

### Putting it all together: an overview of the entire approval process for building in Nunavut communities

#### 1 Determine what to build and where

Meet with the Hamlet's Planning and Lands Administrator (PLA) to select a site which is suitable for what you want to build. The site may include one or more lots. Prepare a site plan showing what you want to build on the site. The design does not need to be finalized, but it should give you and the Hamlet a clear idea of how you will use the land and confirm that the site is suitable.

Quick Guide 2

Quick Guide 3

Quick Guide 4

Submit a land application for the lot(s). Once your application is approved, you can secure funding to lease the land. Sign a land lease so that you have the rights to the land.

#### 2 Acquire the land

#### 3 Subdivide the land if needed

You may need to subdivide the land depending on your type of development. If you are constructing multiple buildings you may need to divide the site into multiple lots. If you are building a larger development, you may need to combine multiple smaller lots.

Quick Guide 5

## 4 Apply for municipal approval

Prepare a detailed site plan. This site plan must provide enough detail to show that your development follows the rules of the Community Plan and Zoning By-law.

Quick Guide 6

Submit a Development Permit application form along with the site plan to the Hamlet for approval.

Quick Guide 7

If your proposed development does not follow all the rules in the Community Plan or Zoning By-law you will need to also apply for a variance or by-law amendment.

Quick Guide 8

Apply for a Building Permit from the Government of Nunavut (GN). Other permits may be required, such as: electrical, boiler and gas, and elevator permits. The permits confirm the safety of the building design and construction.

## 5 Apply for GN approval and begin construction

## 6 Apply for occupancy permit

Once the building is complete, apply for an occupancy permit from the GN. Once obtained, the building and the approval process is complete!

### LEARN MORE

Refer to the Land Administration By-law, Community Plan, and Zoning By-law for further details about how land is acquired and the rules for development and subdivision.

### CONTACT COMMUNITY & GOVERNMENT SERVICES

Please visit the CGS website to download plans, maps, data, and contact information for planning and lands staff.

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## Understanding the various ways to apply for municipal land

Most hamlets use the **first-come first-served** method for determining who can lease land. However, your Hamlet may use the **ballot draw** or **development proposal call** method to determine who can lease land. This Quick Guide will explain how each of these methods work.

## Method 1: First-Come First-Served

With this method, the first person to make an application on the lot is the first person “served” or considered for the lot. Speak to the Hamlet’s Planning and Lands Administrator (PLA) to begin the process. The PLA will review available lots with you and help you find the right lot for your development.

The Hamlet will review your application once you complete the application form and submit the fee. No one else will be able to lease the lot while your application is being reviewed.

## Method 2: Ballot Draw

Ballot draws are used in hamlets when there is high demand for land. Ballot draws are a lottery-type system which ensures that everyone has a fair chance of getting a lot.

The Hamlet will advertise the ballot draw with information about the available lots and the process for applying. You must submit a complete application with fees to be entered into the ballot draw.

The process may involve more than one ballot draw. Individuals may need to meet eligibility requirements to be included in the first draws, with the other applicants waiting until later rounds. Only the individuals who win a draw will be allowed to obtain a lease for a lot.

## Method 3: Development Proposal Call

Hamlets may request Development Proposals for larger lots, for certain types of uses, and for lots which have unique characteristics. For example, a hamlet may choose this method for lots which are intended to be used for commercial or industrial development.

The Hamlet will advertise the Proposal Call with information about the available lots and the process for applying. Anyone interested in the lot must submit a proposal to the Hamlet. The proposal must describe the type and form of development to be built on the lot, along with a completed application form and fees.

The Hamlet will choose the proposal that best benefits the community and offer the lot to the applicant for leasing.

### LEARN MORE

Refer to the Land Administration By-Law for further information about how land is disposed of (leased), land application requirements including fees, and the steps in the process.

### HOW MUCH WILL A LOT COST?

Typically, lots in new subdivisions are priced based on the cost of developing the lot (providing the roads and power lines). Lot prices will be different in each community due to a number of factors, such as terrain conditions, and quarry locations.

There are some situations when the lot price does not reflect development costs. For example, the Hamlet may reduce the lot price below development costs if the Hamlet is unable to lease the lot.

### TITLED VS UNTITLED MUNICIPAL LAND

**Titled Municipal Land** is land that is surveyed and titled to the Hamlet. This Guide is about leasing Titled Municipal Land.

**Untitled Municipal Land** is land that is not yet surveyed and titled to the Hamlet. This land is administered by the Commissioner of Nunavut.

### CAN I PURCHASE MY LOT?

No, people or businesses may only lease land. However, residents in each community may vote by community referendum to allow hamlets to sell land.

### IS LAND SPECULATION ALLOWED?

Land speculation is discouraged. Anyone leasing municipal land is required to complete construction within a certain time frame, which is written in your Hamlet's land administration by-law.

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## Do you need land for a house, office, business, workshop, or industrial use?

The Hamlet issues leases for a variety of uses in the community. In most cases, you can submit a land application to the Hamlet directly and it will be considered on a first-come first-served basis. Your Hamlet may use a different method. Refer to Quick Guide 2 for other land disposal methods.

## Steps to Apply for Land

1



It all starts with selecting a lot. Ask the PLA which lots are available for lease. The PLA will help you choose a lot that meets your needs.

2



Complete a land application to apply for land to lease. Applications are available at the Hamlet Office or on the Hamlet's website. You can also request that the Planning and Lands Administrator (PLA) send you an electronic version by email.

3



Check that the lot is a good fit. If you know the dimensions of the building you plan to build, work with the PLA to determine if the building and required parking will fit on the lot and meet all required yard setbacks.

4



Submit the application form and pay the fee. The PLA will review it to make sure it is complete and follows the rules for development. No one else will be able to lease the lot while your application is being reviewed.

### FIRST-COME FIRST SERVED MEANS

the first person to make an application on a lot is the first person who is "served" or considered for the lot.

### LOT INVENTORY

Your PLA may keep a Lot Inventory which shows all the available lots in the community. Contact the PLA to view the Lot Inventory at the local Hamlet Office during regular office hours.

### APPLICATION FORM REQUIREMENTS

- Your name and address
- Legal description of the land you are applying for
- Description of what the land will be used for
- If requested by the PLA, a site plan showing the proposed development within the lot
- Description of any buildings already on the lot
- Any other requirements listed on the application form
- Application fee
- If applicable, a request for joint tenants or tenant in common

5



Answer any questions and submit any additional information which may be required by the PLA.

6



The application may be approved by the PLA or it may have to be approved by Council. The PLA will let you know if council approved or refused the application.

7



Your lease can now be prepared! See Quick Guide 4 for how to execute the lease agreement.

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## TIMELINE FOR APPROVAL

The process can range from a few weeks to several months. Applications may take longer when they are more complex, when information is missing, or when additional approvals are required.

## CAN I BUILD AS SOON AS I HAVE A LEASE?

No. A Development Permit from the Hamlet and a Building Permit from the Office of the Chief Building Official is required before construction. Other approvals may be required.

## WHO CAN APPLY FOR LAND TO LEASE?

A person must be at least 19 years old to apply for land. Companies or organizations must be registered in Nunavut to apply for land.

## LEARN MORE

Review the Land Administration By-Law for more detailed information about how land is leased, application requirements and fees.

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Once your land application has been approved by Council, the process of preparing the lease begins.

This Quick Guide explains the process for obtaining a lease. The lease finalizes your right to possess the land that you applied for in the steps shown in Quick Guide 3.

## Steps to Obtain a Lease

**1**  Apply for land (see Quick Guide 3). When your land application is approved, the lease is prepared by the Hamlet's Planning & Lands Administrator (PLA).

**2**  Review and sign the lease documents. For titled municipal lands, the lease will be issued by the Hamlet. For untitled or Commissioner's land, lease documents are signed by the Commissioner of Nunavut.

**3**  Once you are given your fully signed lease, you will then be responsible to ensure your lease is registered at the Land Titles Office in Iqaluit. They will issue a leasehold title in your name confirming you are the Lessee for your leased land.

### WHAT IS A LEASE?

A lease is a legal contract between two or more parties. The owner of the lot (lessor) gives another person (lessee) the right to possess the lot for a specific number of years (the term) in return for rent. A lease does not grant ownership of the land.

### TYPES OF LEASES

**Equity lease:** allows the lessee to build up value ("equity") in the land. Once you pay the full lot price the rental amount is reduced to one dollar. Your Hamlet's Land Administration By-law will indicate how many years you have to pay off the lease.

**Standard lease:** you pay annual rent, but don't build up value ("equity") in the land.

### LEASE TERMS

Generally lease terms are for thirty years. The land administration by-law will determine the term for all leases.

## Common Lease Transactions

- **Surrender your lease:** if you change your mind about building on the lot you have leased, you will need to surrender the lease to the Hamlet. The Hamlet has conditions that must be met before the Hamlet agrees to the surrender of your lease. If there is a mortgage on the lot, the bank needs to also agree to the surrender. Equity leases are eligible for a full or partial refund of equity.
- **Transfer your lease:** if you are selling your property to someone else, you will need to ask the Hamlet for a transfer of lease. The Hamlet has conditions that must be met before the Hamlet agrees to the transfer of your lease to someone else. The Hamlet will want to make sure construction has been completed on the lot and that all payments to the Hamlet are up to date. Only the name of the lessee changes in a lease transfer, all other terms and conditions of the lease do not change.
- **Extending the term of your lease:** if you have recently purchased a lot with a home or other building, or you need financing, you may need a mortgage from a bank. The bank will want the lease term to be at least 20 years. If the lease term is less than 20 years, you can surrender the lease to the Hamlet and have a new lease drawn up and signed at the same time.

### LEARN MORE

Review the Land Administration By-Law for more detailed information about how land is leased, application requirements and fees.

### IMPROVE YOUR CHANCES OF GETTING APPROVED FOR A LEASE, OR LEASE TRANSFER

Council will check to see that:

- Your current lease rent has been paid
- Property taxes have been paid
- Your municipal service accounts (sewer, water, garbage etc.) are in good standing

### HOW A LAWYER CAN HELP

A lawyer will help draft the documents to change your lease or transfer it. These are especially important if there is a mortgage on the property. The lawyer is needed to register these documents with the Land Titles Office (or in the Commissioner's Registration System, if your lease is with the Commissioner).

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## Do you need to subdivide land?

You may wish to subdivide land to change the size or shape of a lot, or to create a new lot. You can start the process of subdividing land by submitting a request to the Hamlet. This Quick Guide explains the steps in the subdivision process.

## Subdivision Process

1



### Create a Sketch Plan

Speak to the Planning and Lands Administrator (PLA) to create a sketch plan showing how the land is to be subdivided.

2



### PLA Review

The PLA reviews the sketch plan and recommends that Council refuse or approve it.

3



### Council Review

Council approves the sketch plan.

4



### CGS Review

The CGS Director of Planning reviews and approves the sketch plan.

5



### Surveying

Hire a Canada Lands Surveyor and send them the approved sketch showing the land to survey.

### WHAT IS A SUBDIVISION?

Subdivision involves one or more of the following:

- dividing one lot into two or more lots
- changing the location of an existing lot line
- combining two or more lots into one lot

### WHEN TO SUBMIT YOUR APPLICATION

The process involves the Hamlet, the Government of Nunavut Planning & Lands Division (GN), Natural Resources Canada, and the Land Titles Office. It is important that you submit your subdivision request by January or early February of the year that you plan to complete the survey.

### SURVEY SKETCH

A survey sketch is a drawing which shows the existing lots and the lot lines you want to survey. The sketch also includes other details, like existing buildings and surrounding lots and roads, to provide context.

6



#### Receive the Survey Plan

Surveyor provides you with the survey plan and also sends the plan to Natural Resources Canada (NRCAN) for approval.

7



#### Final Survey Plan Approval

The final survey plan is reviewed and approved by NRCAN, the Hamlet, the GN, and affected landowners. Once approved, it is registered at Land Titles Office in Iqaluit.

8



#### Receive Registered Plan of Survey

Receive the final Plan of Survey.

#### TIPS FOR A STRONG APPLICATION

Consider these factors when preparing your sketch plan and discuss them in your subdivision request:

- what you want to use the lots for
- the dimensions of the lots (size and width)
- the number of lots you want to create or combine
- road access to all the lots
- existing buildings on the lots
- how and where water will drain
- any nearby water bodies
- how the subdivision follows the rules of the Community Plan and Zoning By-law
- who owns the land and who leases the land
- how the nearby lots are laid out
- the Hamlet's requirements for water and sewer servicing

#### LEARN MORE

Refer to the Zoning By-law for a full description of the subdivision request requirements.

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## Are you planning to construct a building or change the use of an existing building?

Development permits are issued by the Hamlet which allows a person or business to build a structure or change the way land is used. Before issuing a permit, the Hamlet ensures the development (the proposed building or change in use) follows Hamlet by-laws.

## Application Process



**1 Request a meeting** (in-person or over the phone) with your community's Planning and Lands Administrator (PLA). Discuss what you plan to build, or how you plan to change the land use on a lot. The PLA will confirm if you need a development permit and provide you with a copy of the application form.



**2 Fill out the Development Permit application form.** The form is used to describe your proposal (what you plan to build or how you will change the land use).



**3 Prepare a site plan.** The site plan shows the lot you plan to build on as well as the surrounding lots. The site plan shows the location of any existing buildings and the one you plan to build. It should also show the vehicle access, parking area, servicing areas, fuel tanks, landscaping and other features (listed in the Zoning Bylaw). Attach the site plan to your application. See Quick Guide 7 for more information.

### DO I NEED A DEVELOPMENT PERMIT?

You need a permit to construct a new building or structure, change the size of an existing building or structure, pile or store materials on a lot, demolish a building or change the use of a building or lot. Certain small-scale developments are exempt, such as minor repairs, renovations and minor landscaping. These exemptions are listed in the Zoning By-law.

### WHO APPROVES THE PERMIT?

Depending on the scale of the project, the Development Permit may be approved by the Development Officer or by Council.

### HOW LONG DOES THE PROCESS TAKE?

Decisions on Development Permit applications that are complete with all required accompanying information are made within 40 days. If no decision is given after 40 days the application may be considered refused and may be appealed by the applicant.

4



**Submit the application and pay the application fee.** The fee must be paid before the Hamlet will make a decision to approve or refuse your application.

5



**Receive notice of the decision.** Your application can be approved, approved with conditions, or refused.

6



**Receive the development permit!** If approved, the Hamlet will issue your development permit after the 14-day appeal period.

## LEARN MORE

The Community Plan and Zoning By-Law describe which buildings and land uses require a Development Permit. The by-laws include rules for where different land uses can be located in the community, and how buildings are to be built. Review the by-laws for the full set of rules on what is required to submit an application and the process for approval.

## WHAT HAPPENS IF MY DEVELOPMENT DOES NOT FOLLOW THE ZONING BY-LAW?

All developments should follow the Zoning By-law. However, if your development does not follow the Zoning By-law, you will need to also apply for either a variance or a zoning by-law amendment. See Quick Guide 8 for more details.

### Apply for a variance if...

Your development is only slightly different from what the Zoning By-law requires. A variance is usually an extra application, with an extra fee.

### Apply for a zoning by-law amendment if...

Your proposal does not follow the Zoning By-law in a significant way. This is a longer and more difficult process.

## CAN I APPEAL?

If your permit application is refused, you have 14 days to submit a written appeal to the Development Appeal Board. If your application is approved, the Hamlet will post the decision around the community and any resident can file a written appeal within 14 days of the decision.

## CONTACT COMMUNITY & GOVERNMENT SERVICES

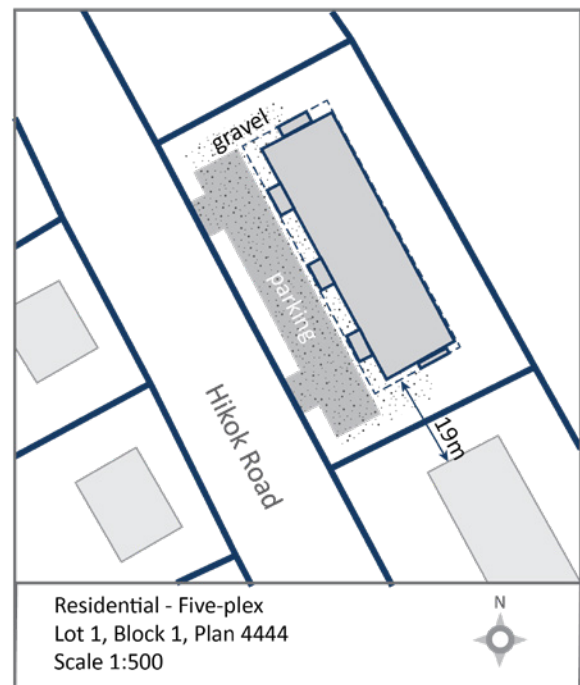
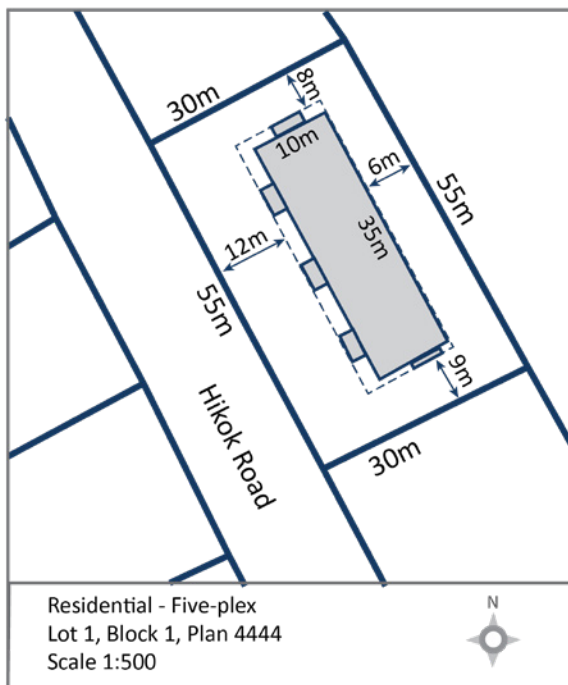
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## How to prepare a site plan for a development permit application

The site plan is a drawing that shows exactly how your proposed development will look after it is completed. It must be submitted with your development permit application.

### A Site Plan Should Include:



#### The Proposed Building and Lot

- Dimensions of the lot (the length of the edges)
- The location and dimensions of the buildings you plan to build
- Staircases, porches or decks connected to the building
- The distance of the proposed building to the lot lines
- Nearby roads

#### The Site

- The distance between the proposed buildings
- The location and dimensions of any existing buildings on the lot
- Location of the parking area(s)
- The location of the access driveway
- Area where gravel fill will be added



### The Servicing

- Location and size of culverts
- Location of water fill and sewage pump-out connections
- Truck access to servicing connections
- Location of fuel storage tanks and garbage bins
- Power poles and lines
- Snow piling areas

### LEARN MORE

The Community Plan and Zoning By-law describes the rules for development. Refer to both to learn more about how to design a building and site that meets the Hamlet's requirements.

### TIPS FOR BETTER SITE DESIGN

- Water and sewage connections should be located on the front of the house (rear connections result in higher maintenance costs)
- If the building entrance faces into the prevailing winds, add a windscreen to protect the entrance
- Use building skirting that allows wind flow (not solid) to reduce snowdrifting
- Sheds and seacans should be spread apart, both from the building and each other
- Drainage from the lot should be directed to a drainage ditch maintained by the Hamlet. This drainage ditch is sometimes next to the road and sometimes at the rear of the lot.
- Culverts longer than 12 metres in length may freeze up and cause flooding. Long culverts should be avoided.

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## Do you have an idea for a new development?

Anyone planning for new development should contact the local Planning and Lands Administrator (PLA). The PLA will determine if your proposal follows the rules of the Community Plan and Zoning By-law. If your proposal does not follow the by-laws, a variance or by-law amendment will be required.

## When is a Variance Required?

A Variance allows a development proposal to get approved even if it doesn't exactly meet the requirements of the Zoning By-law. A variance can only allow for "minor" reductions in the requirements of the Zoning By-law. Most Zoning By-laws include rules for what is considered "minor". Typically, minor means a change of up to 25%.

Generally, a variance request is submitted with the development permit application.

The PLA may request a letter from neighbouring property owners, to ensure they are not affected.

### THE COMMUNITY PLAN

Provides general guidance for what should be built in the community.

### THE ZONING BY-LAW

Provides specific rules for new development. The by-law regulates what can be built, building size, height, location and other characteristics. The basic purpose of a Zoning By-law is to ensure that the Community Plan is being followed and buildings don't have a negative impact on the neighbouring lots.

### APPEALS TO A VARIANCE

Anyone who is affected can appeal within 14 days of Council's decision to approve or refuse the variance. An appeal must be made in writing to the Development Appeal Board.

### HOW LONG DOES THE BY-LAW AMENDMENT PROCESS TAKE?

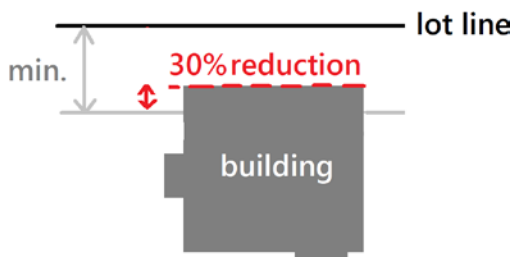
Generally, three to six months. It may take longer depending on the complexity of the application.

# By-law Amendment

You must apply for a by-law amendment when your development proposal doesn't follow the Community Plan and Zoning By-law. Two common reasons for a by-law amendment are as follows:



A by-law amendment is required when the type of development you wish to build is not allowed on the lot you have selected. Your by-law amendment would change the by-law to allow for that type of development. For example, to build a store on a lot meant only for housing would require a by-law amendment.



A by-law amendment is required if your development proposal doesn't meet the requirements of the zoning by-law in a way which cannot be considered minor. For example, a reduction in the front yard setback by 30%.

## LEARN MORE

The Zoning By-Law and Community Plan describe what types of development require a Development Permit. The by-laws include rules for where different land uses can be located in the community, and how buildings are to be built. Review the by-laws for the full set of rules on what is required to submit an application and the process for approval.

## BY-LAW AMENDMENT APPLICATION REQUIREMENTS

You will be required to:

- state the reasons for the requested change
- submit an application form and a Site Plan
- pay an application fee
- provide any additional information required by the PLA to determine if the proposed development is suitable for the lot

## THE BY-LAW AMENDMENT PROCESS

1. Submit an application to the PLA.
2. An amending by-law is prepared for Council's review.
3. Council gives first reading to the amending by-law.
4. A public hearing is held for community members to express their concerns with the amending by-law or provide comments. Council may make changes to the amending by-law based on what community members say.
5. Council gives second reading to the amending by-law
6. The Minister of CGS reviews and approves the amending by-law.
7. Council gives the amending by-law third reading. This is when the amending by-law comes into effect. You are now ready to submit a development permit application.

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