



County of Bruce Planning & Development Department

Condominium Exemption

INFORMATION TO APPLICANTS

CONDOMINIUM EXEMPTIONS:

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

Section 9(6) of the Condominium Act grants the power to the County of Bruce to 'exempt' from approval a Condominium description. The County of Bruce Planning and Development Committee (which also serves as the County's Land Division Committee) has delegated the authority to grant an exemption to the Secretary-Treasurer of the Land Division Committee. The Exemption Review process is initiated once a 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 Secretary-Treasurer.

APPLICATION FEE:

Please contact the Planning Department for the applicable 'Condominium Exemption' fee. Each application must be accompanied by the application fee in the form of a cheque payable to the 'Treasurer, County of Bruce'. Fees for the Peer Review of submitted reports/studies may also be applicable.

AUTHORIZATION:

If this application is signed by an Applicant or agent on behalf of the owner of the property, the owner's authorization for this action must accompany this application. If the Applicant is a Corporation acting without agent or solicitor, the application must be signed by an officer of the Corporation and the seal, if applicable, must be affixed. A sample format for authorization is attached at Appendix 'A' to this form.

CRITERIA FOR CONDOMINIUM EXEMPTION:

1. There are no classes of condominium that are exempted from the requirements of the Planning Act. Each request for exemption will be considered individually on its own merits.

2. Exemption may generally be considered when:

- ✓ The proposed condominium has undergone a site specific Planning Act review/approval by the Local Municipality and/or the County of Bruce OR is an existing rental building;
- ✓ The Plan conforms to the County and Local Official Plan;
- ✓ The Plan conforms to, and complies with, the Zoning By-law;
- ✓ A Site Plan or Development Agreement, if required, has been registered against title to the lands;
- ✓ The work required therein is substantially completed or installed as prescribed under the Condominium Act;
- ✓ There are no Municipal, agency or Planning Department requirements;
- ✓ All matters under Section 51 of the Planning Act and O.Reg. 544/06 have been addressed;

- ✓ There are no provincial, municipal, County or agency concerns requiring conditions of Draft Approval.

3. If Exemption is recommended, there will be no Conditions of Draft Approval issued.

INITIAL MATERIALS TO BE SUBMITTED:

1. One (1) original completed application in paper and pdf format.
2. One (1) complete set of the DRAFT Description Plan Sheets Part I (perimeter plan sheet showing condo lands) and if applicable Part II (exclusive use portions of the common elements) in paper and pdf format.
3. Five (5) reduced size (11" x 17") copies of Part I and Part II plus a location key map.
4. Municipal Letter/Compliance Report/Engineers Report when required by Section 13.3 of the application.
5. A Stormwater Management Report when required by Section 14.2 of the application.
6. 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.
7. If the building(s) subject to the Exemption Application was constructed more than five (5) years prior to the date of Application, a "Comprehensive Reserve Fund Study" prepared in accordance with O.Reg. 48/01 is required.

TO BE FULFILLED PRIOR TO REGISTRATION:

1. Copies of the Plan in number and content based on the requirements of the Condominium Act (1998), Ontario Regulations and Land Registry Office, plus a paper copy to be provided to the County of Bruce by the Registry Office following registration. Contact the Planning Department to obtain the correct form for the Exemption Stamp to be applied.
2. Computer disk containing a digital copy of i) Part 1 - Plan of Survey of the Condominium Property and ii) Part 2 - Plan of Survey of the Exclusive Use Elements. Digital mapping must be submitted in either ESRI shapefile or geodatabase format projected to NAD83 UTM Zone 17N. Vector lines must be topologically clean, area features mapped as closed polygons, and attribute data entered to a consistent standard.
3. Include the following in the Condominium Declaration as required by the County of Bruce and/or Local Municipality:

i) The garbage collection area shall be at [insert location as per direction of local municipality] and collection shall be provided by [insert private or municipal service as per direction of local municipality].

ii) The necessary easements and/or rights-of-way, for servicing and access to [insert public road name] shall be

granted to the owners of the abutting lands.

iii) Road access to Bruce Condominium Corporation No. xx is maintained on a seasonal basis only.

iv) All interior streets shall be posted with "No Parking – Fire Route" signs.

v) Any other Clause as required by the County of Bruce and/or Local Municipality.

4. Implement common element agreements/easements to cover services, driveways, and visitor parking.
5. Submit 'as constructed' information in digital format certified by a professional engineer, and make arrangements to provide reproducible 'as constructed' drawings to the future Condominium Board. Such drawings are to show:
 - i. Sewer diameters, grades and inverts, top of manholes and catchbasin elevations;
 - ii. Cross-sections indicating asphalt thickness and granular depth for internal roads;
 - iii. Locations of all underground utilities (i.e. electricity, gas, water, etc.);
 - iv. Parking lot layout dimensions, including underground parking where applicable.
6. As required by the local Municipality:
 - i. A Condominium Agreement registered against title;
 - ii. 'As constructed' drawings as per clause 5 above;
 - iii. A Site Plan Control Agreement registered against title.
7. All units must be substantially completed and ready for occupancy prior to registration as a condominium;
8. Pay all outstanding taxes in arrears and Development Charges where applicable in connection with the subject property to the satisfaction of the Municipality and/or County.
9. FOR PHASED CONDOMINIUMS ONLY: Register on title an agreement containing the arrangements whereby the existing condominium corporation and any future condominium corporations shall maintain the driveways, parking, landscaping and any other shared facilities shown on the draft plan, to the satisfaction of the County of Bruce.

APPROVAL PROCESS:

Upon receipt of an 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 Secretary-Treasurer may give approval to the application **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 or the Application 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.

You are advised to review the development proposal and completed application with a planner from the Planning and Development Department prior to submitting the application.

The completed application form and supporting documentation should be returned to:

Bruce County Planning & Development Dept.
Box 848, 30 Park Street,
WALKERTON, Ontario N0G 2V0
Phone: (519) 881-1782
bcplwa@brucecounty.on.ca

OR

Bruce County Planning & Development Dept.
Box 129, 268 Berford Street,
WIARTON, Ontario N0H 2T0
Phone: (519) 534-2092
bcplwi@brucecounty.on.ca

OR

Bruce County Planning & Development Dept.
1243 MacKenzie Road,
PORT ELGIN, Ontario N0H 2C6
Phone: (226) 909-1601
bcplpe@brucecounty.on.ca

PLEASE NOTE THAT THE ABOVE INFORMATION IS ESSENTIAL INFORMATION. FAILURE TO PROVIDE THIS INFORMATION INHIBITS A COMPLETE EVALUATION OF THE PROPOSAL AND MAY RESULT IN A DELAY.

**The following APPLICATION FORM (pages 1 to 4) should be submitted to the appropriate Planning Office*



County of Bruce Planning & Development Department

Condominium Exemption

APPLICATION FORM

This application is for condominium exemption from Sections 51 and 51.1 of the Planning Act, R.S.O. 1996 c.13, (as amended) as provided for by Section 9(6) of the Condominium Act R.S.O. 1998 c.19. The Secretary-Treasurer of the County of Bruce Land Division Committee reserves the right to determine if an application shall be subject to Sections 51 and 51.1 of the Planning Act.

This application must be filled out completely and the required information submitted before a decision can be recommended to the Secretary-Treasurer. The authority to approve such applications has been delegated to the Secretary-Treasurer by the County of Bruce Council.

ALL COMMUNICATIONS WILL BE DIRECTED TO THE **PRIME CONTACT ONLY**. PLEASE INDICATE WHO THIS IS TO BE:

1. **Prime Contact:** _____

Address _____

Telephone: Home () _____ Work () _____ Fax () _____

E-mail address _____

** A Registered Owner's authorization is required if the Prime Contact is not the owner (see Appendix 'A')

2. **Registered Owner:** _____

Address _____

Telephone: Home () _____ Work () _____ Fax () _____

E-mail address _____

3. **Agent/Applicant Name:** _____

Address _____

Telephone: Home () _____ Work () _____ Fax () _____

E-mail address _____

4. **Location of Property:**

Local Municipality _____ Former Municipality _____

Lot(s) _____ Concession _____

Lot(s) _____ Registered Plan _____

Part(s) _____ Reference Plan _____

Street &/or 911 Address _____

Tax Assessment Roll # _____

5.0 TYPE OF CONDOMINIUM	
5.1	() Standard (Not Phased) - The traditional condominium type.
5.2	() Standard (Phased) - A single standard condominium built in phases.
5.3	() Common Elements - Where common elements are defined but the land is not divided into units. Provide a summary of the property ownerships and a plan showing the affected freehold properties (Parcels of Tied Land) outside the specific condominium site. Also provide a plan and a description of the common elements.
5.4	() Other (i.e., Leasehold, Vacant Land, Amalgamation):

6.0 CONDOMINIUM CONVERSION			
Is this a Conversion of an Existing Building(s):	YES	NO	(If NO proceed to Section 7.0)
Are the proposed units currently being rented?	YES	NO	
	Building #1	Building #2	
Existing Number of Units:			
Proposed Number of Units:			

7.0 STATUS OF OTHER APPLICATIONS UNDER THE PLANNING ACT

7.1 Are the lands part of an approved Draft/Final Plan of Subdivision or a consent? YES NO

If YES indicate the file number and the current status of the file:

7.2 What is the current Official Plan 'designation' on the lands?

7.3 What is the current Zoning 'designation' on the lands?

7.4 Is this application being submitted in conjunction with any other planning approval application(s) [i.e., Official Plan Amendment, Zoning By-law Amendment, Minor Variance or Consent]? YES NO

If YES, indicate the type of application, the file number and the status of the application:

8.0 ZONING BY-LAW CONFORMITY

	Required/Permitted	Proposed
Minimum Lot Area		
Minimum Lot Frontage		
Minimum Lot Frontage – Corner Lot		
Minimum Front Yard		
Minimum Rear Yard		
Minimum Side Yard		
Minimum Exterior Side Yard		
Minimum Ground Floor Area		
Maximum Building Height – Main Building		
Maximum Building Height – Accessory Building		
Maximum Lot Coverage		
Minimum Landscaped Open Space/Planting Area		
Outside Storage		
Loading Area		
Parking – Standard & Handicapped		

Are all buildings and structures (to be) constructed in conformity with the Zoning By-law provisions? YES NO

If NO please explain:

9.0 Are there any existing encumbrances (mortgages, easements, right-of-way, restrictive covenants) affecting the subject land?
 YES NO If YES, describe the type and location on a separate sheet.

10.0 Describe all proposed servient and appurtenant easements and explain the purpose on a separate sheet PLUS identify their location on Part 1 of the Draft Description Plan or a separate drawing.

11.1 Has the local municipality approved a Site Plan? YES NO

11.2 Has a Site Plan Agreement been entered into? YES NO

11.3 Has a building permit been issued? YES NO

11.4 Is the proposed development under construction? YES NO

11.5 If construction is completed, indicate date of completion _____

12.0 EXCLUSIVE USE ELEMENTS (as illustrated on the Draft Description Plan)		Number of Units
<i>Residential</i>	Single Detached	
	Semi-Detached	
	Multiple Attached/Townhouses	
	Apartment(s) - 2 bedrooms or less	
	- More than 2 bedrooms	
Other		
<i>Commercial</i>		
<i>Industrial</i>		
<i>Institutional</i>		
12.1 COMMON USE ELEMENTS (as illustrated on the Draft Description Plan)		
<i>Hazard Lands</i>	Total Area (sq. metres or ha.):	
<i>Stormwater Management</i>	Total Area (sq. metres or ha.):	
<i>Parkland/Open Space/Walkways</i>	<i>Condo owned</i>	Total Area (sq. metres or ha.):
	<i>To be Dedicated to Municipality</i>	Total Area (sq. metres or ha.):
<i>Internal Roadways</i>	Average 'ROW' width & Pavement width:	
<i>Parking (Number of spaces)</i>	- Standard: - Visitors: - Handicapped Visitors:	
<i>Other Buildings or Structures (Specify):</i>		

13. SEWAGE DISPOSAL AND WATER SUPPLY		
Indicate in 13.1 and 13.2 the existing/proposed servicing type for the subject land. Select the appropriate servicing type from below. Attach and provide the name of the servicing information/reports as indicated.		
13.1 Indicate the existing/proposed Sewage Disposal system: _____		
13.2 Indicate the existing/proposed Water Supply system: _____		
13.3 Municipal Letter/Compliance Report/Engineers Report attached (see below): YES NO <u>If NO please explain.</u>		
Sewage Disposal	a) Public piped sewage system	Municipality must confirm that the existing/proposed servicing is adequate for the development is required.
	b) Public or private communal septic	Report indicating compliance with Certificate of Approval must be submitted.
	c) Individual septic systems	Engineers Report must indicate that all septic systems for the development comply with the requirements of the Ontario Building Code.
	d) Other	To be described by Applicant
Water Supply	a) Public piped water system	Municipality must confirm that the existing servicing is adequate for the development.
	b) Public or private communal well(s)	Report indicating compliance with Certificate of Approval must be submitted.
	c) Individual well(s)	Engineers Report must indicate all wells are in compliance with the Ontario Drinking Water Objective.
	d) Communal surface water	Report indicating compliance with Certificate of Approval must be submitted.
	e) Other	To be described by Applicant

14. STORMWATER MANAGEMENT/ROAD ACCESS		
Indicate the existing/proposed type of Stormwater Management and Road Access for the subject land. Select the appropriate type from below. Attach and provide the required information as indicated below.		
14.1 Indicate the existing/proposed Stormwater Management system from below:		
14.2 Is a Stormwater Management Report included? YES NO <u>If NO please explain.</u>		
14.3 Indicate the Road Access proposed/approved from below:		

Stormwater Management	New Stormwater Pond and/or Stormsewer	A final Stormwater Management Report is required, and shall be submitted concurrently with the submission.
	Existing Municipal Stormsewers	
	Other	
Road Access	Provincial Highway	An Access Permit is required from the Ontario Ministry of Transportation before development can occur. Application should be made prior to submitting this application. MTO approval may also be required for development within 800 metres of a highway.
	Water Access Only	Information regarding the proposed docking facility and the capacity to accommodate the required parking plus information on any proposed/existing fuel pumps is required.
	Municipal or other public road maintained all year	MTO approval may also be required for access points that are within 800 metres of a Provincial Highway.
	Municipal road maintained seasonally	Condominium declaration must indicate that the Corporation lands/Units are accessed by way of a municipal road maintained seasonally. MTO approval may also be required for access points that are within 800 metres of a Provincial Highway.
	Right-of way	Access to a proposed Condominium Corporation by right-of-way is not permitted.

QUESTION #15 & #16 MUST BE COMPLETED IN THE PRESENCE OF THE "COMMISSIONER". STAFF IN EACH PLANNING OFFICE ARE AUTHORIZED COMMISSIONERS.

PLEASE PRINT

15. I/we _____ hereby authorize a site visit(s) be undertaken by, but not limited to, staff of the following agencies: County of Bruce Planning Department; Municipality; Conservation Authority; and Grey-Bruce Health Unit.

16. I/we _____ of the _____, in the _____ of _____, hereby solemnly declare that the statements made herein are to the best of my/our belief and knowledge, a true and complete representation of the purpose and intent of this application.

Date: _____ Signature of Owner: _____
 Signature of Owner: _____
 Signature of Agent /Applicant: _____

NOTE: If the Owner is an incorporated company, the Company Seal shall be applied. If there is no Company Seal, a Statement of Authority to Bind is required.

DECLARED BEFORE ME AT THE _____ OF _____ IN THE COUNTY/REGION/CITY/TOWN OF _____, THIS _____ DAY OF _____, 20____.

 A COMMISSIONER, ETC.

17. Deemed to be a complete application on: (FOR OFFICE USE ONLY)

Date: _____ Signature of Planner: _____

APPENDIX 'A'
 CORPORATION OF THE COUNTY OF BRUCE
 IN THE MATTER OF APPLICATION FOR A CONDOMINIUM EXEMPTION

I/WE _____ BEING THE () REGISTERED OWNER(S), OR () EXECUTOR/EXECUTRIX, OR () SIGNING CORPORATE OFFICER(S) OF THE LANDS FOR WHICH APPLICATION IS TO BE MADE, HEREBY AUTHORIZE AND DIRECT _____ TO ACT AS MY/OUR AGENT AND ON MY/OUR BEHALF TO APPLY TO THE CORPORATION OF THE COUNTY OF BRUCE FOR A CONDOMINIUM EXEMPTION ON THE LANDS HEREIN DESCRIBED.

Date: _____ Signature of Owner: _____
 Date: _____ Signature of Owner: _____