

# Condominium Plans and Descriptions

## HOW TO DEAL WITH THE VERTICAL COMPONENT —

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With the advent of the high rise condominium and the economic necessity to build towering skyscrapers, there has developed an increasing need to adequately define interests in land that are governed vertically by horizontal planes.

These interests can assume many forms — underground walkways or the converse, elevated walkways, joining two or more buildings, subways, underground services, rights of ingress and egress through elevated parking garages, tunnels, "space boxes" (for the right to maintain certain mechanical components of a building) — ad infinitum.

The interest being defined may be a severance of fee or a "limited" interest in the sense of an easement or right-of-way. Notwithstanding the ramifications of planning consent we shall assume for the purposes of this article that you have been asked to prepare a description for an underground tunnel as it affects Lot 7, leading from the building on Lot 6 to the building on Lot 8 (See Sample A attached).

Essentially, under the Registry Act, descriptions must be metes and bounds or be defined as Parts on a Reference Plan, and under the Land Titles Act, as per Section 159 thereof:

“. . . shall be described in such manner as the proper master of titles considers is best suited to secure accuracy . . .”

which, for the most cases is also a Part on a reference plan. Again, for the purposes of this article, we will assume a reference plan is required, so now the question arises "How do we show, on a plan, an interest that has a qualified vertical extent?"

The format of the plan is basically that of a normal reference plan, i.e., a plan view with fully monumented Parts showing horizontal extent, but with the inclusion of a diagram to illustrate the limits of vertical extent, i.e., those that are governed by horizontal planes.

The diagram is in essence a three dimensional drawing or, for you technical buffs, a trimetric axonometric projection of the plan view, with heavy solid line-work defining "visible" horizontal and vertical limits and light broken linework to define those portions of the limits not visible from the direction of view.

(See Diagram A. Sample A). That sounds simple enough, but how do we monument these Part limits?

I think the main criterion here is to remember the "intent" of the survey and the legal survey principles of retracement. Thus, for monumentation purposes, it is almost essential to have some physical structure in existence before the survey is undertaken. This situation satisfied, the floors, concrete slab, faces of walls or whatever will usually suffice as monuments. Elevations may be added as supplementary information but in this instance the physical structure will govern on any later retracement. It is not necessary to have a physical structure governing both horizontal planes. Referring to Diagram A again, we can see the concrete slab (and elevation thereof) will govern one horizontal plane and the related elevation, i.e., 7.00 feet above it, will govern the other. (This is quite common in parking garages where a specified height from a floor is the controlling factor for an easement).

You will readily appreciate the latent problems if a plan based solely on elevation or co-ordinate values were recorded or deposited prior to the structure being built, for in this case the elevations will govern and unless the builder has a "bionic" eye, the resulting encroachments would create chaos.

When elevations are shown on a plan, the datum employed and the evidence thereof, i.e., local bench mark, should be clearly noted on the plan. Details of your level circuit to the site however, need not be shown. (It should be remembered that, as with any reference plan, all adjacent geographic entities and instrument numbers should be shown. Usually, this will not present a problem, but in the case of a high rise condominium, one of the "strata" Parts may be adjacent to a unit.)

As will be noted from Sample A, the Part numbering for the "strata" portion of the plan is somewhat different from the usual Part numbering system. We have found this alpha numeric system greatly simplifies the local description in the document the plan will "accompany". Depending, of course, on the purpose of the document, the description will simply read:

“. . . Parts 2, 2A, 2B on Plan . . . together with (subject to) an easement (right-of-way) in favour of . . . desig-

nated as Part 2A in Diagram A on said plan . . .”

The description is short, comprehensive, and easily understood.

The above noted sample is probably the simplest form of "strata" development one could encounter, there being, of course, much more complicated possibilities in the form of several "stacked" levels governed by the same vertical planes, several "stacked" levels not governed by the same vertical planes, (Habitat 67 for example), descending (ascending) spiral ramps, the delineation of piers or footings, etc.

Needless to say, all plans of this nature have to be treated on an individual basis and it is strongly recommended that a couple of preliminary sketches be forwarded to this office or to your local examiner for comment before actual production of the final plan begins.

In this way, we hope unnecessary delays can be minimized and a very satisfactory legal vehicle be provided to "unravel" the complexities that three dimensional concepts can produce.

The feasibility and ramifications of allowing space units to be created on the basis of the architectural and mechanical drawings of a unit are under study and will be discussed herein when sufficient information is available.

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