



PROCEDURES MANUAL
CONDOMINIUM EXEMPTION

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Application for Condominium Exemption

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CRITERIA FOR CONDOMINIUM EXEMPTION

The following criteria are requirements for an Application for Condominium Exemption:

- Proposed use conforms to the Official Plan,
- Land is zoned for proposed use,
- The proposed use has recently been through a planning review and approved by the Local Municipality and or the County of Haliburton (i.e. Block on an approved plan of subdivision, or an amendment to the Official Plan or comprehensive Zoning By-law),
- Local Municipal Council supports the proposed exemption and provides a resolution of Council to the County,
- All buildings and structures to be shown on the declaration and description must be completed or installed as prescribed under the *Condominium Act*. However, the formal application for an exemption may be filed with the County once the building permit has been issued and construction has commenced.

STEP 1 – PRESUBMISSION

1. **Activity:** Preliminary meetings between Developer/Consultant/Municipality/Public Agencies (if necessary)

Action: Local Municipality

Procedures:

- i) Review and discuss conformity of proposal to local Official Plan, Zoning By-law and Approved Site Plan and Agreement.

Note: If the condominium exemption application does not conform to the Official Plan, Zoning By-law, and has not gone through a plan of subdivision or site plan control process under the Ontario *Planning Act* then this application should be deemed premature.

- ii) Discuss any other relevant planning issues (i.e. servicing requirements, services to be assumed ultimately by the Local Municipality, the need for additional studies to be submitted with the application, etc.).
- iii) Explain the condominium exemption process and provide a copy of this manual together with an application form guide (County application form only).
- iv) Make the developer aware of the Land Titles Act and that they should investigate the requirements of this Act and any other appropriate land registry requirements.

Note: It is recommended that the developer retain professional services to prepare the submission for STEP 2.

STEP 2 – PRECONSULTATION

1. Activity: Receipt of Initial Application

Action: Local Municipality

Procedures:

- i) Application received in mail or by hand delivery.
- ii) Ensure adequate number of copies of the concept plans and completed application forms required for internal circulation have been submitted, together with any required fee set by the Local Municipality.

Note: The fee charged by the Local Municipality may include a deposit against which the Local Municipality may charge any professional fees and expenses incurred in reviewing the application.

- iii) Review application to ensure the required information for the local review has been provided and to determine if additional information has been submitted or will be required in order to allow for a thorough review of the application.
- iv) Review the local Official Plan, Zoning By-law, Site Plan and Site Plan Agreement (if possible) to determine if the application is in conformity with the Plan.
- v) If the application is not complete, the Local Municipality will forward a letter to the applicant/agent requesting additional information. No further action will take place on the file until all of the required information is submitted.
- vi) Once the applicant/agent has submitted all of the required information, the circulation for the preconsultation process will commence. The circulation may include review of the application by the Local Municipality's planning consultant and engineer.
- vii) Identify and advise the applicant of any additional information which may be required by the County to constitute a complete application.

Note: The County may still require additional information other than that identified by the Local Municipality.

- viii) Upon completion of the preconsultation process, provide the applicant with written confirmation of the Local Municipality's position to the County.

- ix) Upon submission of the formal application, the Local Municipality must provide a resolution of council supporting the proposed condominium exemption process and acknowledging that, by exempting the description from Section 51 and Section 51.1 of the Planning Act, the subdivision process does not apply and the opportunity to obtain parkland or cash in-lieu of parkland is foregone.

Note: Prior to proceeding with the submission of the formal application the Local Municipality must confirm that the building permit has been issued and that the construction of the proposed condominium has commenced.

STEP 3 – SUBMISSION OF FORMAL APPLICATION

1. **Activity:** Receipt of formal application and review to ensure it is complete.

Action: Director of Planning

Procedures:

- i) Application received in mail or by hand delivery (**County application form only**).
- ii) Ensure the required 6 copies of the draft plan, 3 reduced copies of the plan on 8½” by 14” paper and 6 completed application forms (1 original and 5 copies) have been submitted, together with the required fee.

Note: In addition to the application fee, the County will require a deposit against which the County will charge any professional fees and expenses incurred in reviewing the application.

- iii) Identify the Municipal Plan Review Consultant and advise that an application has been received.
- iv) Review the application to ensure the prescribed information has been provided and the application is complete and also determine if additional information has been submitted or will be required in order to allow for a thorough review of the application. The Director of Planning may consult with the Municipal Plan Review Consultant and/or the Local Municipality to clarify requirements for additional information.
- v) Determine if the application has previously undergone a public consultation process under the Ontario *Planning Act*.
- vi) If the application is not complete the Director of Planning will forward a letter to the applicant/agent requesting additional information. No further action will take place on the file and no file number will be assigned until all of the required information is submitted.
- vii) Once the applicant/agent has submitted all of the required information the application will be date stamped on the day it is considered to be complete.

2. **Activity:** Assigning File Number

Action: Director of Planning

Procedures:

- i) If the application is deemed complete, a file number will be assigned.

- ii) Open a new file for the application and note the date of complete application on the file tracking sheet.

3. Activity: Acknowledgement Letter

Action: Director of Planning

Procedures:

- i) Acknowledgement letter is sent to the applicant/agent to confirm receipt of application and provide file number. A copy of the letter is also forwarded to the County Clerk's Office and the Local Municipal Clerk for information purposes.

4. Activity: Forward File to Municipal Plan Review Consultant

Action: Director of Planning

Procedures:

- i) The Director of Planning may, at his or her discretion, refer the application or any supporting studies to the Municipal Plan Review Consultant for peer review.

5. Activity: Commence Review of Application

Action: Director of Planning

Procedures:

- i) Upon receipt of the file, the Director of Planning shall confirm the application is in conformity with the planning documents (i.e. Official Plan and land must be zoned for proposed use) and shall confirm that exemption from Section 51 and 51.1 of the *Planning Act* is possible.
- ii) Upon receipt of the file, the Director of Planning shall confirm the Local Municipal Council supports the proposed exemption and provides a resolution of Council to the County. This resolution of Council must acknowledge that, by exempting the description from Section 51 and Section 51.1 of the *Planning Act*, the subdivision process does not apply and the opportunity to obtain parkland or cash in-lieu of parkland is foregone. The Local Municipality must also confirm that all required reports have been received and have been completed to its satisfaction (i.e. Architectural Drawings, Building Condition Study, Reserve Fund Study, etc.).
- iii) The Director of Planning may, at his or her discretion, may circulate the application to those agencies or public bodies which may have an interest in the proposal and were not circulated during the previous public consultation process under the Ontario *Planning Act*.

STEP 4 – COMPLETE REVIEW OF CONDOMINIUM EXEMPTION APPLICATION AND PLAN

1. **Activity:** Complete review of Condominium Exemption application

Action: Director of Planning

Procedures:

- i) The Director of Planning completes the review of the application and is satisfied that the condominium exemption application conforms to the Official Plan, the land is zoned for the proposed use, that the subject lands have been through a planning review (i.e. Block on an approved plan of subdivision or site plan approval), Local Municipal Council supports proposal, the construction is completed to the satisfaction of the Local Municipality and the building can be exempt from Draft Plan of Condominium Approval.
- ii) The Director of Planning prepares a technical report to the County Council advising that the provisions of Section 51 and 51.1 of the *Planning Act* are exempted and the Exemption Application is approved.

STEP 5 - APPLICATION IS WITHDRAWN

1. Activity: Application is Withdrawn

Action: Applicant and Director of Planning

Procedures:

- i) The applicant informs the Director of Planning, in writing, that the application is being withdrawn.
- ii) The Director of Planning provides notice to the following parties and provides reasons for the withdrawal, if known:
 - a) County CAO
 - b) Local Municipality
 - c) Municipal Plan Review Consultant
- iii) The Municipal Plan Review Consultant closes the file and forwards final invoice to the Director of Planning.
- iv) Upon receipt of the final invoice from the Municipal Plan Review Consultant, the Director of Planning will ensure that all outstanding accounts in connection with the review of the application have been remitted and paid against the deposit made by the developer to the County. When all financial obligations have been paid, the Director of Planning will requisition a cheque in the amount of the balance, if any, remaining on deposit and will then forward a letter to the applicant attaching the cheque.

STEP 6 - APPROVAL OF CONDOMINIUM PLAN

A – Approval of Exemption Request

1. **Activity:** County Council Considers Technical Report

Action by: County Council

Procedures:

- i) Review the Technical Report and pass a resolution to:
 - a) refuse the application with reasons: or
 - b) approve the draft plan subject to the necessary conditions: or
 - c) defer the application for further technical review.

Note: The decision of Council to approve or refuse an application for an exemption cannot be appealed. The role of Council in the approval process is complete at this Step. The certificate of exemption will be issued by the Subdivision Signing Authority who is a member of County staff.

- ii) The Director of Planning shall notify the applicant and the Local Municipality of the decision of Council.

B – Obtaining the Certificate of Exemption:

1. **Activity:** Submission of Plan of Condominium Description

Action: Applicant/Ontario Land Surveyor

Procedures:

- i) The Applicant shall cause the following plans which have been prepared by the Ontario Land Surveyor to be submitted to the Director of Planning:
 - 1 original
 - 5 transparent mylar duplicates of the original
 - 6 white paper copies.
 - ii) The Local Municipality shall provide a letter confirming that the Local Municipality has no objections to the County issuing the certificate of exemption.
2. **Activity:** Review Information Necessary to Obtain Certificate of Exemption
- Action:** Director of Planning
- Procedures:**
- i) The Plan of Condominium is reviewed by Director of Planning to ensure that:
 - a) the plan is the same as the original draft Condominium description provided;

- b) the plan includes a statement clearly indicating which lands are to be dedicated to the Local Municipality or County, if required;
 - c) the plan has been signed and dated by the OLS;
 - d) the plan has been signed and dated by the declarant;
 - e) there is sufficient spaced on the plan to endorse it without infringing on any part of the plan.
- ii) The Director of Planning may, at his or her discretion, refer the final plan to the Municipal Plan Review Consultant for review.
 - iii) Once the Director of Planning is satisfied that all requirements have been met, a report is prepared and submitted to the Subdivision Signing Authority recommending approval of the plan. If the Subdivision Signing Authority is also satisfied that the plan is ready for approval the Subdivision Signing Authority will proceed with the endorsement and signing of the plan on behalf of the Approval Authority.

3. Activity: Endorsement and Signing of the Plan

Action: Director of Planning and Subdivision Signing Authority

Procedures:

- i) The Director of Planning will ensure that there are sufficient monies on deposit to offset any outstanding accounts. Once, all financial obligations to the County have been satisfied, the plans will be signed in indelible ink by the Subdivision Signing Authority.

4. Activity: Notification of Approval

Action: Director of Planning

Procedures:

- i) The Director of Planning will provide notification of Approval to:
 - a) Applicant/agent;
 - b) OLS;
 - c) County Council;
 - d) Local Municipality.

C - Registration:

1. Activity: Plans Forwarded to Land Registrar

Action: Director of Planning

Procedures:

- i) After the Certificate of Approval has been endorsed on the plan, the original and all necessary duplicates except for one white paper print is hand delivered or sent

by bonded courier to the Land Registrar. The paper print is retained by the Director of Planning for the Plan of Condominium file.

Note: Only the Director of Planning/designate or a bonded courier shall be permitted to hand deliver the final plans to the Registry Office.

STEP 7 - CLOSING THE FILE

1. Activity: Closing the File

Action: Director of Planning

Procedures:

- i) Before closing the file, the Director of Planning will prepare a statement of the deposit held by the County, itemizing the charges made by the County against the deposit. The Director of Planning will requisition a cheque in the amount of any balance held on account and shall forward the cheque along with the above statement to the applicant/agent.