARCEL” means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan registered in the Land Titles Office;

“PLAN OF SUBDIVISION” means a plan of survey capable of being registered in the Land Titles Office for the purpose of subdividing a Parcel of land;

“PRELIMINARY PLAN” means a plan of survey capable of being registered in the Land Titles Office for the purpose of effecting a Subdivision, Consolidation, or Condominium;

“PUBLIC USE” means land which is to be operated as a public benefit, such as but not limited to, a public park, utility corridor, or greenbelt;

“PUBLIC USE LAND DEDICATION” means land, or payment in lieu of land, dedicated to the City of Whitehorse during the Subdivision of land in accordance with section 315 of the *Municipal Act, 2002*;

Subdivision Control Bylaw 2025-31

“SETTLEMENT LAND” means land which has been identified to be Category A, Category B or Fee Simple Settlement Land in the applicable First Nation’s Final Agreement and is located within the municipal boundary of the City of Whitehorse;

“SKETCH PLAN” means a sketch, prepared by a Canada Lands Surveyor, of the proposed Subdivision, Consolidation or Condominium to be submitted with the Application and that meets the requirements set forth in this bylaw;

“SUBDIVISION” means, as applicable:

- (a) the adjusting or realigning of an existing property line;
- (b) a division of a Parcel or Lot by means of a Plan of Subdivision, a plan of survey, a plan made pursuant to section 6 of the *Condominium Act, 2015*, an agreement or any instrument, including a caveat, transferring or creating an estate or interest in part of the Parcel;
- (c) the creation of a new Parcel from existing Parcels of land; or
- (d) for the purposes of this bylaw, a division of a Lot or Parcel by an instrument; the creation of a new Parcel or Lot from previously un-subdivided land (e.g. new surveys of vacant Commissioner’s land or Settlement Land); and adjusting or realigning an existing property line;

“SUBDIVISION APPROVAL” means the signing of a Sketch Plan of Subdivision by the Approving Authority;

“TAXES” means Taxes imposed pursuant to the *Municipal Act, 2002* and the *Assessment and Taxation Act* and include any interest or penalties payable in respect of unpaid Taxes and also include any service charges imposed in respect of local improvements on property by the *Municipal Act, 2002* or the *Assessment and Taxation Act* and any interest on penalties payable in respect of them.

SUBDIVISION

FEES

5. The Applicant shall pay a non-refundable Application fee as prescribed in Appendix A of the City of Whitehorse Fees and Charges Bylaw, as amended or replaced.

APPLICATION REQUIREMENTS

6. On receipt of an Application for Subdivision Approval, the Approving Authority shall give public notice of the Application by a method determined appropriate by the Approving Authority.
7. Every Subdivision and Consolidation of land within the boundaries of the City of Whitehorse shall be made in accordance with the *Municipal Act, 2002*, the Official Community Plan, the Zoning Bylaw, the City Servicing Standards Manual, and this or any other applicable bylaw or regulation, all as amended or replaced.
8. The Application, together with all required information and fees, shall be submitted to the Subdivision Approving Officer and signed by the registered owner, or be

Subdivision Control Bylaw 2025-31

accompanied by a letter appointing an agent and authorizing the agent to sign on the owner's behalf.

9. Every Application shall be made in writing using the prescribed form provided by the Subdivision Approving Officer, and shall be accompanied by:
- (a) a current copy of the certificate of title for the subject Parcel of the Application and copies of documents for any registered charges that may limit or restrict the use of the subject lands;
 - (b) digital PDF and AutoCAD/Shape File copies of the Sketch Plan prepared by a Canada Lands Surveyor, which shall show at a suitable scale:
 - i. a bold line indicating the boundaries of the subject Parcel(s) and the area(s) thereof;
 - ii. the location, boundaries and dimensions of all proposed Lots;
 - iii. the location, width and names of all highways on which the proposed Subdivision area abuts;
 - iv. the location and dimensions of all registered easements or rights-of-ways that adjoin or cross the Subdivision area;
 - v. the location, width and names of proposed roads within the proposed Subdivision area;
 - vi. the location and dimensions of all Public Use Land Dedication Lots as required by the *Municipal Act, 2002* and in accordance with this bylaw;
 - vii. all buffer strips as may be required;
 - viii. all surface water bodies and riparian areas within the proposed Subdivision area;
 - ix. the locations and dimensions of all proposed easements, walkways, buffers, parks, and public utility Lots to be created within the proposed Subdivision area;
 - x. the locations and dimensions of all existing improvements that are located in proximity to existing or proposed Lot boundaries within the Subdivision area;
 - xi. a minimum of 1-metre contour information, along with any relevant topographical details such as the top-of-slope;
 - xii. a symbol indicating north;
 - xiii. the scale of the plan; and
 - xiv. such other information required by the Subdivision Approving Officer;
 - (c) such other information as may be considered necessary by the Subdivision Approving Officer to determine the suitability of the land for the proposed Subdivision, which, without limiting the generality of the foregoing, may include:

Subdivision Control Bylaw 2025-31

- i. a geotechnical assessment report;
 - ii. a hydro-geological assessment and/or hydrology report;
 - iii. a drainage plan, as per the City Servicing Standards Manual;
 - iv. the nature and availability of public utilities;
 - v. a servicing plan as per the City Servicing Standards Manual; and
 - vi. a topographic survey;
- (d) a survey certificate showing the location and dimensions of all improvements on the Parcel;
- (e) a receipt showing that all current Taxes on the land have been paid;
- (f) a non-refundable Application fee, as prescribed by the Fees and Charges Bylaw;
- (g) any additional applicable fees, as prescribed by the Fees and Charges Bylaw; and
- (h) in the case of Applications for proposed Condominium Subdivisions, an approved development permit and addressing plan.
10. An Application shall not be considered complete until the Applicant has submitted all information and fees required pursuant to sections 8 and 9 of this bylaw.
11. Notwithstanding section 10 of this bylaw, the Subdivision Approving Officer may consider an Application complete if, in the Subdivision Approving Officer's opinion, the Application is of such a nature as to enable a decision to be made on the Application without all of the information required in sections 8 and 9 of this bylaw.
12. The Subdivision Approving Officer may determine that economic, social, and/or environmental impact assessments are required to be completed at the Applicant's expense prior to the Application being deemed complete.
13. Upon submission of an Application, the Subdivision Approving Officer will undertake an initial review to determine whether further information is required for approval as per sections 8 and 9 of this bylaw, and may request such further information from the Applicant. Additional City departments and outside organizations, through the Development Review Committee, may be included in the initial review process.
14. If an Applicant does not provide further information upon request by a Subdivision Approving Officer within 12 months of the Application date, the Application will be considered void, and the Applicant may submit a new Application in accordance with this Bylaw.
15. The Subdivision Approving Officer shall notify the Applicant in writing upon receipt and determination of a complete Application.

HIGHWAY ACCESS

16. Every Applicant who applies for the Subdivision of land shall provide, to each Lot created by the Subdivision, direct access to a highway satisfactory to the Approving Authority.

Subdivision Control Bylaw 2025-31

17. Newly created Lots may provide Highway Access through a Panhandle Lot design. Where it is not practical to create Highway Access through a Panhandle Lot, the Approving Authority may consider an access easement or similar agreement on a case-by-case basis.
18. The Applicant shall bear any costs incurred from providing access to a highway from a subdivided Lot as per the requirements of this bylaw.
19. Highway Access is not required for land intended for use as:
 - (a) a railway;
 - (b) a right-of-way for a ditch, irrigation canal, pipeline, telecommunication cable, or power transmission line; or
 - (c) public infrastructure, as defined in the Zoning Bylaw.
20. The Approving Authority may waive the requirement in section 16 of this bylaw if strict compliance is considered by the Approving Authority to be impractical or undesirable for any reason.

UTILITY SUBDIVISIONS

21. Where a Subdivision of land creates a Parcel of land necessary for the use of a utility, the Parcel may be of the shape and size required and shall be used exclusively for the utility, and shall vest in the Municipality, other governments or private utility companies as considered appropriate in the circumstances. Parcels on First Nation Settlement Land shall be secured through either lease, encroachment, or similar agreement.

SUBDIVISION BY LEASE OR ENCUMBRANCE

22. Where an instrument granting a lease of only part of a Parcel of land, or charging, mortgaging, or otherwise encumbering only a part of a Parcel of land, has the effect, or may have the effect of subdividing the Parcel, the Land Titles Registrar may reject the instrument for registration until it is approved in accordance with the *Municipal Act, 2002* and the regulations.
23. Where a Parcel of land is separated into two or more areas by a registered plan for a road or right-of-way under a Plan of Subdivision, or by a natural boundary, the separated areas shall be deemed to be one Parcel for the purposes of this section as per the *Municipal Act, 2002*.
24. The City will be granted authority to access, operate, and/or maintain all proposed streets, lanes, utility corridors, infrastructure, buffers, public utility Lots, and walkways, through either a lease or other formal agreement, without compensation to the Applicant.

CONDOMINIUM CONVERSIONS

Subdivision Control Bylaw 2025-31

- ~~25.~~ All applications for condominium conversions shall meet the requirements of the *Condominium Act, 2015* and the *Converted Building Condominium Regulation, 2022*, as amended from time to time.
- ~~25.~~ As part of the Application to undertake a Condominium Conversion, the Applicant shall provide:
- ~~(a)~~ a declaration that any residential units within the subject building have not been rented or occupied; or
 - ~~(b)~~ A Building Assessment Report, containing, without limitation, an identification of any deficiencies in reference to the applicable requirements in the *Building Standards Act, 2002* and the City's Building and Plumbing Bylaw, all as amended or replaced.
- ~~26.~~ The Building Assessment Report required under section 25(c) of this bylaw must be submitted as part of a complete Application for Condominium Conversion within one year of completion of the report, otherwise it is no longer valid.

BOUNDARY REALIGNMENT OR LOT ENLARGEMENT

- ~~27-26.~~ Subject to the requirements of this bylaw, the Approving Authority may approve Applications that result in one or more Lots that do not meet the minimum Lot area specified in the Zoning Bylaw, where it is necessary for the purposes of realigning a property boundary or enlarges an existing Lot where there is more than one owner.
- ~~28-27.~~ Where an approval will result in Lots that do not meet the minimum Lot size specified in the Zoning Bylaw, Applications for Subdivision must include both a Plan of Subdivision and plan of Consolidation that will be approved in conjunction by the Approving Authority.
- ~~29-28.~~ Where the Approving Authority approves both a Plan of Subdivision and Consolidation per section 28 of this bylaw, both plans must be registered simultaneously at the Land Titles Office.

ADMINISTRATIVE REVIEW

- ~~30-29.~~ The Subdivision Approving Officer shall forward copies of the Application to the appropriate departments of the City for review and comment.
- ~~31-30.~~ The Subdivision Approving Officer shall refer the Application to the Development Review Committee for review.
- ~~32-31.~~ The Subdivision Approving Officer may refer the Application to any Government of Yukon or Government of Canada Departments or First Nations that may be interested in matters related to the land.
- ~~33-32.~~ The Subdivision Approving Officer may refer Subdivisions that have not received master plan or zoning approval and require new street names to Council for approval. The Subdivision Approving Officer shall review the Application and make recommendations on Subdivisions referred to Council in the form of an administrative report.

Subdivision Control Bylaw 2025-31

34.33. An Application for Subdivision of land shall be considered approved if a decision has not been made by the Approving Authority within 90 days of the submission of the complete Application, as per sections 8 to 1545 of this bylaw.

SUBDIVISION DECISION PROCESS

35.34. In making a decision on an Application, the Approving Authority may consider any matter or factor deemed relevant to the Application, including, but not limited to the following:

- (a) the reports submitted pursuant to this bylaw;
- (b) the Official Community Plan, the Zoning Bylaw, any other applicable bylaw or regulation, all as amended or replaced;
- (c) a complete or in progress Master Plan;
- (d) the recommendations and policies set forth in the Truth and Reconciliation Calls to Action; and
- (e) the suitability of the land for the proposed Subdivision, having due regard for:
 - i. the proposed use;
 - ii. the existing and proposed uses of land in the vicinity of the proposed Subdivision;
 - iii. the topography of the Parcel(s);
 - iv. the characteristics of the soil;
 - v. the nature of surface and subsurface drainage;
 - vi. any potential hazard from flooding, unstable slopes, erosion and subsidence;
 - vii. any potential contamination of air, water, or soil;
 - viii. provision of Highway Access;
 - ix. the manner of laying out of streets, lanes and lighting;
 - x. the design and orientation of the Subdivision, including the size and shape of Lots;
 - xi. the need, location and suitability of public reserve, parks, school sites and recreation facilities;
 - xii. the availability, adequacy, and location of postal, electricity, telephone, cable/internet and Municipal Utilities or on-site sewer and water systems;
 - xiii. the proposed storage or use of flammable, explosive or radio-active material;
 - xiv. protection and enhancement of sensitive steep slopes, environmental areas and critical wildlife habitat;
 - xv. protection of significant natural, historical and heritage features;

Subdivision Control Bylaw 2025-31

- xvi. wildfire risk and fire management plans; and
- xvii. reports prepared pursuant to any impact assessments carried out under section 1242 of this bylaw.

36-35. In no case will Subdivision Approval be provided unless it is in accordance with the Official Community Plan and the Zoning Bylaw. In addition, conditions may be attached to the Subdivision to ensure Parcels newly created are serviced to municipal standards.

37-36. The Approving Authority may place any conditions on the approval of the Application that the Approving Authority deems necessary to meet the requirements of the *Municipal Act, 2002*, the Official Community Plan, the Zoning Bylaw, the City Servicing Standards Manual and this or any other applicable bylaw or regulation, as amended from time to time.

38-37. The Approving Authority may, as a condition of approval of the Application, require the registered owner of the subject land to enter into a Development Agreement with the Municipality with respect to that land, pursuant to the *Municipal Act, 2002* and the Development Agreement Regulations Bylaw. The Subdivision Approving Officer may require a finalized Development prior to approval of the Subdivision.

39-38. The Approving Authority may, as a condition of approval of the Application, levy a development cost charge on the owner of the land pursuant to the *Municipal Act, 2002 and* in accordance with the Residential Development Cost Charges Bylaw.

40-39. The Approving Authority may, as a condition of approval of the Application, require a Public Use Land Dedication pursuant to the *Municipal Act, 2002 and* in accordance with this bylaw.

41-40. Where, in the opinion of the Approving Authority, compliance with a requirement of any applicable regulation or bylaw is impractical or undesirable because of circumstances peculiar to a proposed Subdivision, the Approving Authority may relieve the Applicant in whole or in part from compliance with the requirement unless relief is contrary to the provisions of the *Municipal Act, 2002*, the Official Community Plan or the Zoning Bylaw.

SUBDIVISION APPROVAL

42-41. A Subdivision Approving Officer shall approve, conditionally approve, or refuse Subdivision Applications, realignment of existing Lot lines, Consolidations, and all Condominium Subdivisions (including bare land type Condominium units).

43-42. Council shall by resolution approve, conditionally approve, or refuse Subdivision Applications that have been referred to Council pursuant to section 35 of this bylaw.

44-43. An Approving Authority shall not approve an Application for a Condominium Subdivision where there would be less than three (3) Condominium units being created.

45-44. Approval of a final Plan of Subdivision by the Approving Authority, through the process set out by the Surveyor General Branch of Yukon, is deemed to be a

Subdivision Control Bylaw 2025-31

certificate of an Approving Authority, as required under section 7(c) of the *Condominium Act, 2015*.

APPROVAL TIMELINE

- 46.45. An Application for Subdivision shall be considered approved if the Approving Authority has not made a decision within 90 days of the City receiving a completed Application, unless the Applicant's consent has been given in writing for a time extension.
- 47.46. Approval of an Application shall be valid for a period of 12 months, after which approval will be deemed to have lapsed if the Preliminary Plan has not been registered with the Land Titles Office within this period.
- 48.47. The Approving Authority may renew an approval of an Application for one period of 12 months, commencing from the end of the first approval period. New administrative fees will apply, as per the City's Fees and Charges Bylaw.
- 49.48. The Applicant shall provide proof of registration at the Land Titles Office to the City prior to expiry of approval or extension. The City may withhold other related permits or approvals until proof of registration has been provided.

PROCESS FOLLOWING APPROVAL

50.49. Where an Application is approved:

- (a) The Subdivision Approving Officer shall notify the Applicant of the decision, along with any conditions of approval, in writing and advise the Applicant of their right of appeal if the Application was approved conditionally.
- (b) The Subdivision Approving Officer shall have the Sketch Plan signed by the appropriate Approving Authority and return a digital copy of the signed Sketch Plan with the approval decision letter to the Applicant as the Subdivision Approval notification.
- (c) The Applicant shall thereafter contract a Canada Lands Surveyor to produce a Preliminary Plan of survey drawn in conformity with the approved Sketch Plan.
- (d) The Canada Lands Surveyor shall submit copies of the Preliminary Plan to the Subdivision Approving Officer for review of its conformance to the Sketch Plan.
- (e) If the Subdivision Approving Officer is satisfied that the Preliminary Plan has been prepared in conformance to the Sketch Plan, and that all applicable conditions of the Subdivision Approval have been satisfied, the Preliminary Plan shall be signed by the Approving Authority and notification sent to the Canada Lands Surveyor.

PROCESS FOLLOWING REFUSAL

51.50. Where the Approving Authority refuses to approve the Application, the Approving Authority shall state the reason or reasons for refusal and the Subdivision Approving Officer shall notify the Applicant in writing and advise the Applicant of their right to appeal.

Subdivision Control Bylaw 2025-31

~~52.51.~~ Following the refusal of an Application, no subsequent unaltered Application for the same use of land shall be made within six months of the date of the refusal.

APPEALS

~~53.52.~~ Where the Application is refused or conditionally approved, or if a Plan of Subdivision is refused, the Subdivision Approving Officer shall notify the Applicant of the decision, along with the reasons for refusal, and shall advise the Applicant of the right to appeal and the time within which an appeal may be made.

~~54.53.~~ Where the Application is refused or conditionally approved, the Applicant may appeal in writing to the appeal board, which will consist of:

- (1) Council, if the Subdivision was considered by a Subdivision Approving Officer; or
- (2) the Yukon Municipal Board, if the Subdivision was considered by Council.

~~55.54.~~ An appeal to Council or the Yukon Municipal Board shall be made in writing within 30 days after the date on which the Applicant is served with notice of refusal or conditional approval or the date the notice was mailed to the Applicant.

~~56.55.~~ Where an appeal is received within 30 days of refusal or conditional approval, a hearing must be held within 90 of receiving notice of the appeal and must:

- (a) Ensure that reasonable notice of the hearing is given to the Applicant and all affected persons; and
- (b) Consider the appeal having regard to the purpose, scope, and intent of the Official Community Plan, the Master Plan Policy, the Zoning Bylaw or any other applicable bylaw or regulation and to the Development and use of the land that may result from the proposed Subdivision of land.

~~57.56.~~ At the appeal hearing, the Applicant and any person who has an interest in or might be affected by the Subdivision of land that is the subject of the hearing must be heard by the appeal board.

~~58.57.~~ In determining an appeal, the appeal board may confirm, reverse, or vary the decision of the Approving Authority and may impose further conditions that it considers appropriate.

~~59.58.~~ The appeal board shall provide a decision in writing within 60 days after the date of the hearing, which will be in force for 12 months from the date on which it was issued.

PUBLIC USE LAND DEDICATION

APPLICATION OF PUBLIC USE LAND DEDICATION

~~60.59.~~ The City shall require a ten percent Public Use Land Dedication, or payment in lieu thereof, for each Subdivision Application received by an Applicant.

~~61.60.~~ Notwithstanding section 60, the City of Whitehorse shall not require dedication of a ten percent Public Use Land Dedication, or payment in lieu thereof, in respect of First Nation Subdivision Applications that comprise Settlement Land. Through the

Subdivision Control Bylaw 2025-31

Subdivision Application process, the First Nation shall identify ten percent of lands to be set aside by the First Nation for Public Use in each Subdivision Application, subject to approval of the land by the City, and the First Nation shall secure such Public Use through agreement where applicable.

PROCEDURE FOR PUBLIC USE LAND DEDICATION

~~62.61.~~ Each Applicant proposing a Subdivision of land for any use is required to dedicate ten percent of the total land to be subdivided for Public Use. The calculation to determine the ten percent shall not include land to be dedicated for buffers, streets and lanes.

~~63.62.~~ The location and dimension of all Lots dedicated for Public Use lands must be shown in the Sketch Plan of the proposed Subdivision.

~~64.63.~~ The location and suitability of land within the proposed Subdivision to be dedicated to the Public Use is subject to the approval of the Approving Authority.

LANDS THAT MUST BE TRANSFERRED TO THE CITY

~~65.64.~~ In addition to the ten percent land dedication, the following lands must be transferred to the City as a condition of Subdivision Approval and without any compensation to the Applicant:

- (a) all proposed streets, and lanes; and
- (b) buffer areas that have been required in a Subdivision of land proposed for residential uses.

~~66.65.~~ The Director of Development Services, or their designate, is granted the authority to approve leases, easements, or other similar agreements, for Settlement Land with First Nations in lieu of transfer for all highways, public utility Lots, parks, buffers, walkways, or similar, and other Public Use Land Dedication areas. Once approved by the Director of Development Services, three copies will be forwarded for execution by the Mayor and Corporate Services, under City seal.

LANDS THE CITY MAY REQUIRE TO BE INCLUDED

~~67.66.~~ The City may require that the following lands be included in the ten percent land Public Use Land Dedication:

- (a) Any Parcel of land as deemed appropriate by the Approving Authority; and
- (b) Where land adjacent to surface water, or any other body of water, is to be subdivided for other than public recreational uses, the following dedication of land to the Public Use may be required:
 - i. A Parcel of land, of such width as may be determined by the Approving Authority, lying between the bank of the land containing water and the land to be retained by the owner, for the preservation of the bank and the protection of the land retained by the owner against flooding and to provide public access to the water; and

Subdivision Control Bylaw 2025-31

- ii. Land to provide access to the shoreline of the land containing water, to serve the proposed Subdivision, and not exceeding ten percent of the area of the land to be subdivided.

ADDITIONAL LANDS THAT MAY BE TAKEN

~~68-67~~. If the land to be subdivided contains ravines, swamps, natural drainage courses, or other areas that, in the opinion of the Approving Authority, are unsuitable for building sites or other private uses, the Approving Authority may require that those areas be dedicated to the Public Use in addition, or in part contribution, to the required ten percent Public Use Land Dedication.

EXEMPTIONS

~~69-68~~. The Public Use Land Dedication requirements identified in section 315 and 316 of the *Municipal Act, 2002* and this bylaw shall not apply to Subdivision Applications where:

- (a) the land is intended for:
 - i. a railway station grounds or railway right-of-way;
 - ii. a right-of-way for a ditch or irrigation canal;
 - iii. a pipeline;
 - iv. telecommunication cable or power transmission line; or
 - v. a reservoir or sewage lagoon;
- (b) the land is to be re-subdivided for the purpose of correcting or re-arranging boundaries of land previously included in an area subject to the requirements of the Subdivision section of the *Municipal Act, 2002*;
- (c) the land is to be subdivided into Lots twenty hectares or larger in area, unless the Approving Authority directs otherwise;
- (d) a dedication of ten percent for Public Use was made in addition to the dedication for streets and lanes in a previous Subdivision of the land;
- (e) another government authority has exercised reversionary rights on the land proposed for Subdivision;
- (f) the land being subdivided exists as public land and is intended to stay in the public domain after Subdivision; or
- (g) the land to be subdivided is from vacant Commissioner's Land and is being consolidated with an existing surveyed Lot as a Lot enlargement.

CASH-IN-LIEU OF LAND DEDICATION

~~70-69~~. In cases where the identified dedications of land do not total ten percent of the Subdivision land area, the remaining difference shall be required in a cash-in-lieu payment to the Municipality. The cash-in-lieu of dedication shall be provided at a rate equivalent to the fair market value of the land.

Subdivision Control Bylaw 2025-31

71.70. The Approving Authority may consider a combination of land transfer and cash-in-lieu, but in no case shall the total value be equal to less than ten percent of land value of the subdivided land.

72.71. The value of the land shall be determined on the basis of the value of the land immediately after the Subdivision of the land and shall be established under the *Assessment and Taxation Act*.

73.72. All cash-in-lieu of dedication proposals shall be reviewed by the Subdivision Approving Officer to ensure the correct value has been provided based on the Application and forwarded to the Director of Development Services for approval.

74.73. In the event that the Director of Development Services is unable to make a decision on whether or not to accept cash-in-lieu of dedication, they may refer the decision to Council, and Council may by resolution approve or refuse cash-in-lieu of dedication.

75.74. Cash-in-lieu payments shall be deposited in a reserve account and shall be used only for the purchase or Development of Public Use land.

PUBLIC USE RESERVES DEFERRED OR WAIVED

76.75. If the dedication of land to the Public Use would, in the opinion of the Approving Authority, serve no practical purpose or for any other reason would be unnecessary or undesirable, the Approving Authority may direct that the dedication of land to the Public Use in respect of the proposed Subdivision be deferred in whole or in part until a further Subdivision is made or may be waived in whole or in part.

GENERAL INTERPRETATION

BYLAW SHALL PREVAIL

77.76. Where the provisions of this bylaw conflict or overlap with the provisions of any other bylaw of the City, the bylaw with the more stringent provisions shall prevail.

OFFENCE

78.77. Any person who contravenes the provisions of this bylaw is guilty of an offence and is liable to a fine where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code*.

79.78. Each day that a violation of the provisions of this bylaw exists shall constitute a separate offence.

SEVERABILITY

80.79. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw that can be given effect without such invalid part or parts.

REPEAL

81.80. Bylaw 2012-16, including all amendments thereto, is hereby repealed.

Subdivision Control Bylaw 2025-31

COMING INTO FORCE

82.81. This bylaw shall come into full force and effect upon the final passing hereof.

FIRST and **SECOND READING:** _____

THIRD READING and **ADOPTION:** _____

Mayor

Corporate Services

CITY OF WHITEHORSE
BYLAW 2025-31

A bylaw to control and regulate the Subdivision of land in the City of Whitehorse

WHEREAS section 311 of the *Municipal Act, 2002* provides that Council may, by bylaw, act as Approving Authority and control the Subdivision of land within the Municipality; and

WHEREAS sections 6 to 9 of the *Condominium Act, 2015* provide the requirements for a Condominium plan and Application to be approved by the Approving Authority; and

WHEREAS sections 179 and 312 of the *Municipal Act, 2002* provide that Council may, by bylaw, delegate and of its powers, duties, or functions under the Act, specifically its power as Approving Authority, from Council to the chief administrative officer or a designated municipal officer; and

WHEREAS section 315 of the *Municipal Act, 2002* provides that every Applicant who applies for Subdivision of land shall make provision for the dedication to the Public Use, in addition to streets and lanes, of ten percent of the land to be subdivided, except under certain conditions identified in this section; and

WHEREAS section 316 of the *Municipal Act, 2002 provides* that if the dedication of land to the Public Use under section 315(1) would, in the opinion of the Approving Authority, serve no practical purpose or for any other reason would be unnecessary or undesirable, the Approving Authority may direct that the dedication of land to the Public Use in respect of the proposed Subdivision could be deferred or waived in whole or in part;

NOW THEREFORE the Council of the Municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the “**Subdivision Control Bylaw**”.

SCOPE

2. Council hereby delegates its power as the Subdivision Approving Authority to the Subdivision Approving Officer, subject to the provisions of this Bylaw, including that the Subdivision Approving Officer, as approving authority, may refer Applications to Council for decision. The following positions at the City are appointed as Subdivision Approving Officers:
 - (a) City Manager
 - (b) Director of Development Services
 - (c) Land Development Supervisor
 - (d) Manager of Land and Development Services
 - (e) Subdivision and Lands Coordinator
3. This Subdivision control bylaw shall apply to all land within the boundary of the City of Whitehorse as defined in the *Municipal Act, 2002*. Such boundary may change from time to time, subject to the amendment of the *Municipal Act, 2002*.

Subdivision Control Bylaw 2025-31

DEFINITIONS

4. For the purposes of this bylaw, unless the context otherwise requires, certain terms and words are hereby defined as follows:

“APPLICANT” means a person applying for approval of a proposed Subdivision, Consolidation, or Condominium, whether as owner of land or the owner’s authorized agent;

“APPLICATION” means an Application for approval of a proposed Subdivision, Consolidation or Condominium;

“APPROVING AUTHORITY” means, as applicable,

(a) a Subdivision Approving Officer, as appointed pursuant to this bylaw; or

(b) Council, in the case where a Subdivision Approving Officer has referred an Application for approval to Council;

“BUILDING ASSESSMENT REPORT” means a report provided as part of an Application for a Condominium for a converted building that meets the requirements set out in Section 3 of the Converted Building Condominium Regulation under the *Condominium Act, 2015*;

“CANADA LANDS SURVEYOR” means a licenced Canada Lands Surveyor as that term is defined in the *Canada Lands Surveyors Act*, as amended from time to time;

“CITY” means the corporation of the City of Whitehorse;

“CONDOMINIUM” means a Condominium plan, as that term is defined in the *Condominium Act, 2015*;

“CONDOMINIUM CONVERSION” means the conversion of an existing residential structure or structures to create units of separate ownership, pursuant to the *Condominium Act, 2015*;

“CONSOLIDATION” means combining two or more contiguous Lots to form one Lot;

“COUNCIL” means the Council of the City of Whitehorse;

“DEVELOPMENT” means the carrying out of any activity involving a material change to any use on, over or under the land or buildings on the land that results, or is likely to result, in a change of use or intensity of use and includes site clearing or excavation, dumping or filling, mining and related activities, remediation of contaminated material, construction, renovation or demolition, or the introduction of new or revised property lines;

“DEVELOPMENT AGREEMENT” means a binding agreement between the owner of the land that is the subject of an Application for Subdivision and the Approving Authority with respect to the requirements or limitations of the conditional approval and said agreements may be registered in the Land Titles Office and shall have the force and effect of a restrictive covenant running with the land;

Subdivision Control Bylaw 2025-31

“SUBDIVISION APPROVING OFFICER” means a City official appointed by Council to interpret, administer, and enforce the provisions of the City of Whitehorse Subdivision Control Bylaw 2025-31, as amended or replaced;

“DEVELOPMENT REVIEW COMMITTEE” means a committee for the comprehensive technical review of Development proposals in the City of Whitehorse, comprised of various City of Whitehorse employees, as well as relevant outside organizations, as appropriate;

“DIRECTOR OF DEVELOPMENT SERVICES” means a director for the corporation of the City of Whitehorse;

“FIRST NATION” means any Yukon First Nation;

“HIGHWAY ACCESS” means a street or road right-of-way that may be required pursuant to the *Municipal Act, 2002* ;

“LOT” means a Parcel of land or an area of vacant Commissioner’s land, which is legally defined either by registered plan or description in the registry of the Land Titles Office or Settlement Land which is legally defined either by registered plan or description in the registry of the Land Titles Office or official plan under the *Canada Lands Surveys Act*;

“LOT, PANHANDLE” means a Lot consisting of a narrow driveway strip to provide access to a wider portion of the Lot;

“MUNICIPAL UTILITIES” means a system or facility that is used to provide any of the following things for the public: water, sewage treatment and disposal, storm water conveyance, public transportation, heat, waste heat, and waste management; and a service or product provided for public consumption, benefit, convenience, or use;

“MUNICIPALITY” means the City of Whitehorse;

“PARCEL” means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan registered in the Land Titles Office;

“PLAN OF SUBDIVISION” means a plan of survey capable of being registered in the Land Titles Office for the purpose of subdividing a Parcel of land;

“PRELIMINARY PLAN” means a plan of survey capable of being registered in the Land Titles Office for the purpose of effecting a Subdivision, Consolidation, or Condominium;

“PUBLIC USE” means land which is to be operated as a public benefit, such as but not limited to, a public park, utility corridor, or greenbelt;

“PUBLIC USE LAND DEDICATION” means land, or payment in lieu of land, dedicated to the City of Whitehorse during the Subdivision of land in accordance with section 315 of the *Municipal Act, 2002*;

“SETTLEMENT LAND” means land which has been identified to be Category A, Category B or Fee Simple Settlement Land in the applicable First Nation’s Final Agreement and is located within the municipal boundary of the City of Whitehorse;

Subdivision Control Bylaw 2025-31

“SKETCH PLAN” means a sketch, prepared by a Canada Lands Surveyor, of the proposed Subdivision, Consolidation or Condominium to be submitted with the Application and that meets the requirements set forth in this bylaw;

“SUBDIVISION” means, as applicable:

- (a) the adjusting or realigning of an existing property line;
- (b) a division of a Parcel or Lot by means of a Plan of Subdivision, a plan of survey, a plan made pursuant to section 6 of the *Condominium Act, 2015*, an agreement or any instrument, including a caveat, transferring or creating an estate or interest in part of the Parcel;
- (c) the creation of a new Parcel from existing Parcels of land; or
- (d) for the purposes of this bylaw, a division of a Lot or Parcel by an instrument; the creation of a new Parcel or Lot from previously un-subdivided land (e.g. new surveys of vacant Commissioner’s land or Settlement Land); and adjusting or realigning an existing property line;

“SUBDIVISION APPROVAL” means the signing of a Sketch Plan of Subdivision by the Approving Authority;

“TAXES” means Taxes imposed pursuant to the *Municipal Act, 2002* and the *Assessment and Taxation Act* and include any interest or penalties payable in respect of unpaid Taxes and also include any service charges imposed in respect of local improvements on property by the *Municipal Act, 2002* or the *Assessment and Taxation Act* and any interest on penalties payable in respect of them.

SUBDIVISION

FEES

5. The Applicant shall pay a non-refundable Application fee as prescribed in Appendix A of the City of Whitehorse Fees and Charges Bylaw, as amended or replaced.

APPLICATION REQUIREMENTS

6. On receipt of an Application for Subdivision Approval, the Approving Authority shall give public notice of the Application by a method determined appropriate by the Approving Authority.
7. Every Subdivision and Consolidation of land within the boundaries of the City of Whitehorse shall be made in accordance with the *Municipal Act, 2002*, the Official Community Plan, the Zoning Bylaw, the City Servicing Standards Manual, and this or any other applicable bylaw or regulation, all as amended or replaced.
8. The Application, together with all required information and fees, shall be submitted to the Subdivision Approving Officer and signed by the registered owner, or be accompanied by a letter appointing an agent and authorizing the agent to sign on the owner’s behalf.

Subdivision Control Bylaw 2025-31

9. Every Application shall be made in writing using the prescribed form provided by the Subdivision Approving Officer, and shall be accompanied by:
- (a) a current copy of the certificate of title for the subject Parcel of the Application obtained within 6 months of application and copies of documents for any registered charges that may limit or restrict the use of the subject lands;
 - (b) digital PDF and AutoCAD/Shape File copies of the Sketch Plan prepared by a Canada Lands Surveyor, which shall show at a suitable scale:
 - i. a bold line indicating the boundaries of the subject Parcel(s) and the area(s) thereof;
 - ii. the location, boundaries and dimensions of all proposed Lots;
 - iii. the location, width and names of all highways on which the proposed Subdivision area abuts;
 - iv. the location and dimensions of all registered easements or rights-of-ways that adjoin or cross the Subdivision area;
 - v. the location, width and names of proposed roads within the proposed Subdivision area;
 - vi. the location and dimensions of all Public Use Land Dedication Lots as required by the *Municipal Act, 2002* and in accordance with this bylaw;
 - vii. all buffer strips as may be required;
 - viii. all surface water bodies and riparian areas within the proposed Subdivision area;
 - ix. the locations and dimensions of all proposed easements, walkways, buffers, parks, and public utility Lots to be created within the proposed Subdivision area;
 - x. the locations and dimensions of all existing improvements that are located in proximity to existing or proposed Lot boundaries within the Subdivision area;
 - xi. a minimum of 1-metre contour information, along with any relevant topographical details such as the top-of-slope;
 - xii. a symbol indicating north;
 - xiii. the scale of the plan; and
 - xiv. such other information required by the Subdivision Approving Officer;
 - (c) such other information as may be considered necessary by the Subdivision Approving Officer to determine the suitability of the land for the proposed Subdivision, which, without limiting the generality of the foregoing, may include:
 - i. a geotechnical assessment report;
 - ii. a hydro-geological assessment and/or hydrology report;

Subdivision Control Bylaw 2025-31

- iii. a drainage plan, as per the City Servicing Standards Manual;
 - iv. the nature and availability of public utilities;
 - v. a servicing plan as per the City Servicing Standards Manual; and
 - vi. a topographic survey;
- (d) a survey certificate showing the location and dimensions of all improvements on the Parcel;
- (e) a receipt showing that all current Taxes on the land have been paid;
- (f) a non-refundable Application fee, as prescribed by the Fees and Charges Bylaw;
- (g) any additional applicable fees, as prescribed by the Fees and Charges Bylaw; and
- (h) in the case of Applications for proposed Condominium Subdivisions, an approved development permit and addressing plan.
10. An Application shall not be considered complete until the Applicant has submitted all information and fees required pursuant to sections 8 and 9 of this bylaw.
11. Notwithstanding section 10 of this bylaw, the Subdivision Approving Officer may consider an Application complete if, in the Subdivision Approving Officer's opinion, the Application is of such a nature as to enable a decision to be made on the Application without all of the information required in sections 8 and 9 of this bylaw.
12. The Subdivision Approving Officer may determine that economic, social, and/or environmental impact assessments are required to be completed at the Applicant's expense prior to the Application being deemed complete.
13. Upon submission of an Application, the Subdivision Approving Officer will undertake an initial review to determine whether further information is required for approval as per sections 8 and 9 of this bylaw, and may request such further information from the Applicant. Additional City departments and outside organizations, through the Development Review Committee, may be included in the initial review process.
14. If an Applicant does not provide further information upon request by a Subdivision Approving Officer within 12 months of the Application date, the Application will be considered void, and the Applicant may submit a new Application in accordance with this Bylaw.
15. The Subdivision Approving Officer shall notify the Applicant in writing upon receipt and determination of a complete Application.

HIGHWAY ACCESS

16. Every Applicant who applies for the Subdivision of land shall provide, to each Lot created by the Subdivision, direct access to a highway satisfactory to the Approving Authority.
17. Newly created Lots may provide Highway Access through a Panhandle Lot design. Where it is not practical to create Highway Access through a Panhandle Lot, the Approving Authority may consider an access easement or similar agreement on a case-by-case basis.

Subdivision Control Bylaw 2025-31

18. The Applicant shall bear any costs incurred from providing access to a highway from a subdivided Lot as per the requirements of this bylaw.
19. Highway Access is not required for land intended for use as:
 - (a) a railway;
 - (b) a right-of-way for a ditch, irrigation canal, pipeline, telecommunication cable, or power transmission line; or
 - (c) public infrastructure, as defined in the Zoning Bylaw.
20. The Approving Authority may waive the requirement in section 16 of this bylaw if strict compliance is considered by the Approving Authority to be impractical or undesirable for any reason.

UTILITY SUBDIVISIONS

21. Where a Subdivision of land creates a Parcel of land necessary for the use of a utility, the Parcel may be of the shape and size required and shall be used exclusively for the utility, and shall vest in the Municipality, other governments or private utility companies as considered appropriate in the circumstances. Parcels on First Nation Settlement Land shall be secured through either lease, encroachment, or similar agreement.

SUBDIVISION BY LEASE OR ENCUMBRANCE

22. Where an instrument granting a lease of only part of a Parcel of land, or charging, mortgaging, or otherwise encumbering only a part of a Parcel of land, has the effect, or may have the effect of subdividing the Parcel, the Land Titles Registrar may reject the instrument for registration until it is approved in accordance with the *Municipal Act, 2002* and the regulations.
23. Where a Parcel of land is separated into two or more areas by a registered plan for a road or right-of-way under a Plan of Subdivision, or by a natural boundary, the separated areas shall be deemed to be one Parcel for the purposes of this section as per the *Municipal Act, 2002*.
24. The City will be granted authority to access, operate, and/or maintain all proposed streets, lanes, utility corridors, infrastructure, buffers, public utility Lots, and walkways, through either a lease or other formal agreement, without compensation to the Applicant.

CONDOMINIUM CONVERSIONS

25. As part of the Application to undertake a Condominium Conversion, the Applicant shall provide:
 - (a) a declaration that any residential units within the subject building have not been rented or occupied; or
 - (b) confirmation that proper notice and conditional offers for sale (if necessary) have been given to the tenants at least 6 months prior to submitting an Application; and

Subdivision Control Bylaw 2025-31

(c) A Building Assessment Report, containing, without limitation, an identification of any deficiencies in reference to the applicable requirements in the *Building Standards Act, 2002* and the City's Building and Plumbing Bylaw, all as amended or replaced.

26. The Building Assessment Report required under section 25(c) of this bylaw must be submitted as part of a complete Application for Condominium Conversion within one year of completion of the report, otherwise it is no longer valid.

BOUNDARY REALIGNMENT OR LOT ENLARGEMENT

27. Subject to the requirements of this bylaw, the Approving Authority may approve Applications that result in one or more Lots that do not meet the minimum Lot area specified in the Zoning Bylaw, where it is necessary for the purposes of realigning a property boundary or enlarges an existing Lot where there is more than one owner.

28. Where an approval will result in Lots that do not meet the minimum Lot size specified in the Zoning Bylaw, Applications for Subdivision must include both a Plan of Subdivision and plan of Consolidation that will be approved in conjunction by the Approving Authority.

29. Where the Approving Authority approves both a Plan of Subdivision and Consolidation per section 28 of this bylaw, both plans must be registered simultaneously at the Land Titles Office.

ADMINISTRATIVE REVIEW

30. The Subdivision Approving Officer shall forward copies of the Application to the appropriate departments of the City for review and comment.

31. The Subdivision Approving Officer shall refer the Application to the Development Review Committee for review.

32. The Subdivision Approving Officer may refer the Application to any Government of Yukon or Government of Canada Departments or First Nations that may be interested in matters related to the land.

33. The Subdivision Approving Officer may refer Subdivisions that have not received master plan or zoning approval and require new street names to Council for approval. The Subdivision Approving Officer shall review the Application and make recommendations on Subdivisions referred to Council in the form of an administrative report.

34. An Application for Subdivision of land shall be considered approved if a decision has not been made by the Approving Authority within 90 days of the submission of the complete Application, as per sections 8 to 15 of this bylaw.

SUBDIVISION DECISION PROCESS

35. In making a decision on an Application, the Approving Authority may consider any matter or factor deemed relevant to the Application, including, but not limited to the following:

(a) the reports submitted pursuant to this bylaw;

Subdivision Control Bylaw 2025-31

- (b) the Official Community Plan, the Zoning Bylaw, any other applicable bylaw or regulation, all as amended or replaced;
 - (c) a complete or in progress Master Plan;
 - (d) the recommendations and policies set forth in the Truth and Reconciliation Calls to Action; and
 - (e) the suitability of the land for the proposed Subdivision, having due regard for:
 - i. the proposed use;
 - ii. the existing and proposed uses of land in the vicinity of the proposed Subdivision;
 - iii. the topography of the Parcel(s);
 - iv. the characteristics of the soil;
 - v. the nature of surface and subsurface drainage;
 - vi. any potential hazard from flooding, unstable slopes, erosion and subsidence;
 - vii. any potential contamination of air, water, or soil;
 - viii. provision of Highway Access;
 - ix. the manner of laying out of streets, lanes and lighting;
 - x. the design and orientation of the Subdivision, including the size and shape of Lots;
 - xi. the need, location and suitability of public reserve, parks, school sites and recreation facilities;
 - xii. the availability, adequacy, and location of postal, electricity, telephone, cable/internet and Municipal Utilities or on-site sewer and water systems;
 - xiii. the proposed storage or use of flammable, explosive or radio-active material;
 - xiv. protection and enhancement of sensitive steep slopes, environmental areas and critical wildlife habitat;
 - xv. protection of significant natural, historical and heritage features;
 - xvi. wildfire risk and fire management plans; and
 - xvii. reports prepared pursuant to any impact assessments carried out under section 12 of this bylaw.
36. In no case will Subdivision Approval be provided unless it is in accordance with the Official Community Plan and the Zoning Bylaw. In addition, conditions may be attached to the Subdivision to ensure Parcels newly created are serviced to municipal standards.

Subdivision Control Bylaw 2025-31

37. The Approving Authority may place any conditions on the approval of the Application that the Approving Authority deems necessary to meet the requirements of the *Municipal Act, 2002*, the Official Community Plan, the Zoning Bylaw, the City Servicing Standards Manual and this or any other applicable bylaw or regulation, as amended from time to time.
38. The Approving Authority may, as a condition of approval of the Application, require the registered owner of the subject land to enter into a Development Agreement with the Municipality with respect to that land, pursuant to the *Municipal Act, 2002* and the Development Agreement Regulations Bylaw. The Subdivision Approving Officer may require a finalized Development prior to approval of the Subdivision.
39. The Approving Authority may, as a condition of approval of the Application, levy a development cost charge on the owner of the land pursuant to the *Municipal Act, 2002* and in accordance with the Residential Development Cost Charges Bylaw.
40. The Approving Authority may, as a condition of approval of the Application, require a Public Use Land Dedication pursuant to the *Municipal Act, 2002* and in accordance with this bylaw.
41. Where, in the opinion of the Approving Authority, compliance with a requirement of any applicable regulation or bylaw is impractical or undesirable because of circumstances peculiar to a proposed Subdivision, the Approving Authority may relieve the Applicant in whole or in part from compliance with the requirement unless relief is contrary to the provisions of the *Municipal Act, 2002*, the Official Community Plan or the Zoning Bylaw.

SUBDIVISION APPROVAL

42. A Subdivision Approving Officer shall approve, conditionally approve, or refuse Subdivision Applications, realignment of existing Lot lines, Consolidations, and all Condominium Subdivisions (including bare land type Condominium units).
43. Council shall by resolution approve, conditionally approve, or refuse Subdivision Applications that have been referred to Council pursuant to section 35 of this bylaw.
44. An Approving Authority shall not approve an Application for a Condominium Subdivision where there would be less than three (3) Condominium units being created.
45. Approval of a final Plan of Subdivision by the Approving Authority, through the process set out by the Surveyor General Branch of Yukon, is deemed to be a certificate of an Approving Authority, as required under section 7(c) of the *Condominium Act, 2015*.

APPROVAL TIMELINE

46. An Application for Subdivision shall be considered approved if the Approving Authority has not made a decision within 90 days of the City receiving a completed Application, unless the Applicant's consent has been given in writing for a time extension.
47. Approval of an Application shall be valid for a period of 12 months, after which approval will be deemed to have lapsed if the Preliminary Plan has not been registered with the Land Titles Office within this period.

Subdivision Control Bylaw 2025-31

48. The Approving Authority may renew an approval of an Application for one period of 12 months, commencing from the end of the first approval period. New administrative fees will apply, as per the City's Fees and Charges Bylaw.
49. The Applicant shall provide proof of registration at the Land Titles Office to the City prior to expiry of approval or extension. The City may withhold other related permits or approvals until proof of registration has been provided.

PROCESS FOLLOWING APPROVAL

50. Where an Application is approved:
 - (a) The Subdivision Approving Officer shall notify the Applicant of the decision, along with any conditions of approval, in writing and advise the Applicant of their right of appeal if the Application was approved conditionally.
 - (b) The Subdivision Approving Officer shall have the Sketch Plan signed by the appropriate Approving Authority and return a digital copy of the signed Sketch Plan with the approval decision letter to the Applicant as the Subdivision Approval notification.
 - (c) The Applicant shall thereafter contract a Canada Lands Surveyor to produce a Preliminary Plan of survey drawn in conformity with the approved Sketch Plan.
 - (d) The Canada Lands Surveyor shall submit copies of the Preliminary Plan to the Subdivision Approving Officer for review of its conformance to the Sketch Plan.
 - (e) If the Subdivision Approving Officer is satisfied that the Preliminary Plan has been prepared in conformance to the Sketch Plan, and that all applicable conditions of the Subdivision Approval have been satisfied, the Preliminary Plan shall be signed by the Approving Authority and notification sent to the Canada Lands Surveyor.

PROCESS FOLLOWING REFUSAL

51. Where the Approving Authority refuses to approve the Application, the Approving Authority shall state the reason or reasons for refusal and the Subdivision Approving Officer shall notify the Applicant in writing and advise the Applicant of their right to appeal.
52. Following the refusal of an Application, no subsequent unaltered Application for the same use of land shall be made within six months of the date of the refusal.

APPEALS

53. Where the Application is refused or conditionally approved, or if a Plan of Subdivision is refused, the Subdivision Approving Officer shall notify the Applicant of the decision, along with the reasons for refusal, and shall advise the Applicant of the right to appeal and the time within which an appeal may be made.
54. Where the Application is refused or conditionally approved, the Applicant may appeal in writing to the appeal board, which will consist of:

Subdivision Control Bylaw 2025-31

- (1) Council, if the Subdivision was considered by a Subdivision Approving Officer;
or
 - (2) the Yukon Municipal Board, if the Subdivision was considered by Council.
55. An appeal to Council or the Yukon Municipal Board shall be made in writing within 30 days after the date on which the Applicant is served with notice of refusal or conditional approval or the date the notice was mailed to the Applicant.
56. Where an appeal is received within 30 days of refusal or conditional approval, a hearing must be held within 90 of receiving notice of the appeal and must:
- (a) Ensure that reasonable notice of the hearing is given to the Applicant and all affected persons; and
 - (b) Consider the appeal having regard to the purpose, scope, and intent of the Official Community Plan, the Master Plan Policy, the Zoning Bylaw or any other applicable bylaw or regulation and to the Development and use of the land that may result from the proposed Subdivision of land.
57. At the appeal hearing, the Applicant and any person who has an interest in or might be affected by the Subdivision of land that is the subject of the hearing must be heard by the appeal board.
58. In determining an appeal, the appeal board may confirm, reverse, or vary the decision of the Approving Authority and may impose further conditions that it considers appropriate.
59. The appeal board shall provide a decision in writing within 60 days after the date of the hearing, which will be in force for 12 months from the date on which it was issued.

PUBLIC USE LAND DEDICATION

APPLICATION OF PUBLIC USE LAND DEDICATION

60. The City shall require a ten percent Public Use Land Dedication, or payment in lieu thereof, for each Subdivision Application received by an Applicant.
61. Notwithstanding section 60, the City of Whitehorse shall not require dedication of a ten percent Public Use Land Dedication, or payment in lieu thereof, in respect of First Nation Subdivision Applications that comprise Settlement Land. Through the Subdivision Application process, the First Nation shall identify ten percent of lands to be set aside by the First Nation for Public Use in each Subdivision Application, subject to approval of the land by the City, and the First Nation shall secure such Public Use through agreement where applicable.

PROCEDURE FOR PUBLIC USE LAND DEDICATION

62. Each Applicant proposing a Subdivision of land for any use is required to dedicate ten percent of the total land to be subdivided for Public Use. The calculation to determine the ten percent shall not include land to be dedicated for buffers, streets and lanes.

Subdivision Control Bylaw 2025-31

63. The location and dimension of all Lots dedicated for Public Use lands must be shown in the Sketch Plan of the proposed Subdivision.
64. The location and suitability of land within the proposed Subdivision to be dedicated to the Public Use is subject to the approval of the Approving Authority.

LANDS THAT MUST BE TRANSFERRED TO THE CITY

65. In addition to the ten percent land dedication, the following lands must be transferred to the City as a condition of Subdivision Approval and without any compensation to the Applicant:
 - (a) all proposed streets, and lanes; and
 - (b) buffer areas that have been required in a Subdivision of land proposed for residential uses.
66. The Director of Development Services, or their designate, is granted the authority to approve leases, easements, or other similar agreements, for Settlement Land with First Nations in lieu of transfer for all highways, public utility Lots, parks, buffers, walkways, or similar, and other Public Use Land Dedication areas. Once approved by the Director of Development Services, three copies will be forwarded for execution by the Mayor and Corporate Services, under City seal.

LANDS THE CITY MAY REQUIRE TO BE INCLUDED

67. The City may require that the following lands be included in the ten percent land Public Use Land Dedication:
 - (a) Any Parcel of land as deemed appropriate by the Approving Authority; and
 - (b) Where land adjacent to surface water, or any other body of water, is to be subdivided for other than public recreational uses, the following dedication of land to the Public Use may be required:
 - i. A Parcel of land, of such width as may be determined by the Approving Authority, lying between the bank of the land containing water and the land to be retained by the owner, for the preservation of the bank and the protection of the land retained by the owner against flooding and to provide public access to the water; and
 - ii. Land to provide access to the shoreline of the land containing water, to serve the proposed Subdivision, and not exceeding ten percent of the area of the land to be subdivided.

ADDITIONAL LANDS THAT MAY BE TAKEN

68. If the land to be subdivided contains ravines, swamps, natural drainage courses, or other areas that, in the opinion of the Approving Authority, are unsuitable for building sites or other private uses, the Approving Authority may require that those areas be dedicated to the Public Use in addition, or in part contribution, to the required ten percent Public Use Land Dedication.

Subdivision Control Bylaw 2025-31

EXEMPTIONS

69. The Public Use Land Dedication requirements identified in section 315 and 316 of the *Municipal Act, 2002* and this bylaw shall not apply to Subdivision Applications where:
- (a) the land is intended for:
 - i. a railway station grounds or railway right-of-way;
 - ii. a right-of-way for a ditch or irrigation canal;
 - iii. a pipeline;
 - iv. telecommunication cable or power transmission line; or
 - v. a reservoir or sewage lagoon;
 - (b) the land is to be re-subdivided for the purpose of correcting or re-arranging boundaries of land previously included in an area subject to the requirements of the Subdivision section of the *Municipal Act, 2002*;
 - (c) the land is to be subdivided into Lots twenty hectares or larger in area, unless the Approving Authority directs otherwise;
 - (d) a dedication of ten percent for Public Use was made in addition to the dedication for streets and lanes in a previous Subdivision of the land;
 - (e) another government authority has exercised reversionary rights on the land proposed for Subdivision;
 - (f) the land being subdivided exists as public land and is intended to stay in the public domain after Subdivision; or
 - (g) the land to be subdivided is from vacant Commissioner's Land and is being consolidated with an existing surveyed Lot as a Lot enlargement.

CASH-IN-LIEU OF LAND DEDICATION

70. In cases where the identified dedications of land do not total ten percent of the Subdivision land area, the remaining difference shall be required in a cash-in-lieu payment to the Municipality. The cash-in-lieu of dedication shall be provided at a rate equivalent to the fair market value of the land.
71. The Approving Authority may consider a combination of land transfer and cash-in-lieu, but in no case shall the total value be equal to less than ten percent of land value of the subdivided land.
72. The value of the land shall be determined on the basis of the value of the land immediately after the Subdivision of the land and shall be established under the *Assessment and Taxation Act*.
73. All cash-in-lieu of dedication proposals shall be reviewed by the Subdivision Approving Officer to ensure the correct value has been provided based on the Application and forwarded to the Director of Development Services for approval.
74. In the event that the Director of Development Services is unable to make a decision on whether or not to accept cash-in-lieu of dedication, they may refer the decision to Council, and Council may by resolution approve or refuse cash-in-lieu of dedication.

Subdivision Control Bylaw 2025-31

75. Cash-in-lieu payments shall be deposited in a reserve account and shall be used only for the purchase or Development of Public Use land.

PUBLIC USE RESERVES DEFERRED OR WAIVED

76. If the dedication of land to the Public Use would, in the opinion of the Approving Authority, serve no practical purpose or for any other reason would be unnecessary or undesirable, the Approving Authority may direct that the dedication of land to the Public Use in respect of the proposed Subdivision be deferred in whole or in part until a further Subdivision is made or may be waived in whole or in part.

GENERAL INTERPRETATION

BYLAW SHALL PREVAIL

77. Where the provisions of this bylaw conflict or overlap with the provisions of any other bylaw of the City, the bylaw with the more stringent provisions shall prevail.

OFFENCE

78. Any person who contravenes the provisions of this bylaw is guilty of an offence and is liable to a fine where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code*.

79. Each day that a violation of the provisions of this bylaw exists shall constitute a separate offence.

SEVERABILITY

80. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw that can be given effect without such invalid part or parts.

REPEAL

81. Bylaw 2012-16, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

82. This bylaw shall come into full force and effect upon the final passing hereof.

FIRST READING: January 26, 2026

SECOND READING:

THIRD READING and ADOPTION:

Kirk Cameron, Mayor

Corporate Services