

# CITY OF WHITEHORSE

## BYLAW 2025-31

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

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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

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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;

“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;

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“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*;

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“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.

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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.
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;

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- (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;
    - 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.

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## **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.
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.

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## **CONDOMINIUM CONVERSIONS**

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.

## **BOUNDARY REALIGNMENT OR LOT ENLARGEMENT**

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.
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.
28. Where the Approving Authority approves both a Plan of Subdivision and Consolidation per section 27 of this bylaw, both plans must be registered simultaneously at the Land Titles Office.

## **ADMINISTRATIVE REVIEW**

29. The Subdivision Approving Officer shall forward copies of the Application to the appropriate departments of the City for review and comment.
30. The Subdivision Approving Officer shall refer the Application to the Development Review Committee for review.
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.
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.
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 15 of this bylaw.

## **SUBDIVISION DECISION PROCESS**

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;

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- (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.

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.

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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.
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.
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.
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.
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**

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).
42. Council shall by resolution approve, conditionally approve, or refuse Subdivision Applications that have been referred to Council pursuant to section 34 of this bylaw.
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.
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 certificate of an Approving Authority, as required under section 7(c) of the *Condominium Act, 2015*.

## **APPROVAL TIMELINE**

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.

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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.
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.
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**

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**

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.
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**

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.

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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.
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.
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.
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.
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.
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**

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.
60. Notwithstanding section 59, 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.

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## **PROCEDURE FOR PUBLIC USE LAND DEDICATION**

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

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.
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**

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

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- 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**

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**

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**

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.

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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.
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*.
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.
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.
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**

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**

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**

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

### **SEVERABILITY**

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.

# Subdivision Control Bylaw 2025-31

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## REPEAL

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

## COMING INTO FORCE

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

**FIRST READING:**

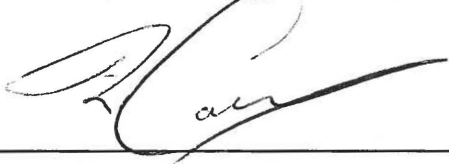
January 26, 2026

**SECOND READING**

April 27, 2026

**THIRD READING and ADOPTION:**

April 27, 2026



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Corporate Services

