

## Introduction

A servicing agreement is a legal contract that a municipal council may require with a subdivision applicant under section 172 of *The Planning and Development Act, 2007* (PDA). Under it a municipality accepts long-term responsibility for maintaining services in a new subdivision in exchange for the developer installing the services needed for the subdivision.

An agreement is meant to provide services and facilities that directly or indirectly serve the subdivision. It ensures a municipality will not incur all the costs of servicing a new subdivision and that new services are installed to municipal specifications and standards. An agreement should have performance guarantees, construction specifications and time limits after which the municipality begins maintaining the services and the servicing agreement is terminated.

The PDA does not provide for a developer to be responsible for the long-term maintenance of the constructed services.

A servicing agreement may require the construction of the following on-site services:

- area grading and leveling of the land;
- graded, graveled or paved roads, streets and lanes in or connecting to the area being subdivided;
- sidewalks, boulevards, curbs, gutters, lighting;
- storm sewers, sanitary sewers, drains, water mains and laterals, service connections and fire hydrants;
- street name plates and poles;
- landscaping of parks and boulevards;
- public recreation facilities; and/or
- any other public works that a council may require (e.g. power, gas, telecommunication lines).

An agreement may require the developer to pay fees to provide, alter, expand or upgrade in whole or in part:

- sewer, water, drainage or other utility system(s);
- municipal streets and roads; and/or
- park and recreation space and facilities, which may be located within or outside of, or which directly or indirectly serve the area being subdivided.

These fees may be called servicing fees or off-site fees. For example, off-site fees could be based on the amount a municipality may eventually need for a new sewage lagoon. The total cost is then proportioned among existing and expected development that will use the lagoon. Developers may then be required to pay a corresponding off-site fee for each proposed lot.

A municipality must post off-site fees and accrued interest, in specific reserve or trust accounts. The fees must not be used as general revenue. The funds may be withdrawn only for the specified construction project.

It is important to note that any municipality may collect a servicing fee for services required by the subdivision.

## Interest Registration

A municipality may register an interest on the title to the land involved in a servicing agreement. An interest informs landowners of the commitments made in the agreement. A municipality must discharge the interest once the agreement terms and conditions are met.

## Subdivision Approval

Subdivision applicants will not receive a certificate of approval from the approving authority if a servicing agreement is required by the municipality and the agreement has not been executed by all parties (s. 128).

## Negotiation Time Limit

The PDA provides for a 90 day negotiation period during which the municipality and subdivision applicant may enter into a servicing agreement. By mutual agreement, the negotiation period may be extended.

## Appeals

After a negotiation deadline expires the subdivision applicant has the right to appeal the need for an agreement, outstanding terms and conditions or the application of or the calculation of certain fees. An appeal committee decision may be subsequently altered with the mutual consent of the municipality and applicant.

If the subdivision is located within a municipality that has been declared an approving authority pursuant to section 13 of the PDA a written notice of appeal and a the prescribed filing fee (no greater than \$50) is to be addressed to that municipality's local development appeals board.

Otherwise, written notice of appeal and a \$50 filing fee is to be addressed to the:

Planning Appeals Committee  
Saskatchewan Municipal Board  
2151 Scarth Street  
Regina, Saskatchewan S4P 3V7

## More Information

Sample servicing agreements are on line at [www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca). The municipal solicitor should draft an agreement and the municipal engineer should provide construction standards and inspection services. An agreement may apportion costs between the developer and the municipality.

## Servicing Agreement Components

A **Preamble** that establishes:

- identities and addresses of the parties;
- how notice will be given to each party;
- purpose of the agreement with reference to the area being subdivided; and
- legal limitations and qualifications such as:
  - land being correctly zoned which may involve a public hearing and ministerial approval;
  - the developer obtaining other required permits (e.g. development and building permits); and
  - a decision about the subdivision application from the Director of Community Planning.

**General Provisions** that:

- establish the municipality's construction standards with reference to a schedule of engineering specifications or drawings;
- set out what and when on-site services will be provided to the area being subdivided;
- allow construction to be phased, if needed;
- provide for municipal inspection of construction, timing and cost of the inspections;
- define how construction will be considered complete (may incorporate Certificates of Completion issued by the municipality and/or its inspectors);
- prescribe a warranty period against construction defects (usually two years) that must expire before the developer's obligations end;
- secure performance of the developer's obligations (by a performance bond, property escrow or irrevocable standing letter of credit that the municipality may use to complete construction if the developer defaults);
- detail the conditions under which the developer can be found to be in default and the municipality's rights and duties if the developer defaults; permit the performance surety to be revised and/or reduced as construction progresses;
- give the developer the right to enter municipal property to complete its obligations;
- specify how the agreement may be cancelled or altered and how disputes are to be resolved (an arbitration process may be put in the agreement);
- clarify if legal action may sever any part of the agreement leaving the remainder in effect; and
- acknowledge the municipality will register a interest on the title to the affected land.

## Developer Responsibilities:

- build or install the required services to the specified current standards;
- indemnify the municipality and/or have liability insurance protecting both themselves and the municipality
- maintain the site safely during construction;
- pay the municipality servicing and/or off-site fees (which may be listed in a schedule) and/or other fees (e.g. inspection and legal costs);
- remove construction refuse when required;
- repair municipal facilities such as road surfaces and replace survey markers or other facilities damaged or destroyed during construction;
- keep all property taxes current; and
- transfer ownership and rights to all constructed works on acceptance by the municipality.

## Municipal Responsibilities:

- provide information that enables the developer to connect to existing services;
- arrange for timely construction inspections;
- issue completion letters or development and building permits as requirements are met; and/or
- accept responsibility for maintaining services once the agreed to conditions are met.

## Other Party Provisions that deal with:

- whether the agreement may be transferred;
- performance assurances given by another party (i.e. a bonding or lending institution); and/or
- permits or easements as required by:
  - SaskPower, SaskTel and SaskEnergy;
  - Saskatchewan Highways and Infrastructure; or
  - Saskatchewan Water Security Agency or Ministry of Environment for work on shorelines and on water, sewer and drainage systems.

**Schedules** add plans and details to an agreement.

Examples of schedules to a servicing agreement may include:

Schedule A - Plan of Proposed Subdivision made by a Saskatchewan Land Surveyor or Community Planner.

Schedule B - Construction Specifications: engineering drawings and specifications illustrating how roads and other services will be built.

Schedule C - Off-site Service Fees: Of off-site services, the respective total costs and the developer's share.

## **Contact Information**

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For more information contact Saskatchewan's Ministry of Government Relations.

### **Southern Region**

Community Planning Branch  
420 – 1855 Victoria Avenue  
REGINA SK S4P 3T2  
Telephone: (306) 787-2725 Fax: (306) 798-0194

### **Central and Northern Regions**

Community Planning Branch  
Room 978, 122 – 3rd Avenue North  
Saskatoon SK S7K 2H6  
Telephone: (306) 933-6937 Fax: (306) 933-7720

[www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca)

This guide applies to anyone subdividing land where the Province of Saskatchewan is the subdivision approving authority. In this situation subdivisions are reviewed by the Community Planning branch (CPB) of the Saskatchewan Ministry of Government Relations (GR).

The subdivision approval process is similar whether you are a private land developer or a municipality. All subdivisions must comply with *The Statements of Provincial Interest Regulations, The Dedicated Lands Regulation, 2009* and *The Subdivision Regulations, 2014* as set out under *The Planning and Development Act, 2007 (PDA)*.

Understanding the issues that may arise, the government agencies involved and the information they require will help facilitate the subdivision process and avoid or limit delays.

### Do I require subdivision approval?

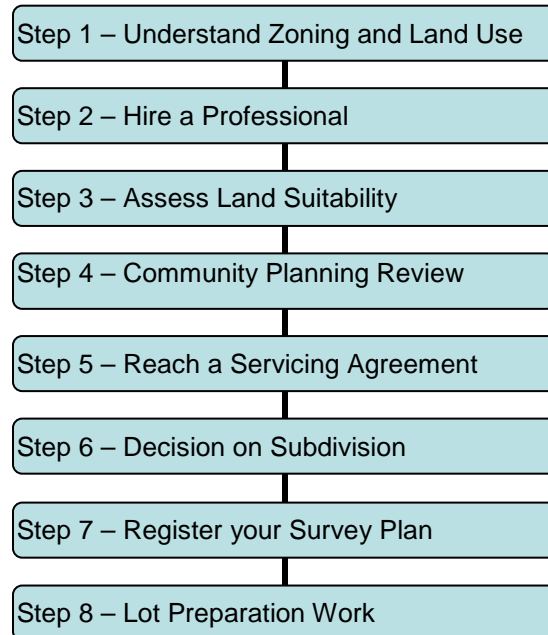
Subdivision approval is required to:

- obtain a new title to part of an existing parcel;
- move an existing property line;
- divide land into lots or roadways;
- subdivide property by removing a “parcel tie”;
- secure an interest in part of a parcel for mortgage, sale or easement; or
- secure an interest for a lease of part of a parcel with a term of 10 or more years.

Applications to subdivide require a plan prepared by either a Saskatchewan land surveyor (SLS) or a registered professional planner (RPP).

Remember: until the review of an application is complete and a decision is issued, no binding contracts for the land should be made and no construction or site preparation work should be started.

The following step-by-step guide explains the subdivision process. It will help save time and money and help identify unexpected costs. The information in this guide is organized into eight steps:



### Step 1: Understand Zoning and Land Use

If a municipality has a zoning bylaw it will establish zoning districts for areas within the municipality and list the permitted and discretionary uses in each zone. If a use is not listed within a zone as “permitted” or “discretionary” it is considered to be prohibited.

**Permitted Use** – A permitted use is a use of land or buildings or a form of development that is allowed in a zoning district. It also needs to comply with specific requirements in that particular zone such as development standards. If all requirements are met a request for a permitted use must then be submitted to and approved by the development officer.

**Discretionary Use** – A discretionary use is a use of land or buildings or a form of development that may be allowed at the discretion of a municipal council in a zone if certain

standards or conditions can be met. Prior to making a decision, council must evaluate the discretionary use's compatibility against criteria in the zoning bylaw, notify the public and hold a public hearing. Council may approve a discretionary use and may attach standards or conditions to the approval. The standards and conditions can be appealed to the local Development Appeals Board but the decision on the use cannot.

If your proposed development is in an area which is not zoned for that particular use you may wish to apply to council for a bylaw amendment. Depending on the situation council will consider adding the proposed land use to the list of permitted or discretionary uses within the existing zone or rezoning the land for a different use. For example, land may be rezoned from *Agriculture* to *Residential* to accommodate new housing developments.

Alternately you may revise your proposal to meet the existing bylaw requirements or relocate your proposal to a different zone where it is a permitted or discretionary use.

## Step 2: Hire a Professional

Hiring a professional SLS or RPP is necessary in most cases to obtain approval.

Plans of proposed subdivision are required for all subdivision applications except some parcel tie-code removals. The plans must be prepared by an SLS or RPP.

Land surveyors and community planners deal with subdivision proposals regularly. Their experience and technical expertise can help speed up the process.

The survey or planning firm can:

- prepare an application and the plan of proposed subdivision;
- submit the application for the subdivision to CPB to review;
- help you acquire additional information requested by government agencies reviewing the subdivision; and
- assist you with any revisions to your subdivision application that may be needed.

Depending on the nature and complexity of the project, developers may also require the services of other professionals such as engineers to prepare geotechnical reports.

Note: Survey plans are not required in some parcel tie-code removal subdivisions. For additional information about parcel tie-code removals please visit the website at the end of this document.

## Step 3: Assess Land Suitability

Before purchasing land for subdivision a developer should assess land suitability. Many of the problems that delay subdivisions may be avoided if the land chosen is suitable for subdivision and development.

### Land Assessment Checklist

This checklist identifies the factors considered by the CPB when reviewing a subdivision and will help you recognize potential issues that may arise in an application. You may not be able to answer all the questions without seeking professional advice however the questions do identify the issues which should be addressed. Developers should be aware that each subdivision is unique and additional information may be required during the subdivision process.

### List of Abbreviations

AG – Ministry of Agriculture  
CPB – Community Planning Branch  
DFO – The Department of Fisheries and Oceans Canada  
ECON – Ministry of Economy  
ED – Ministry of Education  
ENV – Ministry of Environment  
GR – Ministry of Government Relations  
HER – Heritage Branch of the Ministry of Parks, Culture and Sport  
HI – Ministry of Highways and Infrastructure  
ISC – Information Services Corp  
LSB – Local School Board(s)  
MUN – Municipality  
RHA – Regional Health Authority  
SWC – Saskatchewan Water Corporation  
SKE – SaskEnergy  
SKP – SaskPower  
SKT – SaskTel  
TG – Trans Gas  
WSA – Water Security Agency of Saskatchewan

If the answer to any of the following questions regarding the proposed site is "yes" seek advice from the agency or professional organization listed.

### Topography

◆ Are there obvious topographic issues that could affect your ability to develop or potentially cause structural failure:

- land containing steep slopes;
- building sites on or near a drop-off such as a hill, cliff or coulee; or
- slumping, creeping or other indicators of slope instability?

For information contact: CPB, MUN.

### Soils

- ◆ Is there any evidence of:
- loose or swampy soils;

- soils shifting, heaving or cracking such as. damaged foundations in the area;
- showing evidence of expansive soil conditions; or
- soils which may be polluted by a prior use or adjacent to a potentially polluting use?

For information contact: CPB, MUN, ENV, WSA

### **Surface and sub-surface drainage**

- ◇ Is there obvious evidence of:
  - streams, ditches or natural drainage pathways;
  - pooling of water where buildings are existing or proposed;
  - drainage which may or may not be polluted from neighbouring lands onto your property;
  - possibly polluted drainage onto the land from adjacent uses; or
  - drainage from your property onto adjacent lands?

For information contact: CPB, WSA, ENV, MUN.

### **Potential for flooding, subsidence, landslides or erosion**

- ◇ Is there:
  - a history of flooding in the area;
  - land below the safe building elevation which is 1:500 year flood elevation plus ½ metre for wave action;
  - building proposed near a water body;
  - swampy or wet soils; or
  - evidence of previous landslides or erosion?

For information contact: MUN, CPB, WSA, DFO, ENV.

### **Easements or Interests**

- ◇ Are there any registered or non-registered easements/interests on the land?

Note: Utility companies are not required by law to register all interests on title.

- For information about registered easements/interests contact the ISC.
- For information on non-registered easements, to request line locations and to verify utility ownership, contact *Sask 1<sup>st</sup> Call* at 1-866-828-4888.

### **Communal Water Supply, Sewage Disposal and Solid Waste Disposal**

- ◇ Will the municipality require the subdivision to provide:
  - water;
  - sewage disposal;
  - solid waste disposal; and/or
  - on-site septic requirements?

For information contact: MUN, CPB, ENV, RHA, WSA, SWC.

### **Servicing**

- ◇ Does your subdivision proposal address:
  - road access;
  - graded, graveled or paved streets and lanes;
  - fire, police and ambulance services;
  - water and sewer connections;
  - power lines;
  - phone lines;
  - gas lines;
  - surface drainage systems; or
  - a temporary or permanent disruption to services elsewhere in the municipality?

Note: In order to facilitate servicing which meets development timelines, developers should contact utility companies as early as possible to discuss processes and scheduling requirements.

For information contact: CPB, MUN, SKP, SKT, SKE, TG.

### **Existing and proposed uses of land in the vicinity**

- ◇ Is there a neighbouring, existing or proposed land use that could conflict with your development as a result of odour, dust, noise, traffic or light pollution such as:
  - a sewage treatment plant;
  - an industrial development;
  - a mining facility;
  - a large farming or intensive agricultural operation;
  - a storage site for gas, oil, mining materials or other flammable liquids on your property;
  - residential subdivisions; or
  - large entertainment complexes?

For information contact: CPB, MUN, AG, WSA, ENV, RHA.

### **Streets, lanes, traffic flow and public safety**

- ◇ Does your proposal include new streets, roads or lanes?

If so, the design of the infrastructure is required to meet the standards set out in Section 16 of *The Subdivision Regulations, 2014*.

- ◇ Is your proposal adjacent to a provincial highway?
- ◇ Does your subdivision comply with the local zoning bylaw concerning:
  - sidewalk locations and designs;
  - intersections and access points;
  - walkways; and
  - curb crossings?

For information, contact: CPB, MUN, HI

### **Site design and orientation**

- ◇ Does your subdivision comply with the local zoning bylaw concerning:
  - site size and shape;

- site location;
- site frontage;
- site shape;
- minimum front, side and back yard setbacks with a building;
- number of buildings allowed on a single site;
- building location and utility lines;
- minimum and maximum building size and height requirements; or
- maximum developable area for the proposed building(s)?

For information contact: CPB, MUN, *Sask 1st Call*, SKE, SKP, SKT, TG.

#### **The protection of fish and wildlife habitats**

- ◆ Is your proposed subdivision:
  - close to a wildlife reserve, protected wetland, environmental reserve land or other protected natural ecosystem;
  - draining into a lake or water body containing fish and wildlife; or
  - adjacent to a lake, river, or other tributary?

For information contact: CPB, MUN, WSA, DFO, or ENV.

#### **The protection of significant natural or historical features**

- ◆ Have you submitted a description of your subdivision for a heritage resource assessment? Check the website listed below.

For information contact: CPB, MUN, HER.

#### **Setbacks**

- ◆ Is your proposed residential subdivision:
  - within 1500 metres of a water intake for a water treatment plant;
  - between the reservoir and a line established for flood control or reservoir/water supply protection;
  - within 125 metres of an oil or gas well or facility;
  - less than 457 metres from a landfill;
  - less than 457 metres from a sewage treatment plant or sewage lagoon; or
  - within 300 metres of an intensive livestock operation?

For information contact: CPB, MUN, ECON, RHA, ENV, WSA, AG.

#### **Public Lands**

- ◆ Have you:
  - made arrangements to provide land for municipal reserve, school purposes, cash-in-lieu of land or have the requirement deferred; or
  - discussed where and how the reserve(s) must be given with council?
- ◆ Will the proposed subdivision:

- require a school, park or recreational facility;
- stress the capacity of existing civic facilities; or
- require additional civic facilities?

For information contact: CPB, MUN, EDU, LSB.

Although this checklist will not guarantee you will avoid delays in the subdivision and approval process, it will help you avoid common mistakes and predict possible issues.

### **Step 4: Community Planning Review**

Subdivision applications are assigned to a Planning Consultant at CPB who works with the applicant and the municipality throughout the process.

The Planning Consultant will review the application for:

- compliance with any local or district official community plans and zoning bylaws;
- compliance with the PDA, *The Statements of Provincial Interest Regulations, The Subdivision Regulations, 2014* and *Dedicated Lands Regulations, 2009*.
- site suitability; and
- access and servicing requirements.

The Planning Consultant also refers the application to ministries and agencies which have been determined to have an interest in the proposal for comment. The applicant will be advised of the need for any additional information.

### **Step 5: Reach a Servicing Agreement**

A servicing agreement is a legal contract a municipality may require a subdivision applicant to enter into under the PDA. A servicing agreement establishes the developer's responsibility to install or pay for services in a subdivision which will be maintained and operated by the municipality once installed.

The agreement may cover services and facilities that directly or indirectly serve the subdivision. It ensures that capital costs of servicing are paid for by the new development and that services are installed to municipal specifications and standards. Overall, it provides certainty and transparency for the developers, municipalities and homebuyers.

When establishing a servicing fee municipalities should also consider the impact of the development on off-site infrastructure. For example, additional wastewater requirements from a new subdivision may require a new or expanded sewage lagoon. The total cost is then proportioned among existing and expected development that will use the lagoon. Off-site fees must be assigned to

a separate account along with accrued interest and may only be withdrawn for the specified construction projects.

A servicing agreement should have performance guarantees, construction specifications, time limits and a completion date. The agreement terminates when the developer completes construction of the services listed to the specifications of the municipality.

A servicing agreement will typically require the construction of the following on-site services:

- grading and leveling of the land;
- graded, graveled or paved roads, streets and lanes connecting to the subdivision;
- sidewalks, boulevards, curbs, gutters, lighting;
- storm sewers, sanitary sewers, drains, water mains, laterals, service connections and fire hydrants;
- street name plates and poles;
- landscaping of parks and boulevards;
- public recreation facilities; and/or
- any other public works that a council may require such as power, gas and telecommunication lines.

An agreement may also require the developer to pay servicing fees or off-site fees to the municipality to cover the capital costs of altering, expanding or upgrading infrastructure or services which directly or indirectly serve the subdivision. In this case the municipality installs the services which typically include:

- sewer, water, drainage or other utility systems;
- municipal streets and roads; and/or
- park and recreation space and facilities.

Most servicing agreements contain a warrantee period where the developer is required to repair any construction deficiency.

Note: As well as a servicing agreement developers will need to enter into a separate agreement with the individual utility companies, detailing the location and installation of services. Utility companies require approval from both the developer and the municipality before they will begin construction.

If a municipality requires a servicing agreement the applicant has 90 days to enter into the agreement. The time limit may be extended by mutual agreement.

Before a servicing agreement is signed the developer has the right to appeal the need for a servicing agreement or the terms of an agreement to the Saskatchewan Municipal Board.

The approving authority cannot approve the subdivision application if the servicing agreement is unresolved.

## **Step 6: Decision on Subdivision**

At this point in the process you have likely resolved any issues, provided all appropriate information and signed a servicing agreement, should one be required.

If your land is properly zoned and you have addressed provincial and municipal requirements a decision can now be made on your application.

Your subdivision application may be:

- approved;
- approved in part;
- approved with conditions; or
- refused.

The decision is sent to the subdivision applicant which may be the surveyor, the municipality and any other parties, usually ministries and/or agencies who were determined to have an interest in the application.

### **Revisions and Appeals**

If the developer disagrees with any conditions of approval an appeal can be filed with the Saskatchewan Municipal Board.

If a subdivision application is denied the developer may reapply once the issues have been resolved or the developer can appeal the decision to the Saskatchewan Municipal Board.

Information on appeals and an appeals guide can be found at the link at the end of this document

## **Step 7: Register Your Survey Plan**

Once your subdivision has been approved and you have accepted the conditions of the approval you or your surveyor may contact the ISC to register your survey plan and apply for new titles to your subdivided land. This is the last step in the subdivision process.

## **Step 8: Site Preparation Work**

Once the subdivision is registered sit, improvements can begin. After registering your survey plan you will need to prepare the site for building.

The developer is responsible for:

- acquiring all necessary permits and/or granting easements associated with the installation of utilities, infrastructure development or services;
- contouring as defined in the engineering plans;
- arranging for the installation of gas, telephone and electrical services. Contact with service agencies should be made in advance of final approval;



- arranging for the relocation of any existing utilities that do not conform to the purposed subdivision plan;
- installation of infrastructure outlined in the servicing agreement such as streets, curbs, lighting and/or sewer; and
- all applicable costs associated with joint use servicing charges.

Note: Do not wait until this final step to contact utility companies. Utility installation must be staged and shallow utilities such as telephone lines cannot be installed until the development is to final grade and deep utilities such as gas have been installed and the roads are completed to the sub-base stage.

At this point, the developer may also:

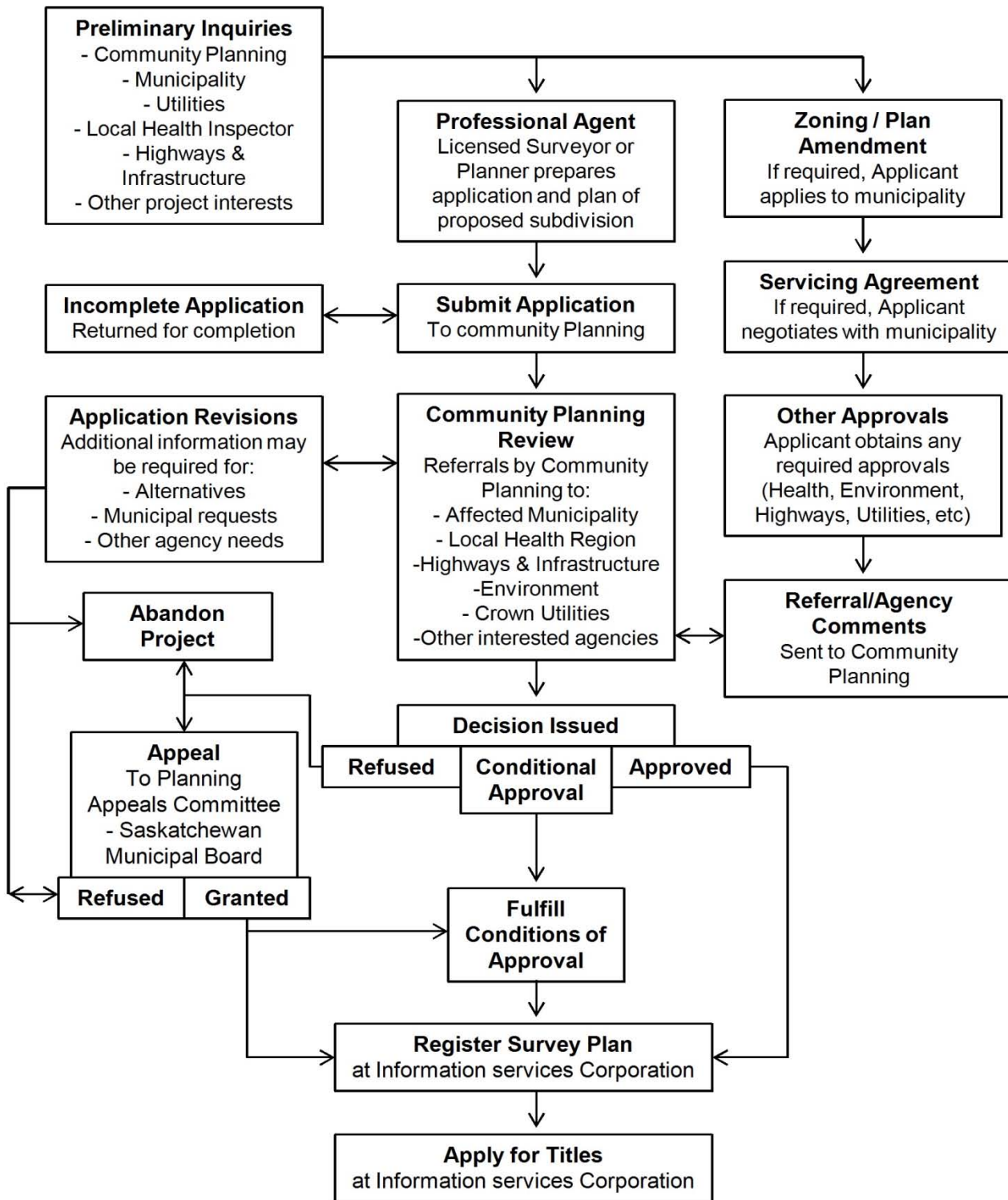
- begin marketing lots;
- develop sales contracts;
- obtain building permits;
- develop show structures; and
- begin municipal reserve development.

## **Conclusion**

Although the subdivision process can be straightforward delays may arise. Developments requiring re-zoning may take time as they involve a legislated public process. Good relationships between developers and municipalities will help facilitate timely decisions.

By working together the developer, municipality and community will ensure the development is a good fit and will meet the present and future needs and interests of the community.

# Subdivision Application Approval Process



Existing Farm Yard & Livestock Operation

Road Allowance

SaskTel Easement - Transmission Line

Road Widening Plan 66S54321

Power Transmission Line in Road Allowance

Water run-off course

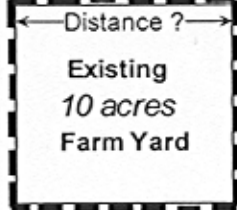
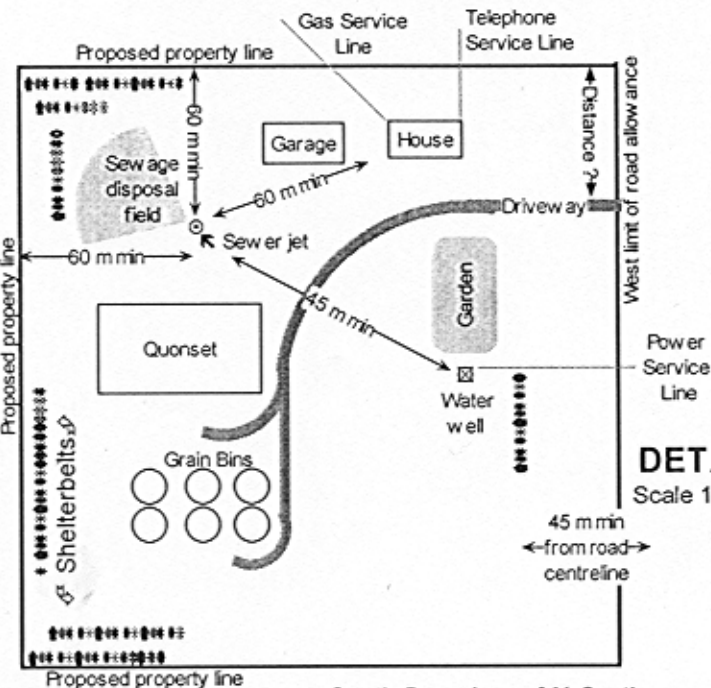
Distance ?

Crop land gently slopes towards the northwest

Distance ?

Developed Road Allowance is widening required?

### NE ¼ Section 12-34-16-W3M



**DETAIL**  
Scale 1:2000

Crop land gently slopes towards the west

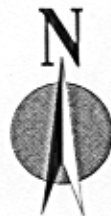
East Boundary of ¼ Section

Crop land

12 South Boundary of ¼ Section

Preliminary survey done MM-DD-YYYY

Proposed parcel outlined thus - - - - -



**Plan of Proposed Subdivision**  
NE ¼ Section 12-34-16-W3M  
Scale 1:5000

Signatures:

*A. Rodowicz for SLS*

Owner: *T. Rodowicz*

Clear 5 x 8 cm space for decision stamp

### Example Plan of Proposed Subdivision for a Descriptive Plan

A descriptive plan would not show the detail and other topographical notes shown above.



## Municipalities and the Subdivision Process

Under *The Planning and Development Act, 2007*, (the PDA) "subdivision" means a division of land that will result in the creation of a surface parcel or the rearrangement of the boundaries or limits of a surface parcel. It also includes the removal of a parcel tie that links two or more parcels together so as to prevent those parcels from being individually dealt with in the land registry if the situation involves:

- a legal subdivision (LSD) in a quarter section;
- a parcel linked to another parcel if the parcels:
  - were deemed to be one parcel of land pursuant to any former Act;
  - are separated by a road or railway plan or a water course; and
  - were held under one certificate of title before the implementation of *The Land Titles Act, 2000*.
- a parcel that was required to be consolidated with all or part of another parcel by a certificate of approval issued pursuant to the PDA or any former Act.

1. Approval Process
2. Review Process
3. Additional Requirements
4. Fees
5. Notice of Decision

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Contact Us

### Community Planning Branch

Regina Office

420 1855 Victoria Avenue

REGINA SK S4P 3T2

Phone: 306-787-2725

Fax: 306-798-0194

Saskatoon Office  
122 3rd Avenue N  
SASKATOON SK S7K 2H6  
Phone: 306-933-6937  
Fax: 306-933-7720

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## 1. Approval Process

Subdivision approval is required to:

- obtain a new title to part of an existing parcel;
- move an existing property line;
- divide land into lots and roadways;
- subdivide property by removing a "parcel tie";
- separate title to a "legal subdivision" (LSD);
- secure an interest in part of a parcel for a mortgage, sale or easement; or
- secure an interest for a lease of part of a parcel with a term of 10 or more years

Subdivision applications submitted to the Government of Saskatchewan must contain:

1. a completed Application to Subdivide Land form;
2. a plan of proposed subdivision; \*
3. a current copy of the title to the land;
4. payment covering the appropriate fees; and
5. any other document as required.

Applications that do not meet the above requirements will be returned unprocessed. During the review of an application there may be a determination that additional information and/or fees may be required.

A plan of the proposed subdivision must be prepared by a Saskatchewan land surveyor or a registered professional planner.

Fees paid to surveyors and planners will depend on the complexity of the project and the time it takes to prepare and finalize the information. The fees should be agreed upon before the work is started. A list of surveyors and planners can be found in the Related Items below.

\* **Note:** Parcel pictures may be accepted in lieu of a plan of proposed subdivision only where it is proposed to remove a parcel tie from linked parcels which:

- are separated by a road, railway or water course;
- contain no buildings or utility lines;
- have suitable topography; and
- where no road widening is required.

Confirmation of a parcel tie, titles and parcel pictures can be obtained from [Information Services Corporation \(ISC\)](#).

An Application to Subdivide Land form must be completed and signed by the registered landowner or a person authorized by the landowner. An authorized person may be a future owner who has a written agreement with the landowner, or a lawyer, surveyor, planner or other agent hired by the landowner or authorized person. All agreements should be conditional on approval being granted.

A plan of proposed subdivision must show the existing and proposed:

- subdivision or property lines with dimensions and lot, block or parcel designations;
- buildings, structures, utility lines and other development on or near the land;
- well and sewer sites including distances to boundaries;
- roads, streets, lanes, driveways, trails and highway approaches; and
- topographical details and natural features such as lakes, rivers, creeks, hills, slopes and trees.

## Related Items

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### Application to Subdivide Land (interactive)


To get approval to subdivide a parcel of land, use your computer to download, complete and save this form to your desktop. Then print, sign and submit your application for approval.

 PDF

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### A Step-by-Step Guide to Subdivision

This guide applies to anyone subdividing land where the Province of Saskatchewan is the subdivision approving authority.

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## Finding Planning Professionals

Visit this page to learn how to find a registered planning consultant in Saskatchewan.

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## Parcel Ties - A Guide to Having Ties Removed

Under the Planning and Development Act, 2007, approval is required to subdivide the property by removing a 'parcel tie'.

 PDF

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## Sample Plan of Proposed Subdivision

View a proposed subdivision plan for a fictitious Saskatchewan community.

 PDF

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## Saskatchewan Land Surveyors Association

Visit the SLSA website to learn more about this organization of registered land surveyors and professional surveyors.

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## Saskatchewan Professional Planners Institute

Check out the SPPI website to learn more about this organization, incorporated in 1963 by enactment of 'The Community Planning Profession Act'.

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## The Planning and Development Act, 2007

Read this Act respecting planning and development in municipalities.

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## Utility Declaration Form

A PDF sample of the Utility Declaration Form that accompanies a completed Application to Subdivide Land.

 PDF

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## Utility Declaration Form

A blank Word Utility Declaration Form to complete and attach to your completed Application to Subdivide Land.

 Word

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## 2. Review Process

Each application is different and more complex applications take longer to process.

The applicants will receive a letter from the Government of Saskatchewan acknowledging receipt of their application(s). The letter will explain applicable standards and options, advise if more information is required and identify who has been sent a copy of the application for comments.

Applications are referred to the local municipal council, utility companies and other government offices which may contact the applicant(s) for more details. Letters and permits received by the applicant from these offices should be submitted with a subdivision application.

Applications are reviewed to ensure they conform with provincial and municipal planning standards.

Standards include:

- planning and zoning bylaw land-use controls;
- flood protection and slope stability;
- minimum and maximum site dimensions;
- utility and servicing agreements;
- health requirements such as plumbing systems;
- compatibility with surrounding land uses;
- the availability of a suitable water supply and sewage disposal method;
- legal and physical access to a public road;
- traffic safety and highway access;
- protection of heritage resources and rare species; and/or
- provision of public lands such as roads and parks.

If an application is in complete and final form legislation allows a subdivision approving authority 90 days to make a decision. After the 90 day period the applicant(s) may be asked to grant more review time or file an appeal to have a decision rendered. On average, the time from the date received to the date approved is 150 days and the current turnaround time for applications deemed to be in complete and final form is 30 days.



## 3. Additional Requirements

### Municipal Requirements

Applicants should consult a municipality about its requirements. A subdivision proposal must conform to all provisions in any district plan, official community plan and zoning bylaw. These bylaws may limit permitted land uses, specify minimum lot or parcel sizes and regulate building locations.

A municipality may require the subdivision applicant to enter into a servicing agreement covering the construction of new roads or other services necessitated by the subdivision.

Municipalities are encouraged to require people applying for either a subdivision approval or a development permit to build or pay for the new roads required to service the development. You can find more details and sample agreements on our [Servicing Agreements](#) page.

Subdivision applicants must provide municipal reserve land for public use. Exceptions exist for the first parcel in a quarter section, agricultural parcels larger than four hectares or property line relocations.

Subdivisions for residential purposes must provide 10 per cent of the gross area as municipal reserve; other subdivisions must provide five per cent. Applicants may be able to defer the requirement or in lieu of dedication, make a monetary settlement with the municipality. Any flood-prone or unstable land may also be required to be dedicated as environmental reserve. You can find more information on our [Municipal Dedicated Lands](#) page.

### Rezoning

Rezoning procedures are found in *The Planning and Development Act, 2007* (PDA). The PDA requires a municipality to advertise its intention to rezone land once a week for two successive weeks in a local newspaper after which the municipality must hold a public hearing at least one week after the second newspaper ad is published. In some cases, the municipality must also obtain ministerial approval. You can contact the municipality for more details.

### Utility Requirements

A utility easement agreement is a contract in which a landowner grants a municipality or a utility company the right to install lines or ditches on part of the landowner's property. The granted part is usually called a "right-of-way." A utility easement agreement can be registered on the title to land as a permanent interest.

Utility companies are asked to comment on extending and protecting service lines. Line locations must be shown on a plan of proposed subdivision. Utility companies may ask subdivision applicants to enter into easement, installation or relocation agreements.

**Note:** People planning new construction or excavations must contact all utility companies for line locations and service connections.

Assistance is available by calling Sask1stCall at 1-866-828-4888 or visiting the [Sask1stCall](#) website.

## Water Supply and Waste Disposal

Residential development must be served by acceptable water, sewer and garbage systems. Multiple lots should be connected to communal systems.

In the case of a rural or isolated site, health regulations require a residence using a sewage lagoon, seepage pit or jet disposal to have a minimum parcel size of four hectares. A lagoon must be 30 metres from property lines, a pit three metres and a jet 60 metres. Otherwise, a mound or buried absorption system must be installed or sewage must be hauled to an approved disposal site.

## Highway Requirements

Ministry of Highways permits are required to build highway approaches or other development within 90 metres of a highway. Land may be required for highway widening or service roads. Landowners are responsible for road and/or driveway construction.

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## 4. Fees

There is a non-refundable examination fee of \$300 per proposed lot as well as \$150 for issuing a Certificate of Approval.

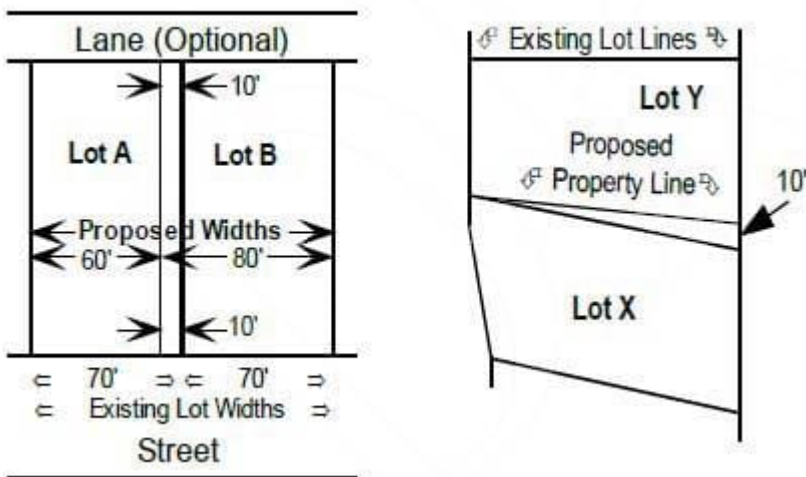
The fees are exempt from GST and PST and must be submitted by cheques or money orders made payable to the Minister of Finance. Additional fees for land titles documents may be required.

No binding contracts for the land should be made and no construction or site preparation work should be started until the review of an application is done and a decision is issued.

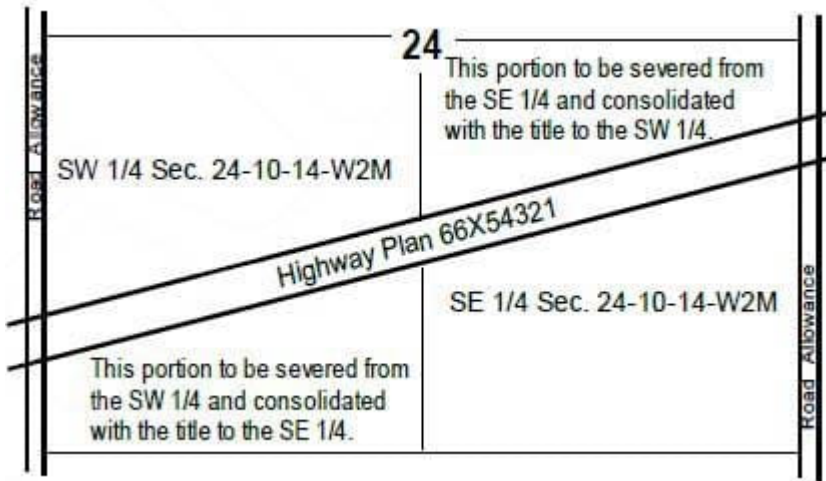
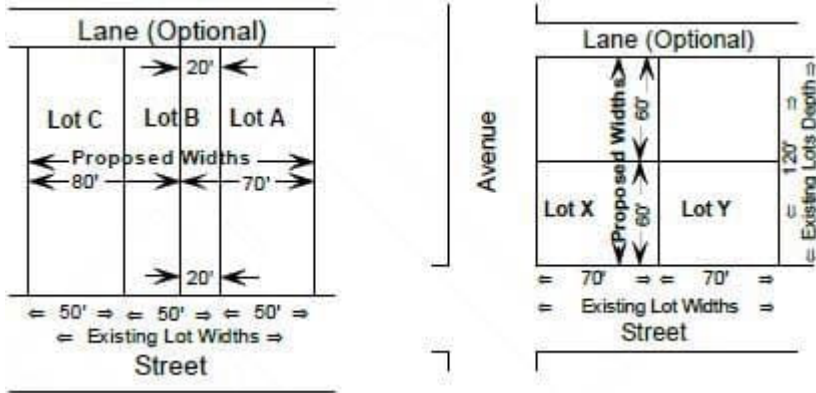
Under Section 9 of *The Subdivision Regulations, 2014* subdivision applicants are required to pay the basic review and approval fees illustrated herein and any other related fees incurred by the subdivision approving authority.

The per-parcel examination fee is not applicable to parcels that will be used for roads, dedicated lands or public works as defined in clause 2(1)(uu) of *The Planning and Development Act, 2007*.

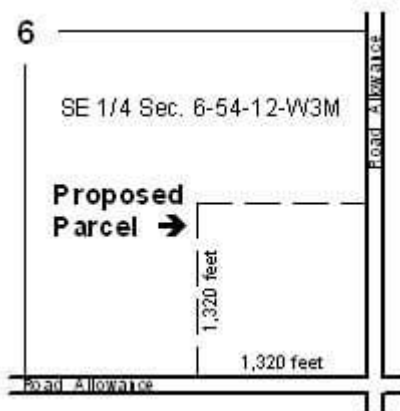
Total fees for both of the following examples are \$450 provided that the bold dashed line on the plan outlines only Lot B or Lot X.

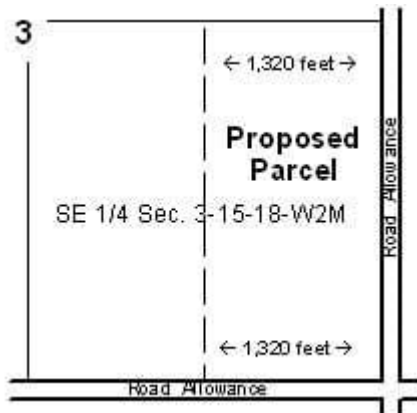
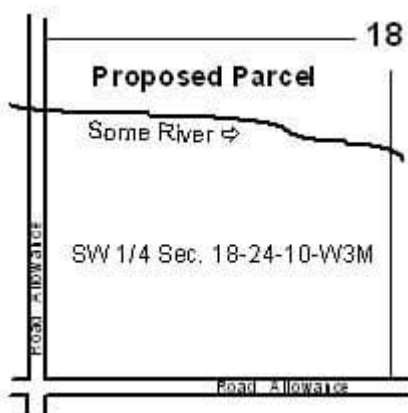
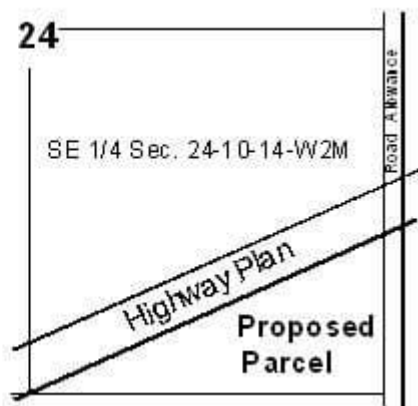
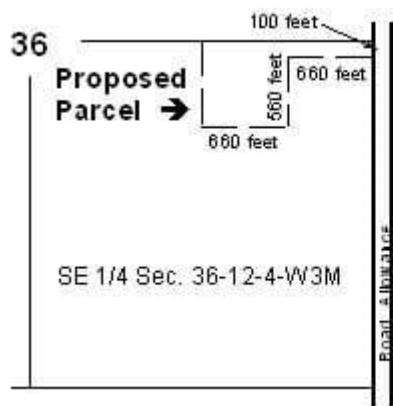


Total fees for each of the following three examples are \$750. The bold dashed line must outline all the proposed parcels.

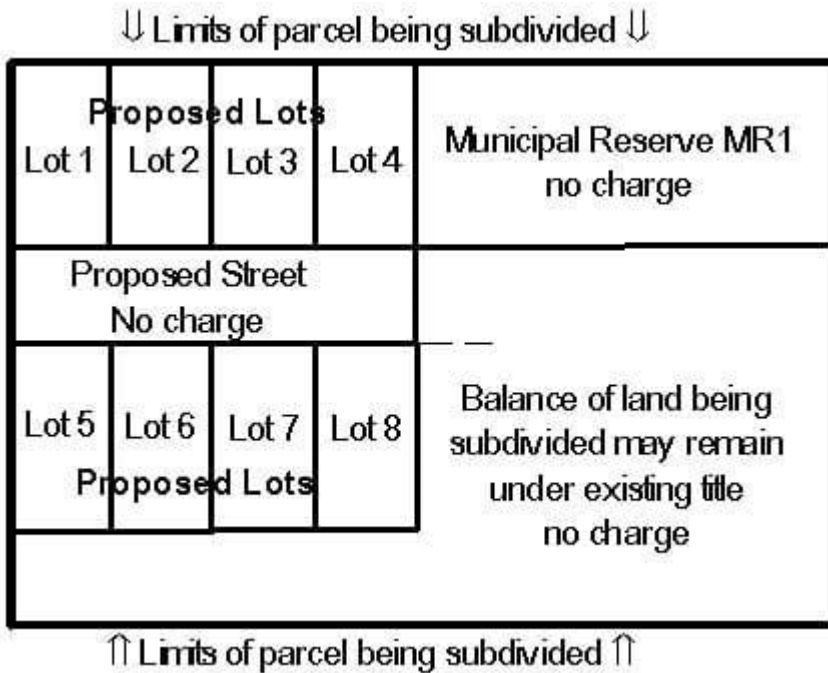


Total fees for each of the following six examples are \$450: \$300 for the proposed parcel, plus \$150 for the Certificate of Approval.





Total fees for the example below are \$2,550: \$2,400 for the eight proposed lots, plus \$150 for the Certificate of Approval. The bold dashed line must outline all of the proposed parcels and may include the balance of the land being subdivided.



Additional basic fees are due if during the review of an application, more parcels are added to the plan of proposed subdivision. If the number of parcels is reduced during the review of an application or an application is withdrawn only the \$150 fee for issuing an approval certificate will be refunded.

The fee for re-issuance of a certificate of approval is \$100. Certificates of Approvals are valid for 24 months and may be extended once for an additional 24 months if the request is received before the expiry date stated on the certificate. If that deadline is passed the request will be deemed a new application and will be subject to the full fees.

### Related Fees

Subsections 9(5) and 10(4) of *The Subdivision Regulations, 2014* require a subdivision applicant to reimburse the subdivision approving authority for any fees that the approving authority must pay for:

- a. any reports, maps, titles or other documents needed in connection with the review of a subdivision application; and
- b. registering or discharging any interests (caveats) respecting a subdivision application.

**Note:** A caveat is a legal instrument applied to register land titles in the Saskatchewan Land Registration Office. A caveat informs people looking at the title of secondary interests held in the land by parties other than the landowner. *The Planning and Development Act, 2007* allows subdivision approving authorities and municipal

councils to register caveats. Two types can be found in the Municipal Dedicated Lands and Servicing Agreements documents.

During the review of a subdivision application applicants will be advised if additional documents are required and/or if there are additional fees.

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## 5. Notice of Decision

Once a review is complete a written decision is issued. Approved applications are issued a Certificate of Approval that must be sent with a plan of survey and other documents to Information Services Corporation in order to register the subdivision.

Registration involves two separate steps: registering a new survey plan and applying for titles to the land shown on the survey plan. Please contact Information Services Corporation for Land Registry processing times.

You can contact us for more information on options for applications approved with conditions, approved in part or refused.

Certain Notices of Decision may be appealed. You have 30 days in which to file a written notice of appeal along with a \$50 filing fee with the Planning Appeals Committee of the Saskatchewan Municipal Board.

If the Committee allows your appeal to proceed, you or your representative must attend a hearing at which the subdivision application and requirements are discussed. After all interested parties are heard the Committee will render a decision granting or denying the appeal.

If the appeal is granted, the approving authority is instructed to issue an approval.

If denied, the applicant cannot submit the same application again for at least six months however, revised applications may be considered. The Committee may also impose conditions that an applicant must meet. For more details see our Appeals page.

## Related Items

## Appeals Process

Learn about the process when you submit an appeal to your local Development Appeals Board.

We need your feedback to improve saskatchewan.ca. [Help us improve](#)



# Application to Subdivide Land

## 1. Location of Land to be Subdivided:

\_\_\_\_\_

Municipality (City, Town, Village)

\_\_\_\_\_ 1/4 Sec. \_\_\_ Twp. \_\_\_\_\_ Rge. \_\_\_\_\_ Mer. \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block(s)/Parcel(s) \_\_\_\_\_ Plan No. \_\_\_\_\_

## 2. The Proposed Subdivision involves:

- Plan of Proposed Subdivision
- Parcel Tie Removal  
(describe and include parcel pictures)
- Other Subdividing Instrument  
(lease, easement)

## 3. Legal and Physical Access to the Subdivision is via:

- Grid Road
- Main Farm Access
- Highway
- Urban Street
- Resource Road
- Road Allowance
- Paved
- Gravel
- Unimproved
- Northern Crown Land
- Trail

## 4. Physical Nature of the Land to be Subdivided:

a) What is the physical nature of the proposed lot(s) or parcel(s)?

- Wooded/Treed
- Cultivated
- Pasture
- Hilly
- Level/Flat
- Low/Swampy
- Adjacent to a Lake, River or Creek

Describe the physical nature in more detail:

b) Drainage:

How will the proposed lot(s) or parcel(s) be drained?  Natural  Ditches  Curb and Gutter  Storm

Do you propose to discharge surface water into a highway ditch or waterway?  Yes  No

Show drainage courses on the Plan of Proposed Subdivision.

**5. Land Use:**

a) What is the land presently used for?

- Agriculture     Residential     Seasonal Recreation (Cottage)     Commercial     Industrial     Other

Describe the present land use in more detail:

b) What is the **intended** use of the proposed lot(s) or parcel(s)?

- Agriculture     Residential     Seasonal Recreation (Cottage)     Commercial     Industrial     Other

Describe the intended land use in more detail:

c) Are there any buildings on the land being subdivided?     Yes     No

*Indicate the location, distance from the property boundary and use of all buildings and utility lines on the Plan of Proposed Subdivision/Parcel Picture.*

**6. Services:**

a) Water Supply is:

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Existing        | <input type="checkbox"/> Proposed     | <input type="checkbox"/> Not Required     |
| <input type="checkbox"/> Communal System | <input type="checkbox"/> Cistern      | <input type="checkbox"/> Lake / Waterbody |
| <input type="checkbox"/> Municipal Well  | <input type="checkbox"/> Private Well | <input type="checkbox"/> Other            |

Describe / specify proposed water source: \_\_\_\_\_

b) Sewage Disposal is:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Existing        | <input type="checkbox"/> Proposed           | <input type="checkbox"/> Not Required     |
| <input type="checkbox"/> Private-On-Site | <input type="checkbox"/> Mound              | <input type="checkbox"/> Chamber          |
| <input type="checkbox"/> Jet             | <input type="checkbox"/> Municipal/Communal | <input type="checkbox"/> Absorption Field |
|  | <input type="checkbox"/> Lagoon             | <input type="checkbox"/> Septic Tank      |
|  |   | <input type="checkbox"/> Holding Tank     |
|  |   | <input type="checkbox"/> Other            |

Describe / specify proposed sewage disposal system: \_\_\_\_\_

*Please show all set back distances from the property boundary, house, well and water course(s) on the plan of proposed subdivision.*

**7. Utility Services:**

- Electric power is:       Existing                       Proposed                       Not Required                       Not Available
- Telephone service is:  Existing                       Proposed                       Not Required                       Not Available
- Natural gas is:               Existing                       Proposed                       Not Required                       Not Available

**8. Surrounding Land Users:**

If the proposed subdivision is in a Rural Municipality, are any of the following within 5 km; or  
 If in an Urban Municipality, are any of the following within 500 m? Check all that apply. Use Section 9 (Additional Comments) to identify surrounding land use details.

	If checked, please state distance:
<input type="checkbox"/> Airport	
<input type="checkbox"/> Intensive Livestock Operation	
<input type="checkbox"/> Sewage Treatment Facility or Sewage Lagoon	
<input type="checkbox"/> Landfill for disposal of garbage or refuse	
<input type="checkbox"/> High Voltage Power Transmission Line	
<input type="checkbox"/> High Pressure Gas Transmission Line, Oil Line (specify)	
<input type="checkbox"/> Industrial Commercial Operation (specify)	
<input type="checkbox"/> National, Provincial or Regional Park	
<input type="checkbox"/> Residential Lot(s)	
<input type="checkbox"/> Water Body or Course	
<input type="checkbox"/> Cemetery	
<input type="checkbox"/> School Bus Route	
<input type="checkbox"/> Urban Municipality	
<input type="checkbox"/> Water Treatment Plant or Reservoir	
<input type="checkbox"/> Oil or Gas Well or Facility (within 500m)	

**9. Additional Comments:**

**10. Other Requirements:**

1. Applications must include a current copy of the title to the land being subdivided and the Basic Fees. Also include any relevant permits or approvals obtained from other agencies or a municipality.
2. Basic Fees are \$300 per parcel (non-refundable) plus \$150 for issuance of a Certificate of Approval. The fees are exempt from GST & PST. Make a cheque or money order payable to the Minister of Finance.
3. Applicants may be asked for additional fees and information if found to be needed during the review of an application.
4. Until the review of an application is done and a decision is issued, no binding contracts for the land should be made and no construction or site preparation work should be started.
5. Personal information given on this form is collected pursuant to *The Freedom of Information and Protection of Privacy Act* and will be shared with other agencies involved in reviewing subdivision applications. If you do not want your personal information to be shared, contact the Community Planning Branch to discuss your concerns before submitting a completed form.

**11. Applicant(s):** *(persons making application and to whom correspondence should be addressed)*

a) Name of registered owner of land to be subdivided:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_

Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email: \_\_\_\_\_ Tel: \_\_\_\_\_

b) Land Surveyor / Planner / Lawyer / Agent (specify):

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_

Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email: \_\_\_\_\_ Tel: \_\_\_\_\_

c) Declaration by registered owner or authorized designate:

I, \_\_\_\_\_ hereby certify that I am the registered owner of the land proposed for subdivision or I am authorized, in writing, to act as the registered owner per Sections 2(d) and 5(3) of *The Subdivision Regulations, 2014*. By signing below, I certify that all information contained herein is true and correct. I understand that submittal of this application does not entitle the applicant to engage in the work applied for and there shall be no construction, site preparation work undertaken nor entering into any binding agreements for such work or selling the proposed property until such application is approved and the permit is issued. I also understand that all work must be permitted in compliance with all applicable provincial, federal, and local laws. I hereby swear that all statements contained with this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Tel: \_\_\_\_\_

**Replies are to be sent to (please specify from above):**  a  b  c

Email: \_\_\_\_\_