

**NOTE:**

*This document is a Controller of Surveys Reference Document to be used as a general guideline for the preparation and examination of plans. Reference should still be made to the various Acts and Regulations pertaining to specific situations, which may or may not be included in this document.*

## Community Planning Approval pursuant to The Planning & Development Act, 2007

*Support documents required for plans to be approved in accordance with The Land Surveys Act, 2000*

<u>Scenarios</u>	<u>CPA Required</u>	<u>Affidavit Required</u>	<u>Applicable Section/s</u>
<b>Subdivision Plans</b>			
<b>A plan of Subdivision</b>	Yes	No	S121
<b>(DPI) Lot boundary re-arrangement:</b> Surveyor declares that it is an existing encroachment.	Yes	No	S121
<b>(DPI) Farm Yard Site</b> Surveyor declares that it is an existing farm site	Yes	No	S121
<b>Road Plans</b>			
<b>A plan for Public Highway</b> (Road Allowance, Roadway, Road Diversion, Street, Lane or Walkway (prior to April 17, 1984).	Yes <i>If within 2.5 km of a Town, Village, Hamlet or Organized Hamlet or 5 km of a City.</i>	Yes <i>If outside 2.5 km of a Town, Village, Hamlet or Organized Hamlet or 5 km of a City.</i>	S121 S122(1)(f) & (4), S123(2)
<b>A plan for Road widening</b> to an existing public highway or a <i>Feature Road Easement</i> .	No	No	S122(1)(g)
<b>Feature Plans</b>			
<b>Feature plan</b> for a collection line, distribution line or service connection.	No	Yes <i>The affidavit must state that the municipality has been advised in writing.</i>	S122(1)(e) & (4) S123(2)
<b>Feature plan</b> for a transmission line.	Yes <i>If within 2.5 km of a Town, Village, Hamlet Organized Hamlet or 5 km of a city.</i>	Yes <i>If outside 2.5 km of a Town, Village, Hamlet or Organized Hamlet or 5 km of a City.</i>	S122(1)(f) & (4) S123(2)
<b>Feature plan</b> for the purpose of an interest based on a joint use easement, access agreement, encroachment agreement or similar agreement.	No	No <i>Letter from Approving Authority stating that no Approval or Affidavit is required.</i>	S122(h)
<b>Feature plan</b> for a surface Lease over 10yrs.	Yes	No	S121(3)
<b>Feature plan</b> for a surface Lease less than 10 yrs.	No	No <i>State less than 10 yrs, covering letter</i>	S122 (1)(d) Registrar's Requirement
<b>Condominiums</b>			
<b>Bare Land Condominium</b>	Yes <i>S128(1)(d) PDA, is substituted with S8(4) Condo. Regs</i>	N/A <i>Local Authority Approval is required</i>	S10 (1)(b) & (5), S(2)(3) Condominium Property Act, 1993 & S8 of the Regs S121, S128 PDA
<b>Building Condominium</b>	N/A	N/A <i>Local Authority Approval is required</i>	S10 (1)(b) & (5), S2(3)(1) Condominium Property Act
<b>Parcel Tie Removal/Creation</b>			
<b>Parcel tie removal</b> (plan not required)	Yes	No	S121 PDA S6.2 Subdivision Regs
<b>Parcel tie creation</b> (plan not required)	No	No <i>Municipality's consent (If they do not provide a consent a valid reason is required) Owner's consent (stating that they are aware a CPA is required to remove any such tie) &amp; letter of request</i>	No Legislation PPS external Policy
<b>Miscellaneous</b>			
<b>Parcel Class Code Change</b>	No	No	Review Dedicated Land or Road Closure document (Sale or Exchange)
<b>Consolidation of full parcels</b>	No	No <i>Municipality's Consent in the form of a Letter, Motion, Resolution or Bylaw.</i>	No Legislation, PPS Policy

### Additional Notes:

- **Consolidation of a Public Highway** with parcel/s that it was derived from or adjacent to does not require Municipality's consent. In all other cases the Municipality's consent is required.
- **Railway Plans** (Federal being the CPR or CNR). Presently under review  
*Railway Plan* (Provincial) does require planning approval. In either case the plan heading must state that the plan is for railway purposes.
- Where a **Department, Board, Commission or other Agency of the Provincial Government** presents a plan for approval to the Controller of Surveys, the Controller of Surveys shall approve the plan if acceptable without the plan being accompanied by the **Community Planning Approval** (CPA). This is in accordance with S121 (7). An example would be in a case for a Provincial Highway where The Department of Highways & Transportation would keep the CPA in their file.
- **Municipal Expropriation** may be used for any class code of land such as a generic parcel, road, dedicated land etc. Approval from the Municipality and Minister (Community Planning) is required. (Section 16 & 17 of The Municipal Expropriation Act)  
If the expropriation is for a part of a parcel, Community Planning Approval is required.
- A **CPA or Affidavit** is not required where the Approving Authority provides a letter stating such. (Section 121(5))