



# APPLICATION GUIDE

## Condominium Exemption

### Introduction

Pursuant to Section 9(2) of the *Condominium Act, 1998*, an application for approval of a Condominium and/or Condominium Conversion is to follow the same planning approval process as a Plan of Subdivision. The County of Haliburton can however exempt applications from the full approval process.

An 'Application for Condominium Exemption' recognizes that the proposed development has 'recently' undergone *Planning Act* approvals and that sufficient safeguards are in place due to the requirement for a Site Plan Control Agreement or a Development Agreement. Conditions of Draft Approval, therefore, may not be required and the development may be able to proceed directly to Final Approval.

The Condominium Plans that are submitted to the Planning Department office for Final Approval must show all of the buildings that are on the Site Plan/Development Agreement as approved by the local Municipality. The site must also be completed/constructed in accordance with these Agreements. If all site plan items have not been completed at the time of an 'Application for Condominium Exemption', Final Approval by the County will only be granted provided adequate security for incomplete items has been posted.

The submission of an application for approval of an Exemption to the approval of a Condominium Description is provided for under Section 9(6) of the *Condominium Act*. The procedure will be initiated once the completed application form, application fees, and necessary supporting material are received by the Planning Department. This form must be completed and accompanied with the required fee prior to consideration by the County.

### Types of Exemptions not Accepted:

The County of Haliburton will generally not accept/approve an 'Application for Condominium Exemption' for the following:

- a. Conversions of existing buildings that are more than 10 years old. Buildings constructed more than ten (10) years prior to the date of application will not be considered for an Exemption and shall be subject to Conditions of Draft Approval;
- b. Proposals for Vacant Land Condominiums;
- c. Proposals that have not been subject to *Planning Act* approval (i.e., approval of a Zoning By-law Amendment, Official Plan Amendment or a Minor Variance) within three (3) years of the date of 'Application for Exemption' unless it is accompanied by a resolution of the Local Municipal Council stating that all matters under Section 51 and 51.1 of the *Planning Act* have been addressed to their satisfaction; and that the Local Council supports the request for exemption for these sections of the *Planning Act*;
- d. Any other proposals at the discretion of the County of Haliburton and review agencies.

### Preconsultation

It is the responsibility of the applicant to research and evaluate the development proposal against the criteria set out in the *Planning Act*, the *Condominium Act*, the Provincial Policy Statement, the County Official Plan and the local municipal Official Plan and comprehensive Zoning By-law. The applicant should meet with the local municipality to discuss the appropriateness of the proposal in the context of these documents.

### Completing the Application

The application form sets out information that will assist the Council of the County of Haliburton and others in their planning evaluation of the request for condominium exemption. To ensure the quickest and most complete review, this information must be submitted at the time of application.

### Approval Process:

Upon receipt of a complete application, the required fee and the information as required; the County will determine whether there is sufficient merit in processing the application further. The County shall receive any written submissions, confer with any persons or public bodies as deemed necessary and give full consideration to the application. Based on the received comments, the County may give approval to the 'Application for Condominium Exemption' or recommend that the application be subject to Sections 51, 51.1 and 51.2 of the *Planning Act*.

Concerns or issues raised as a result of any submission must be addressed prior to Final Approval or the development will be classified as not suitable for Exemption.

Exemption will not be granted if outstanding municipal requirements i.e., Site Plan Control Agreement and/or Development Agreement(s) have not been completed to the satisfaction of the County/Local Municipality.

### Please Attach

The following must be submitted with the application:

- A copy of all completed development or site plan agreements that have been entered into with any agency, or executed and registered on title of the subject lands.
- If the building is an existing rental property, a copy of the Engineer's report completed to the satisfaction of the Municipal Engineer that indicates the building is appropriate and sound for conversion and sale.
- A copy of the resolution of the Local Municipal Council stating that all matters under Section 51 and 51.1 of the *Planning Act* have been addressed to their satisfaction; and confirming that all agencies required under Section 51 of the *Planning Act* have been notified and given an opportunity to comment; and that the Local Municipal Council supports the request for exemption from these sections of the *Planning Act*, R.S.O., 1996C. 13.
- The required fee and deposit, payable to the County of Haliburton.
- A digital copy of the plan to the specifications of the County of Haliburton.
- 6 completed application forms (1 original and 5 copies). (Ensure that you have a copy for yourself).
- 6 copies of the draft plan with key maps, folded to 8½" x 14" size.
- 3 copies of the draft plan reduced to 8½ x 14" size.
- 1 computer disk containing a digitized copy of the proposed draft plan in imprint DXF or DWG format.
- 5 copies of the information/reports as indicated in the application form.
- 1 copy of the registered transfer/deed for the subject lands.

### For Help

To help you complete the application form and prepare a good draft plan, please consult your local municipality. You can also contact the Director of Planning at the County of Haliburton Administration Building, 11 Newcastle Street, P. O. Box 399, Minden, Ontario K0M 2K0, Telephone: (705) 286-1333 or 1-866-886-8815, Ext. 222.