

SUBDIVISION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to set out subdivision application requirements.

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Under its statutory powers, including the *Land Title Act*, the *Strata Property Act*, sections 462, 479(1)(d) and 506-514 of the *Local Government Act*, sections 8, 12 and 194 of the *Community Charter* and section 40(5) of the *Environmental Management Act*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

PART 1 - GENERAL

Title

- 1 This bylaw may be cited as the “Subdivision Bylaw”.

Definitions

2 In this bylaw:

- (a) “**air space parcel**” means a volumetric parcel, whether or not occupied in whole or in part by a building or other structure, shown as such in an air space plan.
- (b) “**air space subdivision**” means the division of land into one or more air space parcels.
- (c) “**Approving Officer**” means the person appointed under this bylaw to carry out the duties and functions of an approving officer pursuant to the *Land Title Act*.
- (d) “**boundary adjustment**” means an adjustment in existing boundaries between legally defined parcels of land that does not create additional parcels.
- (e) “**common property**” has the meaning ascribed to that term in the *Strata Property Act*.
- (f) “**final approval**” means approval of a subdivision by the Approving Officer when all relevant requirements of this bylaw, the *Land Title Act*, the *Strata Property Act* and all other applicable bylaws and legislation have been fulfilled.
- (g) “**highway**” includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way.
- (h) “**outdoor wall**” has the meaning ascribed to “wall” in Schedule A of the Works and Services Bylaw.
- (i) “**owner**” means an owner as defined in the *Community Charter*.
- (j) “**park**” has the meaning ascribed to that term in the Parks Regulation Bylaw.
- (k) “**PLA period**” means the one-year period under which a PLA remains valid pursuant to section 15 and in the context of sections 17, 19 and 21, includes the extended period if granted pursuant to section 16.
- (l) “**Preliminary Layout Assessment**” or “**PLA**” means the Approving Officer’s preliminary approval of a preliminary proposal of subdivision.
- (m) “**proposed plan of subdivision**” means a dimensioned sketch or plan prepared by a land surveyor licensed and registered in British Columbia.

- (n) “**public utility**” means a public utility company or utility service provider with systems or facilities installed in a highway or right-of-way for the purpose of providing any of the following services to a site:
- i. water distribution,
 - ii. sewage and drainage collection,
 - iii. conveying or transmitting information, messages or communications by electromagnetic waves through cable, microwave, optical fibre or radiocommunications, or
 - iv. transmitting, providing or delivering electricity, natural gas or any other agent for producing light, heat, cold or power for the public.
- (o) “**qualified professional**” means an architect or professional engineer registered in good standing under the *Professional Governance Act* (BC) with knowledge and expertise in the subject matter in which a qualified professional is required under this bylaw.
- (p) “**strata conversion**” means an application to deposit a strata plan of a previously occupied building pursuant to the *Strata Property Act*.
- (q) “**subdivide**” or “**subdivision**” means a subdivision as defined in the *Land Title Act* and a subdivision under the *Strata Property Act*.
- (r) “**survey plan**” means a fully dimensioned registrable legal plan prepared by a land surveyor licensed and registered in British Columbia.
- (s) “**watercourse**” means a stream, creek, canal, or waterway that contains or conveys water continuously or intermittently.
- (t) “**zoning bylaw**” means the City’s zoning bylaw applicable to the proposed subdivision.

3 For the purposes of procedural provisions of this bylaw, any reference to an owner is deemed to include an applicant who is acting under the authority of the owner.

Applicability

4 This bylaw applies to all subdivisions within the City.

General Requirements

- 5** An owner must not subdivide land within the City unless and until final approval has been issued by the Approving Officer for the proposed subdivision.
- 6** Lot boundaries in a proposed subdivision must be substantially configured at right angles and without irregular jogs, unless the Approving Officer is satisfied that it is impractical to comply with this requirement.
- 7** The minimum frontage of a parcel being created by subdivision on a highway must be the greater of 10% of the perimeter of the lot that fronts on the highway or the minimum frontage required under a zoning bylaw, unless exempted from the minimum by the Approving Officer.
- 8** At any time, the Approving Officer may request further information that is necessary for the Approving Officer to review and consider a subdivision application.

PART 2 - APPLICATION AND APPROVAL

Preliminary Application Requirements (All Subdivisions)

- 9** Prior to submitting an application for final approval of a subdivision, an owner may submit to the Approving Officer, a preliminary proposal of subdivision in accordance with sections 10-14.
- 10** A preliminary proposal of subdivision must include:
 - (a) an application in the form prescribed by the Approving Officer;
 - (b) the application fee in accordance with Schedule A;
 - (c) an authorization of the owner where an authorized agent is acting on the owner's behalf;
 - (d) a letter to the Approving Officer describing the intended use of the proposed lots;
 - (e) title search of each lot included in the proposed subdivision, dated within 30 days of the date of the application submission date;
 - (f) a copy of each charge, notation, lien or interest registered on title in favour of the City or a public utility;
 - (g) information required for development related applications in accordance with the Tree Protection Bylaw, except for a boundary adjustment or strata conversion where no site disturbance is to occur; and

- (h) site disclosure statement, if applicable, in accordance with section 40 of the *Environmental Management Act* and the fee specified in Schedule A.

Preliminary Proposal (All Subdivisions except Strata Conversion and Air Space Subdivision)

11 Subject to sections 12 and 13, a preliminary proposal of subdivision must include the following:

- (a) the items listed in section 10; and
- (b) a proposed plan of subdivision showing:
 - i. all highway frontages labelled with street names;
 - ii. size and dimensions of existing and proposed lots;
 - iii. all existing buildings and structures, dimensioned to any other building and property lines to demonstrate compliance with setback requirements of the zoning bylaw;
 - iv. location of existing registered charges, including statutory rights of way and easements;
 - v. significant natural assets including riparian areas and Garry oak meadows, and other natural features including exposed bedrock, watercourses, and elevation changes greater than 2.0 metres;
 - vi. infrastructure including outdoor walls and drainage swales, ditches and surface features that control and direct stormwater flows; and
 - vii. the approximate building envelope of each proposed lot, shown in dashed lines and labelled as “potential building envelope”.

Preliminary Proposal for Strata Conversion

12 A preliminary proposal for a strata conversion must include:

- (a) the items listed in section 10;
- (b) a proposed plan of subdivision including:
 - i. the proposed strata lots,
 - ii. all separating walls and common walls, and

- iii. any aspect of the structure to be modified for the purpose of the conversion;
- (c) tenant assistance plan (TAP) in a form and with contents approved by the Director of Planning and Development in accordance with the City's prevailing tenant protection policies, where the existing building is residential and tenants reside in the building at the time of the application;
- (d) a letter of professional assurance from a qualified professional, certifying that the building substantially complies with the BC Building Code or statements from the Architect as to how to bring about compliance (such as may be undertaken with a Building Permit or other process); and
- (e) a building code report or depreciation report from a qualified professional, specifying the condition of the building.

Preliminary Proposal for Air Space Subdivision

13 A preliminary proposal for an air space subdivision must include:

- (a) the items listed in section 10;
- (b) a two-dimensional air space overlay plan or architectural overlay plan, colour-coded to show proposed air space parcel boundaries at every level of the proposed development and all remainder areas;
- (c) a three-dimensional air space volumetric plan by an architect or BC land surveyor showing the proposed air space parcel boundaries at every level of the proposed development and all remainder areas;
- (d) an air space subdivision or easement report identifying the intended easements and access routes; and
- (e) a code report prepared by a qualified professional indicating how the air space parcels will comply with the BC Building Code, the Building and Plumbing Regulation Bylaw and the BC Fire Code at each air space boundary.

Preliminary Layout Assessment (PLA)

14 The Approving Officer may:

- (a) reject the preliminary proposal with written reasons; or

- (b) accept the preliminary proposal by issuing a PLA, which may include conditions or requirements that are necessary to be met at the time of submitting an application for final approval.
- 15** A PLA is valid for a one-year period beginning from the date of acceptance by the Approving Officer as specified in the PLA.
 - 16** An owner may request an extension to the PLA period by submitting the request in writing to the Approving Officer and the applicable fee pursuant to Schedule A.
 - 17** The Approving Officer may grant an extension to the PLA for a period of up to six months, if the request and fee have been received prior to the expiry of the PLA period and, in their opinion, an extension is warranted by the circumstances.
 - 18** Upon expiration of the PLA period, if an owner wishes to proceed, the owner must submit a new application for consideration by the Approving Officer.
 - 19** Acceptance of a preliminary proposal of subdivision or issuance of a PLA must not be construed as final approval of a subdivision.
 - 20** The Approving Officer may issue a new PLA with new conditions or require the owner to submit a new application if, in their opinion, there are substantial changes to the proposed subdivision or new information is provided during the PLA period that substantially alters the original application.

Fees and Charges

- 21** The owner must pay all fees and charges in the circumstances and at the time specified in Schedule A.

Final Application and Approval

- 22** An owner may apply for final approval by submitting the following to the Approving Officer:
 - (a) written notice that the owner is seeking final approval;
 - (b) an authorization of the owner where an authorized agent is acting on the owner's behalf and one has not been previously submitted under section 10;
 - (c) payment of the final application fee in accordance with Schedule A;
 - (d) a survey plan showing the proposed method of subdivision, exact location and dimensions of existing and proposed property lines, and all highway frontages with existing street names;

- (e) title search of each lot included in the proposed subdivision, dated within 30 days of the date of the final application submission date;
- (f) a copy of each charge, notation, lien or interest registered on title in favour of the City or a public utility; and
- (g) documentation in a form to the satisfaction of the Approving Officer that all conditions in the PLA, if applicable, have been met.

PART 3 – WORKS AND SERVICES

Works and Services Requirement

- 23** Prior to final approval of a subdivision, the owner must provide, or commit to provide through payment of security and a works and services agreement, the required works and services on the portion of highway immediately adjacent to the site being subdivided, up to the centre line of the highway, all in accordance with the Works and Services Bylaw.

PART 4 - MISCELLANEOUS

Approving Officer

- 24** The person employed by the City in each of the following positions or successor positions in function, is appointed as an Approving Officer with the authority to carry out the powers, duties and functions of an Approving Officer:
- (a) Director, Planning and Development; and
 - (b) Manager – Land Development.

Severability

- 25** If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw remains valid.

Effective Date

- 26** This bylaw comes into force on adoption.

READ A FIRST TIME the	15th	day of	January	2026
READ A SECOND TIME the	15th	day of	January	2026
READ A THIRD TIME the	15th	day of	January	2026
ADOPTED on the	22nd	day of	January	2026

“CURT KINGSLEY”
CITY CLERK

“MARIANNE ALTO”
MAYOR

Schedule A

Subdivision Application Fees

Row #	Application Type	Application Particulars	Fee Payment Timing	Fee Amount
Subdivision (excluding phased strata plan, air space subdivision, strata conversion, boundary adjustment)				
1.	Preliminary proposal of subdivision application	a. For up to 2 new lots created by subdivision	With submission of preliminary proposal	\$150.00
		b. For 3 or more new lots created by subdivision	With submission of preliminary proposal	\$250.00
2.	Application for final approval of a subdivision		With final application	\$100.00
Phased Strata Plan				
3.	Preliminary proposal of phased strata plan subdivision application	Fee for each phase being considered	With submission of preliminary proposal	\$50.00
4.	Application for final approval of each phase	Fee for each phase being considered	With final submission of each phase	\$50.00
5.	Amendment to phased strata plan		Prior to signing amended phased strata plan	\$100.00

Row #	Application Type	Application Particulars	Fee Payment Timing	Fee Amount
Air Space Subdivision				
6.	Preliminary proposal and final approval of air space subdivision application	Per building (buildings joined by podium to be treated as a singular building) or per air space parcel if the application does not include a building.	With submission of preliminary proposal	\$15,000.00
Strata Conversion				
7.	Preliminary proposal for a strata conversion		With submission of preliminary proposal	\$250.00
8.	Report to Council for Council approval of a strata conversion	For strata conversions not delegated to the Approving Officer per s. 242, <i>Strata Property Act</i> . Fee in addition to fee in row #7.	Prior to scheduling the report on the Council agenda	\$500.00
9.	Application for final approval of strata conversion application		With final application	\$50.00
All Subdivision Application Types				
10.	Extension of a PLA	All subdivision application types	Prior to approval of request to extend	\$50.00
11.	Approving officer re-signature	a. Due to defect notice at LTO	Prior to re-signature	\$50.00
		b. Due to time lapse at the LTO	Prior to re-signature	\$50.00

Row #	Application Type	Application Particulars	Fee Payment Timing	Fee Amount
12.	Boundary adjustment only	Per boundary adjusted	With submission of preliminary proposal	\$100.00
13.	Assessment of site disclosure statement	All subdivision application types	With submission of preliminary proposal	\$100.00
14.	Development cost charges and amenity cost charges	See Development Cost Charges Bylaw 2024 and Amenity Cost Charges Bylaw 2025	At time of final approval	Per Development Cost Charges Bylaw 2024 and Amenity Cost Charges Bylaw 2025