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STRATA PLANS AND CONDOMINIUM, "SMOOTHING THE ROUTE TO REGISTRATION"

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STRATA PLANS AND CONDOMINIUM,
SMOOTHING THE ROUTE TO REGISTRATION

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PART 1

STRATA PLANS

Foreword

I would like to thank Thomas Glassford, O.L.S., Henry Roeser, O.L.S., Roger Avis, O.L.S., and Dennis Fisher, O.L.S., for their constructive comments concerning the preparation of this manual. In particular, Tom Glassford, Regional Surveyor, M.C.C.R., provided me with a copy of a draft he had prepared for the Ministry. Many of the items defined herein reflect, to a large extent, his comments.

Although no manual can capture all aspects of strata determination, it is hoped this effort will remove some of the mystery involved.

G.F. North
Author

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1.0 DEFINITION

Strata plans define vertical as well as horizontal limits of lands. They are "Plans of Survey" and as such must comply with all existing Legislation, i.e. the Surveys Act, the Land Titles Act, the Registry Act, the Regulations and the Standards of Survey as prescribed by the Association of Ontario Land Surveyors.

The majority of such plans are "Reference Plans" of survey, but occasionally they have been used as a "Plan of Subdivision". This is not to be misleading, as they are not exempt from the Planning Act, and accordingly, any dealings with these PARTS requires planning approval.

2.0 USE

Approximately 40% of these plans are used to define limits of deep sewer/water installations, subways, hydro, above ground rapid transit systems, Municipal structures, etc. for various purposes.

The remaining 60% involve condominiums. Developers often wish to maximize the use of their holdings by retaining retail portions as well as retail parking and creating rental or condominium structures above or below these areas. In many instances monetary consideration must be given to "phasing" arrangements. Inherent in such projects are easement rights that must be defined either by blanket easement or specified location.

3.0 PURPOSE

By the very nature of the use put to these plans, most will be found in high density urban areas, i.e. Metropolitan Regions.

Where Municipalities or service corporations such as Hydro, T.T.C., Bell Telephone, gas companies, cable companies, etc. are concerned, they merely require ownership rights, or easements to access their equipment and do not wish to interfere with development above or below the installation. In multiple use Municipal structures, it may be necessary to isolate certain portions to take advantage of Provincial or Federal grants.

Where proposed condominiums are involved, it may be appropriate to phase integrated projects. It may also be expedient to exempt certain areas from the jurisdiction of the Condominium Act.

The Land Titles Act (Section 41) and the Registry Act (Section 24) allow for the creation of easement rights upon registration of the Condominium Documents. This is of great importance to the solicitor and the surveyor as it eliminates the need for additional plans after registration of the condominium.

4.0 AUTHORITY GOVERNING PLANS TO BE DEPOSITED OR REGISTERED

Section 3, clause 3(2)(c) of Regulation 898 of the Registry Act presently requires all "three dimensional" (strata) plans to be registered or deposited to be examined and approved by the Examiner of Surveys. As M.C.C.R. phases out its examination process, total reliance for the veracity of these plans will fall upon the individual surveyor. That is not to say that M.C.C.R. intervened in any fashion or assumed any liability for such plans but the mere 3rd party examination, I believe, prevented many erroneous registrations.

4.1 NEED FOR WORDED DEFINITION NO LONGER NECESSARY

It should be noted that the regulatory provision for strata plans now makes it unnecessary for worded descriptions which in the past, attempted to divide land or interests vertically. For example some older descriptions divided property by reference to a specific elevation or "above the ground level", "on top of the roof", etc. With the stratified plan, the vertical and horizontal extents are now illustrated pictorially.

5.0 PLANS AND SURVEYS

5.1 GENERAL COMMENTS

Strata Plans vary in major degree from very simple plans that limit ownership to a certain height above a subway tunnel or to limit an easement for vehicular traffic above a certain physical feature such as an underground garage; to extremely complex projects that may involve joint ventures with public and private sector developments resting on the same property.

Increasingly, the downtown renewal developments envision mega-projects that cover entire city blocks. These may include office towers, large retail outlets, parking facilities and residential complexes integrated into one or more buildings resting upon a single podium. To top it all off, they may be serviced at a single point where cable, Bell Telephone, Hydro, gas, water and sewage enter the complex. In addition, cable, Hydro, Bell, gas and water may have plant and equipment which require service. This can result in further stratified division.

From a planning standpoint such uses of the property are a delight and many developers are rewarded with increased residential density on their projects. However, with increased costs

of initial real estate, uncertain markets and the high cost of borrowing, more projects are being developed under joint ventures and many lending institutions are requiring projects to be broken down into smaller segments to protect their equity.

Upon completion of such projects, usually the terms of the joint ventures set out that specific portions of the lands will be transferred to the various partners or condominiums. These complexes then require reciprocal rights and easements for the provision of services, access and support.

The introduction of stratified plans and the Condominium Act facilitates this process.

5.2 THE SURVEYOR AND PLAN PREPARATION

Although most surveyors, except the larger firms, shy away from these proposals; they do not have to preclude the smaller organization. It is necessary to liaise with the architect/engineer and the owner(s) to determine how the property is to be divided and to discuss service and support requirements if appropriate.

In an integrated condominium project the same procedure is used, however, the solicitor should be involved in order to develop a comprehensive easement/support program. Where residential condominiums are involved, the purchase and sale agreements should contain this information to comply with the Condominium Act. In addition, any proposed reciprocal agreements or shared use agreements should be formulated.

5.3 EASEMENTS

All easements, or rights, or ownership requirements must be established in order to determine the number of parts that will be necessary. There is an emerging point of view that blanket easements generally fulfil the need with specific qualifications written into the document. This greatly reduces the number of "stratified parts" required. The rationale for adopting this principle is simple - the reason for the easement or right is to allow the easement holder to exercise the right. If the easement holder is a utility, he must get men and equipment to the problem area and correct, modify or replace the plant and equipment. If the easement holder is a condominium and the easement provides a vehicular access right, then such must be available. In the former situation, utilities are cautious about the loss of customers through negligence or improper conduct and prefer to access the problem area with the least disruption. In the latter, the right is for vehicular access and no one could construe this right to include anything other than roadways. In fact, the document could specifically provide such a rule.

When adopting this type of easement format some problems develop in the subsequent "phases" as all lands are subject to such rights, however, after registration of the succeeding condominiums, the solicitor may have the units released from such easements prior to the individual unit closings.

5.4 THE PLAN

(a) Each part must stand on its own without the support of architectural or structural drawings and must be capable of vertical as well as horizontal retracement.

- (b) Elevations: Elevations shall be geodetic in origin whenever practical. The recorded elevation, the number of the monument, and the origin or location of the data shall appear in a note on the plan.

If elevations are to be referenced to a local or assumed bench mark it shall be of a permanent nature and its location and assumed elevations, together with an appropriate note, shall appear on the plan.

Elevations shall appear in all vertical cross-sections, at the beginning and end of every regular sloping plane and at retraceable pictorially identifiable points in the case of irregular planes.

- (c) Examiner's Approval: At the writing of this manual the Examiner of Surveys approval form (Form 2, Regulation 898) was required. However, it is necessary to monitor events as M.C.C.R. withdraws from the process.

- (d) Surveyor's Certificate: A Surveyor's Certificate in Form 1 of Regulation 898 shall be included in the plan. If permanent, substantial, physical features are surveyed and used to control the extent of any stratified area, a separate Certificate is required to attest to this fact. For example, Surveyor's Certificate "I hereby certify that the structures shown on this plan are in existence and that the dimensions shown on this plan have been verified by actual measurements."

Although this format is not cast in stone, it probably will be sufficient for most applications.

It must be noted that plans containing more than 1 sheet must show these Certificates on each sheet if appropriate.

- (e) **Monumentation:** The plan must be monumented in accordance with Ontario Regulation 221/81 under the Surveys Act (as amended). The physical features of a permanent substantial nature may also be employed to control limits if the surveyor believes they reflect substantial compliance with the Regulation.

Caution: Physical features such as top of asphalt, upper surface of gravel, surface of patio stones, etc. are not deemed to be of a substantial or fixed nature and M.C.C.R. does not consider them to be acceptable.

In very complicated projects, many surveyors use various appendices for illustration of limits that are coincident with building limits, i.e. F.C.W., F.B.W., - to denote face of concrete wall in the former or face of brick wall in the latter. Some will simply select a numbering system and identify their system in Legend form. Since these constitute monuments they must be identified on each sheet (in multiple sheets) in a Legend format and must clearly illustrate the desired limit.

If the plan is to be used for Condominium purposes, a considerable savings in time can be made by incorporating monuments under Section 2 of Regulation 122, Condominium Act (exterior angles) into this plan.

- (f) **Plan Size:** Regulation 898 sets out the width of these plans at 85 cm., however, no length is defined. Generally, M.C.C.R. has strongly suggested that the plan not exceed 150 cm. If your plan exceeds these dimensions, contact the appropriate examiner or consider a multi-sheet format as defined in item (g).

- (g) **Multi-sheet Plans:** M.C.C.R. has found that a well organized plan consisting of more than one sheet will better satisfy the client, the Land Registry Office and future users.

Identify each sheet at or near the upper right hand corner, i.e. Sheet 1 of 3, Sheet 2 of 3, etc.

A schedule is necessary to relate the PART numbers to the various sheets and must include whether the illustration is "horizontal" or "vertical". This schedule is to similarly be placed at or near the upper right hand corner of the first sheet.

- (h) **Part/Geographic Location/Part of Parcel or Instrument Schedule:** It is important that this information either be added to the schedule referred to in (g) above, or be included in a separate schedule in the upper right hand corner area of the plan. If a multi-sheeted plan is being used this schedule need only appear on Sheet 1.

The geographic location may be deleted from the schedule if the total plan lies within a single geographic location and the same appears in the plan title.

- (i) **Survey Method:** The first horizontal definition (plan view) shall be at an elevation approximately ground level. When more than one sheet is being used, the first horizontal definition shall be on Sheet 1. All PARTS/Lots, etc., existing at this elevation shall be reflected on this plan view, together with all found and planted survey evidence. All information normally shown on any other Plan of Survey to be deposited or registered shall be reflected on this plan view.

The survey method need not be illustrated on additional horizontal sections of single or multi-sheeted plans.

(j) Horizontal Views: All stratified horizontal extents must be represented. Generally, the changes occur at grade, in basements/underground garages and at the 2nd storey with all other storeys to the roof remaining the same. However, such may not be the case and each project must be examined in detail to verify PART extents. These views should be identified at a specified vertical elevation. In very complex situations it may be necessary to illustrate horizontal extents between floors where such limits vary. In any case it is necessary to provide as many horizontal views as is necessary to illustrate these limits.

(k) Vertical Views: The most common and accepted method of illustration is the vertical cross-section. These section lines run from one side of the plan to the other at convenient locations sufficient to illustrate all the lands which are limited vertically. In some instances, more specific sections may be required to illustrate unusual areas. These can be confined to separate detailed locations.

Each section is identified and related to the horizontal limit by numbers or letters and arrows illustrating the view direction. A general section must illustrate all PART limits all the way up and all the way down. Specific sections may not necessarily have to show all details beyond the specific sections, but must clearly show adjacent features so that they can be determined in relation to the general section.

Cross-sections must illustrate the elevation, physical feature (size and construction), etc. of all stratified limits.

General Comment - In some earlier attempts at stratified plans, surveyors approached the illustrative problem with perspective or 3 dimensional drawings. Although some approached a high degree of sophistication with this method, it is extremely difficult to understand such plans from a user standpoint and the cross-sectional method became the standard. This is not to say it cannot or should not be done, however, in most circumstances the cross-sectional approach is easier from a drafting standpoint and clearer (in understanding) from a user standpoint.

- (l) **Easements, Rights-of-Way, etc.:** All stratified plans shall illustrate by separate PARTS all lands subject to registered limited interests. It is also important that under the schedule referred to in (g) and/or (h) aforesaid that the total PART(S) subject to each right be summarized by relation to the creating registered document.
- (m) **Creation of Theoretical Plans:** In some circumstances it may be necessary to create stratified plans from proposed architectural/engineering drawings. Surveyors must be made aware that the finished plan may not reflect the "as built" condition.
- In some cases these plans are used to convey title and create mortgages. Upon completion of construction many changes may occur in variance to the theoretical. This will entail extensive legal modification and will probably require a new plan to be recorded. If such PARTS vary to any great extent from the original, it can be readily seen the subsequent plan may become very complicated.
- (n) **Application of Strata Plans for Condominium Purposes:** If the plan is to be used for a proposed condominium(s) it is wise to consider the following:
- (i) Utilization of the plan for conversion to Land Titles or certification under the Certification of Titles Act.
 - (ii) Discuss stratification with the developer, solicitor and architect/engineer. Limits of development phases, mortgages, reciprocal easements, etc. could all be mapped out and reflected on this plan. In many instances Municipal access may be a condition of approval, include their input.
 - (iii) Although this scenario may be appropriate for conversions, caution should be exercised in new construction because of the length of time it takes to get 1st Applications and Certifications approved.

6.0 CONCLUSIONS

1. Strata plans are merely reference plans with the added third dimension of vertical limitation.
2. They may be complicated or simple in nature depending upon the use required.
3. Upon registration they are used for descriptive purposes in land transfers, mortgages, easement rights or any other legal transaction.
4. Unless care and diligence is taken with their preparation, they may be erroneous or unable to do the job required.

PART 2

CONDOMINIUM, SMOOTHING THE ROUTE TO REGISTRATION

Foreword

At the writing of this manual, the Ministry of Consumer & Commercial Relations was continuing to examine condominium applications. Until the Legislation is in place to remove the Examiner of Surveys role, it will be necessary to forward all submissions to The Real Property Registration Branch, Confirmation and Condominium Section.

The original publication "Condominium, Smoothing the Route to Registration" was an off-shoot of a paper delivered by B.E. (Ted) Lynch, O.L.S. to the Law Society of Upper Canada Continuing Education of the Bar Special Lectures, March 13, 1970.

Over the years it underwent many re-writes by the Ministry. E.S. (Ted) Smith, O.L.S., B.G. (Barrie) Syme, O.L.S. and myself were involved in at least three publications.

Rapid changes in the scale and complexity of projects caused many delays to updated versions. In addition, many policy decisions were being implemented along the way. All of this, as well as, increased examination volume resulted in shelving any serious re-write by the Ministry.

Since I worked with Ted Smith and Barrie Syme, the Association of Ontario Land Surveyors has asked me to update the latest draft prepared by Barrie and myself.

The original was prepared as a government manual and consequently much editing was required in regard to the role of the Examiner of Surveys.

To paraphrase Ted Lynch in his opening remarks in 1970, "I am certainly not about to reveal THE PLAN which will eliminate all delay. Such a route does not, in our imperfect world, exist. I do propose, however, to speak of minimizing delays."

G.F. North,
Editor

ADDENDUM:

Subsequent to writing this manual, R.P. Madan, O.L.S. - Supervisor, Condominium and Confirmation Section, Real Property Registration Branch, M.C.C.R. had a chance to review same and many of his comments are incorporated herein.

CAUTION:

Since the role of the Examiner of Surveys will be modified concerning various aspects of Plan Examination, it is necessary to keep abreast of changes of procedure emanating from M.C.C.R.

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Ontario Regulation 122 - Revised Regulations of Ontario 1980 as amended to Ontario Regulation 237/85

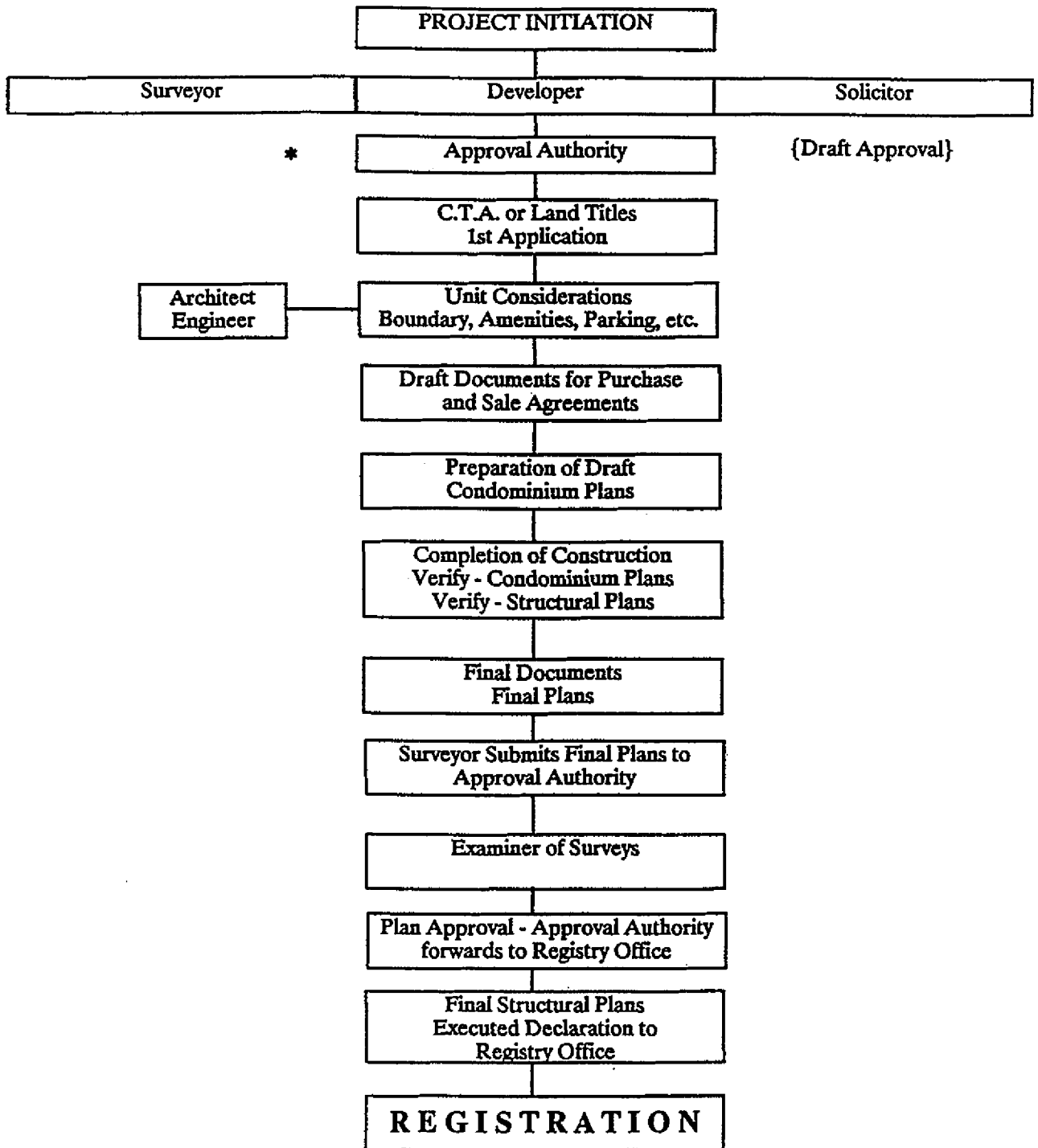
Ontario Regulation 121 - Revised Regulations of Ontario 1980 as amended to Ontario Regulation 582/84

M.C.C.R. - Real Property Registration Branch - Condominium and Confirmation Section, Ministry of Consumer & Commercial Relations or any successor body

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FLOWCHART



* "Approval Authority" means Ministry of Housing or Delegated Authority to Approve Condominium Plans under Section 50 of the Act

CONDOMINIUM CHECKLIST

The following are some suggested checkpoints in preparing a condominium project for registration.

1. The declarant obtains draft planning approval.
2. A survey of the boundary and appurtenant and servient interests (reference plan), is made.
3. If Land Titles is available, an application for first registration under the Land Titles Act **must** be made. If Land Titles is **not** available, a C.T.A. application **must** be made.
4. Construction of the project is completed.
5. The Unit boundary decisions are made (declarant, surveyor, solicitor).
6. Using the boundary survey and the structural plans, the surveyor plots the description plan sheets. If the boundary survey is not recent, it must be up-dated.
7. The surveyor verifies that construction of the project is complete. (Regulation 122, Section 6a).
8. The surveyor verifies that the building, as constructed, agrees with the structural plans. (Note: This includes **all** of the building).
9. The surveyor advises the declarant if revisions to the structural plans are required.
10. The surveyor verifies that the Unit dimensions shown on his description plan sheets, measure accurately and agree substantially with the structural plans.
11. The surveyor completes his description plan sheets.
12. The solicitor completes the declaration and submits a copy to the surveyor.
13. The surveyor compares the completed declaration with title and his description plan sheets and any necessary revisions are made.

14. The surveyor submits the following information to the Real Property Registration Branch:
 - (a) A covering letter signifying that the project (buildings) are complete in accordance with Regulation 122.
 - (b) Two sets of paper prints of the description plan sheets (note: both of the Surveyor's Certificates **must** be signed and the Owner's Certificate must be completed).
 - (c) An up-to-date copy of the parcel register or C.T.A. Certificate and any relevant subsequent abstract index.
 - (d) Copies of all underlying and adjoining plans.
 - (e) A set of paper prints of the structural plans (note: a site plan must be included). Do not submit original plans.
 - (f) Two copies of the declaration. Do not submit the original.
 - (g) If C.T.A. is involved, copies of any subsequent documents dealing with appurtenant or servient interests.

Please note that all submissions will be made through the surveyor.

15. The Condominium Plans and documents will only be examined as to completeness, form and certificates by the Ontario Land Surveyor. If the documents are complete, correct as to form and properly certified, Form "J-1" will be issued.
16. The surveyor is notified of any final revisions to the plans and declaration and the approval, "J-1" form is issued to the surveyor.
17. The surveyor makes the following final submissions:
 - (a) The original and required duplicates of the description plan sheets are submitted to the relevant Planning Authority. After their approval, the Planning Authority will forward these directly to the Real Property Registration Branch.
 - (b) The surveyor will submit the required cronoflexes and paper prints of the structural plans directly to the Real Property Registration Branch.
18. The Real Property Registration Branch will review and approve the final submissions.
19. The description is forwarded to the relevant Land Registry Office and the solicitor is notified of any final changes to the declaration.
20. The solicitor attends at the Land Registry Office, bringing with him the original of the declaration, and registration of the condominium will be made.

2.0 INTRODUCTION

Smoothing the Route to Registration deals mainly with the steps necessary to prepare a condominium declaration and description for registration in the Land Registry Office. The main discussion involves the procedures made necessary by the provisions of the Condominium Act, the Regulations under the Condominium Act, the Registry Act, the Land Titles Act and the Planning Act.

Although no system of eliminating all delays is possible, we hope to be able to suggest ways of keeping these delays to a minimum. A condominium description cannot be registered until the condominium buildings are complete in accordance with Regulation 122 under the Condominium Act. Since this factor lies entirely with the owner of the proposed condominium, the Real Property Registration Branch (formerly The Legal and Survey Standards Branch) can do little more than make everyone aware of the rules of the game.

This publication has been written by members of the Real Property Registration Branch. Since we are surveyors and plan examiners we will confine ourselves to comments on the description and those portions of the declaration to which we have direct input.

The Real Property Registration Branch has been involved in the examination of all condominium descriptions submitted to date, in Ontario. In many of these projects, there has been an apparent lack of communication between the developer, the project solicitor and project surveyor. It is apparent in many cases that the surveyor has prepared the description without consulting the solicitor and the solicitor has prepared the declaration

without consulting the surveyor. Under these circumstances it is not surprising that these documents conflicted with each other and on occasion each presented an entirely different set of facts. We, therefore, respectfully suggest that one of the main ways in minimizing delays along the route to registration of a condominium, is to establish good communications between the developer, the solicitor and the surveyor.

Editor's Note: - I have used the foregoing introduction as set forth in the original context since it most succinctly defines the reasons for this publication.

3.0 PLANNING APPROVAL

Section 50 of the Condominium Act makes condominium developments subject to the provisions of the Planning Act. Throughout this booklet we use the term Approval Authority. This refers to the Minister of Municipal Affairs or such Municipal council delegated by the Minister's authority under Section 4 of the Planning Act.

If you are dealing with a development in an area administered by the Ministry of Municipal Affairs you should contact the Plans Administration Division of that Ministry and obtain their requirements. These are currently set out in their booklet SUBDIVISION/CONDOMINIUM APPROVAL PROCEDURES: A GUIDE FOR APPLICANTS

which is obtainable at the Ontario Government Bookstore at 880 Bay Street in Toronto. However, you should contact the Plans Administration Branch directly before you proceed with your application as their requirements may be subject to change.

In the event that you are dealing with a Municipal council to which the Minister of Municipal Affairs has delegated his or her authority, you should contact their planning department to obtain their requirements.

4.0 TITLE ASPECTS

The Condominium Act establishes the following definitions which are important in the discussions which follow:

Section 1(z) **"unit"** means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space in accordance with the declaration and description.

By definition, then, a "unit" is a residential, commercial or industrial space defined by a building, enclosed by its boundaries which are related to the physical features of the building.

Section 1(s) **"property"** means the land and interests appurtenant to the land described in the description, and includes any land and interests appurtenant to the land that are added to the common elements;

Section 1(g) **"common elements"** means all the property except the units;

Section 1(c) **"buildings"** means the buildings included in a property;

Section 1(1) **"declarant"** means the owner or owners in fee simple of the land described in the description at the time of registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a bona fide purchaser of a unit who actually pays fair market value or any successor or assignee of such purchaser;

Section 1(m) **"declaration" means the declaration specified in section 3, and includes any amendments;**

Section 1(2) **For the purposes of this Act, the ownership of land includes the ownership of space.**

With respect to the declaration and description, section 2 of the Condominium Act provides:

Section 2(1) **A property shall comprise only freehold land and interests, if any, appurtenant to that land.**

Section 2(2) **A declaration and description may be registered by or on behalf of the owner in fee simple of the land described in the description.**

Section 4(1) **A description shall contain,**

- (a)** **A plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings;**
- (b)** **structural plans of the buildings;**
- (c)** **a specification of the boundaries of each unit by reference to the buildings;**
- (d)** **diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;**
- (e)** **a certificate of a surveyor that the buildings have been constructed and that the diagrams of the units are substantially accurate and substantially in accordance with the structural plans; and**
- (f)** **a description of any interest appurtenant to the land that are included in the property.**

prepared in accordance with the Regulations.

It is useful to note that: Units and common interests are real property for all purposes [Section 6(1)].

4.1 TITLE VERIFICATION

Section 2(1) of the Condominium Act provides: a property shall comprise only freehold land and interests, if any, appurtenant to that land. The resultant effect is to guarantee title to the property. This is similar to subdivision requirements.

One can easily appreciate that any claim against the condominium property arising from a pre-registration document could create havoc with the unit owners and the Registration System.

Consequently, Section 143 of the Land Titles Act and Section 87 of the Registry Act provide this guarantee.

(a) Land Titles Act:

If the proposed condominium is within an area where land titles is available, it must be in the land titles system or if not must be subjected to a 1st Application process under that Act. Section 143 provides: Except as provided by subsection (2), where land described in a description as defined in the Condominium Act as shown on a plan of subdivision is situate in a land titles division, the description along with the appropriate declaration or plan of subdivision, as the case may be, shall be registered under this Act.

(b) The Registry Act:

If the property lies within a Registry Division where land titles is not available then the lands being developed must be certified under the Certification of Titles Act. Section 87 of the Registry Act provides: A declaration and description, as defined in the Condominium Act, shall not be registered under this Act unless a Certificate of Title under the Certification of Titles Act showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. This will require an application for certification under the Certification of Titles Act if this has not already been done.

- (c) Most surveyors and solicitors are familiar with the application for certification under the Certification of Titles Act and the application for first registration under the Land Titles Act. In both of these a title survey as well as a thorough title search, are done and the plans are circulated to adjoining owners. Since there may be objections from these adjoining owners, the processes in both cases can be time consuming. Therefore, anyone involved in developing land should be aware that the foregoing processes must be completed before the land can be dealt with under the Condominium Act.

If you are involved either with certification under the Certification of Titles Act or with an application for first registration under the Land Titles Act, we suggest you contact the appropriate Regional surveyor. They will be glad to furnish you with the necessary information as to the submission requirements in either case.

Editor's Note: In many instances, I have seen properties "flip-flopped" through various owners prior to registration. In the Land Titles system this does not cause a problem as various proofs of ownership are required to sell or transfer the property. In the Registry System such is not the case and a Certificate of Title is required --- showing the person by whom the declaration and description are being registered as the owner in fee simple of the land ---. Similarly, any appurtenant rights required over adjacent lands must be certified.

This reinforces my contention that, the surveyor, the solicitor and the developer work very closely together and that the final Certificate of Title contain all the features required. Certification of Title can be a lengthy, arduous process and where possible should be "done right" the first time.

4.2 SCHEDULE A: DECLARATION

Regulation 121, section 2(d) under the Condominium Act specifies that the declaration must contain a Schedule A describing the "property" intended to be governed by the Act. Property is defined by the Act as "the land and interests appurtenant to the land".

Since Schedule A is very important to the examination of the description and must agree precisely with it, the following points should be noted. This schedule will accurately describe the freehold land being declared as condominium along with such existing appurtenant or servient interests as must accompany this freehold land. In addition, it must accurately set out such appurtenant and servient interests which are being created pursuant to Section 24 of the Registry Act or Section 41 of the Land Titles Act. The description wording of the Certificate of Title or the Parcel Register should be adopted unless there is some reason why it cannot.

The land being declared as condominium will be either the whole or part of the land described in the Certificate of Title or Parcel Register. The following words should be used to make this clear:

- (a) (written description) then "being the whole (or part) of Parcel 999 in the register for Section M-149"; or
- (b) (written description) then "being the whole (or part) of the land described in Certificate of Title 1777".
- (c) (written description) then "being the whole (or part) of P.I.N. etc. (if Land Registration Reform Act applies).

This will assist the Land Registry Office staff in their title examination done at the time of registration of the condominium.

Editor's Note: The inclusion of the preceding information may be helpful but is not necessarily mandatory. It would be useful to discuss this with the project solicitor and the Land Registrar.

5.0 EASEMENTS

Easements in connection with land being developed as a condominium can occur in a number of different ways. These may be both appurtenant and servient interests already on title. All of the easements existing on title will have been dealt with during the application for first registration under the Land Titles Act or the certification procedure under the Certification of Titles Act. These easements will have been given PART numbers on the reference plans used for these applications.

There may also be easements created after the issuing of the Certificate of Title or the Parcel Register. These must be added to title after being subjected to an application for first registration under the Land Titles Act, or the certification procedure under the Certification of Titles Act.

In addition to the foregoing, easements can be created in a condominium declaration under the Registry Act or the Land Titles Act.

Occasionally you may be involved with a Land Titles parcel described as a Lot on an old Land Titles subdivision plan. In this case you may find that some easements are described by metes and bounds. In order to furnish an acceptable description of the easement extent, a reference plan may be required. Although the first sheet of a condominium description is a Plan of Survey, PARTS cannot be created by it. A condominium description creates only units and common elements and cannot be used to create PART limits for easements.

Editor's Note: If you encounter this situation it is appropriate to discuss this problem with the project solicitor and the Land Registrar.

5.1 EASEMENTS CREATED BY THE CONDOMINIUM ACT

Section 8 of the Condominium Act establishes that certain rights and services are manifest easements mandated by this Act and made necessary by its various provisions. It is therefore not necessary to establish specific easements, such as by Reference Plan PARTS, for this type of easement. Normally the service covered by these implicit easements will be shown somewhere on the structural plans. Where possible, and to avoid the possibility of future conflict, the service covered will be plotted on the description plan sheets. An example of this might occur on exclusive use portions of the common elements set aside for parking. If an internal sewer or water facility crossed such an exclusive use area, it would be appropriate to furnish notice to the exclusive use holder by plotting and labelling the position of the service on the exclusive use description plan sheet. Thus the exclusive use holder is placed on notice that the use of this space may be interrupted if maintenance or repairs are necessary.

The easements appurtenant to units and common elements specified by Section 8 of the Condominium Act are as follows;

8. (1) The following easements are appurtenant to each unit:

1. Where a building or any part of a building,
 - (a) moves after registration of the declaration and description; or
 - (b) after having been damaged and repaired, is not restored to the position occupied at the time of registration of the declaration and description,

an easement for exclusive use and occupation in accordance with this Act, the declaration and the By-Laws, over the space of the other units and common elements that would be space included in the unit if the boundaries of the unit were determined by the position of the buildings from time to time after registration of the description and not at the time of registration.

2. An easement for the provision of any service through any installation in the common elements or any other unit.
 3. An easement for support by the common elements and any other unit capable of providing support.
- (2) The following easements are appurtenant to the common elements:
1. An easement for the provision of any service through any installation in any unit.
 2. An easement for support by any unit capable of providing support.
- (3) No easements are appurtenant to the common elements through the units for purpose of access to other common elements.

It is therefore important that the only access or usual access to the common areas, such as mechanical rooms, electrical rooms, recreational facilities and such other common elements, not be through units.

This consideration especially applies to parking units in highrise buildings.

As previously stated it is not necessary to create reference plan PARTS to describe the easements created by Section 8 above and they cannot be described in Schedule A of the declaration. Additionally, they cannot be plotted on sheet 1 of the description plan sheets or on any of the other description plan sheets if such plotting renders such plan sheets complex or confusing. In the vast majority of cases the existence of these service easements is adequately covered by Section 8 aforesaid, and the structural plans.

5.2 EASEMENTS CREATED IN THE DECLARATION

Section 24 of the Registry Act and section 41 of the Land Titles Act permit the declarant of a condominium to create easements in the declaration, over lands owned by the declarant. These can be easements which benefit either the area being declared as condominium or other lands owned by the declarant. As with the lands being declared as condominium, these easements must be over lands in the ownership of the declarant under the Land Titles Act, or which have been certified under the Certification of Titles Act. They must also be defined as PARTS on a reference plan and be fully described in Schedule A of the declaration.

5.3 DESCRIPTION OF EASEMENTS

Regardless of when or where easements were created they must be shown as PARTS on a Reference Plan (except as defined herein). These PARTS are then shown as underlying or adjoining detail on sheet 1 of the description plan sheets. They are also shown in the plan schedule (Form 6, Regulation 122) identifying appurtenant and servient interests and fully described in Schedule A of the declaration. Appurtenant interests must be added to the parcel register or be subjected to a Certification of Titles Act procedure.

In some cases several Reference Plans deposited after the original description of the land was created, have been used to describe easements. This can only be done if the PART references are absolutely clear. If the Schedule A description is in any way ambiguous, then a consolidating Reference Plan may be required.

Any appurtenant or servient interests which have expired must be removed from title by the project solicitor. If they are left on title they must be described in Schedule A of the declaration and shown in the plan schedule of appurtenant and servient interests.

The legal concept of ownership extends from the centre of the earth upwards to infinity. Any easement interest which does not have a specifically limited vertical extent is interpreted to extend upward and downward without limit.

The Reference Plan of the property must interpret and illustrate this vertical extent. Please note that in Schedule A of the declaration you cannot use a metes and bounds addition to a PART limit, to describe vertical extent (see Strata Plan Manual).

If the easement limits have a vertical extent which makes units subject to the easement, these must be clearly defined in the description. This may require a "strata" Reference Plan if the circumstances are complex. Rather than have units subject to an easement, it may be possible to have the easement struck from title and redefined and described in accordance with a "strata" Reference Plan which will limit its vertical extent.

NOTE:

(1) Section 9, Regulation 122 requires that:

"... easements and similar interests to which the property is subject shall be indicated in broken outline and lettering on the plan sheet required under section 4(1)(a) of the Act ..."

The object of this section is to afford a notice to all affected parties that such an easement, in fact, exists and its location in relation to units on the plan sheets.

Regulations do not presently exist for strata Reference Plans nor do the condominium Regulations adequately address the illustrations of easements based on strata Reference plans on the Condominium plans.

In strata plans where several levels are involved, easements may affect levels other than level 1. Inasmuch as more than one level is involved, it is important to indicate PARTS subject to easement on all levels where these easements exist. For example, if a PART on Level A in the basement of a highrise building is subject to easement, then the plan sheet for Level A should indicate this easement. It is important to remember that the Reference Plan does not show level numbers, etc. to adequately relate the easement to the condominium plans.

It is for this reason that it has been Branch policy to illustrate the easements on all sheets affected by existing easements, and not just sheet 1.

(2) If there is more than one sheet in the Reference Plan, then separate sheets showing appurtenant/servient interests should be included in the condominium plans.

Comment by:
R.P. Madan, O.L.S.

6.0 CREATION OF THE DESCRIPTION

There is no need to wait for the completion of construction of the buildings and for title verification under the Certification of Titles Act or the application for first registration under the Land Titles Act, before commencing the drafting of the description plan sheets. As long as construction has begun and structural plans are available, the surveyor can plot the description plan sheets from these. The description will require on-site verification when the buildings are complete to ensure that the plans depict the as-constructed buildings. An important item in the verification process is the field examination to ensure compliance with Ontario Regulation 122, Section 6(a).

It should be noted that this Regulation [Ontario Regulation 122, Section 6(a)] is the minimum standard required and is not negotiable.

7.0 STRUCTURAL PLANS

Since the term "structural plans" is often misunderstood, the requirements of the Condominium Act and Regulations are reproduced here. Subsection 4(b) of the Condominium Act requires that "structural plans of the buildings", must form part of the description. Subsection 1(c) of Ontario Regulation 122 under the Condominium Act further defines "structural plans" as:

1(c) "structural plans" means,

- (i) copies of the architectural and engineering drawings prepared for a condominium project, revised to show all changes made to the date of registration, or
- (ii) plans comparable to architectural drawings containing sufficient information to enable the construction of the building therefrom, where the copies of the original drawings referred to in subclause (i) are unavailable or inadequate for purposes of construction.

The Condominium Act requires structural plans of the buildings to be registered in the Land Registry Office as part of the description. These are copies of the architect's and structural engineer's drawings, indicating all changes made to the date of registration. Two sets are required. One set of paper prints goes to the local Land Registry Office for public viewing and one set of cronoflex reproducibles is retained for safe-keeping should damage to the building occur and reconstruction or extensive renovation be required. For the exact submission requirements concerning these plans contact the local Land Registry Office or Regional Examiner of Surveys.

Many developers ask the question: "What is required in the way of structural drawings?"
The answer: "Sufficient detail is required on these plans so that, in case of the partial or complete demolition of the buildings, there will be enough information available to enable the rebuilding of the structures therefrom." Using the surveyor's building ties to locate the buildings on the site in relation to the property boundary and the structural plans to reconstruct the buildings, the idea is that the rebuilt units would be substantially the same size and shape and be in the same location as the former units were before demolition. Keeping the above requirement of possible reconstruction in mind, the architect involved is probably better qualified to decide which plans are necessary. It is incumbent upon the developer, however, to retain electrical and mechanical plans or other plans as the Condominium Act requires and ensure their delivery to the board of the condominium corporation when the unit owners take control. (See section 26 of the Condominium Act).

7.1 REVISIONS TO STRUCTURAL PLANS

Often there are structural changes made during the actual construction of the condominium building. The surveyor must keep abreast of any such changes and not only reflect them on the description, but also **to advise the declarant that the final structural plans tendered for registration must show the building as it exists at the moment of registration.**

If the declaration has been drawn up to allow **unit purchasers to do their own modifications,** the **requirement for revised structural plans still stands.** The modifications, no matter who instigated them, must be shown on the final structural plans. Again, the surveyor will verify that the structural plans are complete and up-to-date and any necessary revisions have been made.

7.2 CONVERSIONS: CREATION OF ADEQUATE STRUCTURAL PLANS

In the event of the conversion of an existing building to condominium, it may be impossible to come up with the original architectural or structural plans. In some cases these are available but are incomplete or not adequate to reconstruct the building. Since the Condominium Act requires an adequate set of structural plans, additional work must be done preparing adequate substitute plans. These substitute plans would be best prepared by an architect, keeping in mind the purpose of possible reconstruction, and give complete and detailed building measurements and materials. It may be impossible to have complete building material specifications without tearing down the structure. In other words, one can never know the exact amount or position of the steel reinforcing in a concrete wall unless we tear down the wall. Although no one can demand the impossible, experience has shown that archival architects who specialize in this area are able to make "educated guesses" as to the form and materials of construction. To this end complete sets of plans have been registered for a 110 year old church and an 80 year old four-plex.

In any event, the declarant must furnish an adequate set of structural plans in accordance with Regulation 122, section 1, under the Condominium Act.

8.0 SPECIFIED USE AREAS OF THE COMMON ELEMENTS

In this respect three usages are permitted under the Condominium Act. These are:

- (a) portions of the common elements for the "exclusive use" of some of the unit owners but not all of the unit owners (Section 3(1)(f) the Condominium Act);
- (b) portions of the common elements with restrictions on the usage thereof (Section 3(3)(b), the Condominium Act);
- (c) portions of the common elements available for leasing purposes (Section 9(1)(a), the Condominium Act).

8.1 DESCRIPTION OF EXCLUSIVE USE AREAS

Under the Condominium Act a declaration must contain "a specification of any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners", (Section 3(1)(f), the Condominium Act). These may be front or back yard areas adjacent to a unit, parking spaces, storage spaces, courtyards, patios, balconies, and so on, assigned for the use of certain specified units and not for the rest of the units. These exclusive use portions of the common element must be tied, in the declaration, to certain specified or designated units. These attach to the designated units and not the owners, and these uses may not be transferred, other than with a unit. For example, the owner of a unit which also has the exclusive use of a parking space may not sell this exclusive use and still retain his unit.

It is not necessary to show a balcony as exclusive use if entry can be made only through the unit it serves and the balcony can be plotted and identified in light outline on the sheets showing units (see Ontario Regulation 122, Section 5(3)).

A specific exclusive use plan sheet is required in the description along with a specific allocation in the declaration. If the portions of the common element to be assigned as exclusive use are in an open parking area, then they must be monumented on the ground in accordance with the Regulations under the Condominium Act. The monumentation and the areas to be assigned as exclusive use are illustrated in the description and allocated in the declaration. Underground parking areas in a building are treated similarly except that the physical features of the building act as monumentation.

It is usually better to put the exclusive use allocations in a schedule rather than in the body of the declaration since it provides more flexibility if changes are being made during the draft stage. As previously stated all of the exclusive use areas being created must be clearly allocated to specific units in the declaration.

It should be noted that under the Condominium Act, exclusive use areas cannot be created or assigned by the condominium board after registration unless it does so by way of amending the declaration and description. However, the declaration can provide that the board will allocate parking or locker spaces on the common element as long as it does not give a specific location on the common element and does not use the term exclusive use. Since these are not exclusive use, they cannot be illustrated in the description plan sheets.

Ontario Regulation 122, under the Condominium Act, is specific as to plan requirements for illustrating exclusive use areas. I will not expand on these regulations here. The format for the plan sheets are fairly well understood by surveyors and lawyers. A number of examples of condominium plans, including exclusive use plan sheets, are listed in Part 3 herein.

8.2 RESTRICTED AS TO USE AREAS

Under the Condominium Act the use of portions of the common elements may be restricted (Section 3(3)(b), the Condominium Act). Such areas as electrical rooms, maintenance facilities, boiler rooms, etc., may have access restricted to certain members of the corporation or other specified persons. It is usually not necessary to prepare a separate plan sheet showing the areas to be restricted; in the case of electrical rooms, boiler rooms, or superintendent's suites, these may already be adequately shown either on the structural plans or as adjoining detail on the description plan sheets. In any event, in these cases it is sufficient to describe the area restricted, in words, in the declaration. In the event that the area to be restricted does not lend itself to an easy description, it can be shown in the same manner as exclusive use portions. These can be combined with exclusive use portions on the same sheets as long as they are given a distinctive numbering system and the boundaries are delineated in the same manner as the exclusive use portions. The title of the sheet will reflect the different usages of the common elements being illustrated. In the event that the boundaries of the restricted areas are complicated, it is better to create a separate plan sheet.

Editor's Note: In the past some solicitors have confused these areas with exclusive use. M.C.C.R. has held that such portions cannot be used to assign these spaces. They can only be used by the corporation to restrict a particular activity to these areas. To create such areas as restricted to parking or use as a locker, etc., would be construed as a direct intention to mislead unit owners, however, to restrict for use as a superintendent's suite, for loading and unloading goods, boiler room activities, etc., is a valid concept.

8.3 PORTIONS OF THE COMMON ELEMENTS AVAILABLE FOR LEASING PURPOSES

With respect to (Section 9(1)(a) The Condominium Act), permitting the leasing of portions of the common elements, the declarant may wish to delineate the boundaries of these on the condominium plans. This cannot be done on the plan sheets showing units as it would tend to create confusion between the two. It is possible to show these on the plan sheets illustrating exclusive use areas of the common elements as long as separate identification of the portions is made and they cannot be confused with the exclusive use portions. The portions must be defined as "Available for Leasing Purposes".

Considering the lack of flexibility with the condominium plans tendered for registration, it might be wise to consider delineating the boundaries of portions of the common elements available for leasing purposes by a Reference Plan to be deposited subsequent to the registration of the condominium. Anyone contemplating any of the foregoing should contact M.C.C.R. to obtain full details of the requirements of that section.

Note: This procedure is not adopted by the Ministry of Consumer and Commercial Relations. They suggest that any description of part of common elements of the condominium should be by way of part on a reference plan, prepared after registration of the condominium.

Comment by:
R.P. Madan, O.L.S.

8.4 VISITOR'S PARKING

Some municipalities require that a proposed declaration set aside areas in the common element for the use as "Visitor's Parking". It should be noted that the Condominium Act and Regulations do not provide for the distinction of such an area.

Notwithstanding this, the declaration may provide that certain areas of the common element will be used for visitor's parking. However, if this is done, no specific description can be given as to where on the common element these are. For instance, they cannot be given a measurement distinction in the declaration. Neither can they be given a bold outline and lettering on the description. In the past M.C.C.R. has permitted these to be shown in phantom outline and lettering on the description plan sheets. No dimensions can be given to these areas.

9.0 DEFINING UNIT BOUNDARIES

There must be a precise definition of the unit boundaries, on the plan and in words in the declaration. The plans illustrate the size, shape and location of the units within the building both horizontally and vertically and the vertical sections label all the unit boundaries. The units then are inextricably bound to the physical structures within which they exist. Sometimes the walls, floors and ceilings or parts thereof, are contained within the unit they enclose. In some instances the boundary between the units is the centre line of structural walls, half the wall in this case being in each adjoining unit. In others, the unit comprises the space only enclosed by these physical boundaries, the walls, floors and ceilings themselves being part of the common element.

Some projects have even extended the unit boundary to include lands surrounding a building. The Condominium Act provides considerable latitude in the choice of unit boundaries. However, any developer considering unit boundaries outside the building should consult the relevant Approval Authority since apparently some Approval Authorities consider these to be non-conforming subdivisions. In addition, the surveyor should refer to Ontario Regulation 122 concerning the monumentation required and for the wording of the unit boundary schedule (see Sample Plans, Part 3).

As a general underlying principle, monuments and boundaries are the physical structures specified by the plan and declaration and cannot be abstract mathematical lines or planes which could never be other than along the physical limits of the space as occupied. In other words, you could never have the case of a man being dispossessed of half his living-room because of a mistake in the survey measurements or a mistake in building construction. Thus, the basic condominium idea of a unit comprising essentially the space being occupied and used within the physical structure.

If the boundaries of units are in any way complicated, such as being alternately along the centre lines of some walls, along the faces of others, or at set distances from faces of walls, it may be necessary to prepare additional plan sheets to illustrate these. The additional plan sheets should be drawn to a large enough scale to illustrate clearly the relationship between the walls, floors and ceilings of the structure (i.e., the monuments) and the unit boundaries.

However, instances, where the boundaries of all units are the centre lines or the inner faces of the walls, these plans should not be necessary. Any explanatory illustration can be done with a simple, typical enlargement.

Often it will be virtually impossible to illustrate a unit boundary configuration in the vicinity of bay windows, vaulted ceilings, fireplaces, flues, etc. In some of these, a great number of front and side elevations and different level plan views would be necessary to fully illustrate the unit boundaries, and even if this effort were made, the result would still be incomprehensible to most laymen.

The whole idea behind the use of plans as descriptions is the adage that "a picture is worth a thousand words", and in most cases this holds true. However, in some instances it is possible to describe clearly in one paragraph in the declaration what could only be depicted obscurely in many plans. For example, in York Condominium Plan # 4, there was a row of town houses, each of which had several fireplaces. The boundary between adjoining units was the centre line of the common walls, and the rear of the fireplace serving one unit projected through the centre of this wall into the adjoining unit. The fireplaces had varying shapes at different heights from the floor, and the flues jogged from floor to floor. It would

have taken several plans at different elevations to depict exactly the unit boundaries in the vicinity of these fireplaces and flues. Instead this was handled by one short descriptive paragraph on the plan and one paragraph in the declaration. The plan was labelled "Boundaries of units are the centre lines of structural walls except in the vicinity of fireplaces and bay windows where particular reference should be made to the declaration and the structural plans." The declaration then stated: "Boundaries in the vicinity of fireplaces are parallel to the actual fireplace wall as constructed and distant 5 inches therefrom measured into the wall."

The plan and declaration must be considered as a whole and a combination of words and illustrations sought which lends itself to clarity and brevity and avoids doubt and ambiguity. The schedule in the declaration describing the unit boundaries is specific and the diagrams and sections on the description plan sheets illustrate these to the maximum and most reasonable extent possible.

In defining unit boundaries in the declaration and on the description, several things should be noted. In accordance with the Condominium Act and Regulations the horizontal layout of each unit must be shown on the description to a sufficient scale to illustrate all of the jogs in the unit boundary. However, only the most representative length and width of the unit need be shown, if this is possible. All of the exclusions from the units must be shown if they can be shown. It is not enough to simply exclude chases, pipe spaces and load bearing walls, from the unit, in the unit boundary schedule. These must also be outlined accurately within the unit.

The Condominium Act and Regulations also provide that a vertical section be shown on each sheet defining units, on which the boundaries are accurately labelled. This labelling must be exactly the same as the wording used in the written description of the unit boundary in the declaration. The vertical section need not be to scale unless this factor is somehow important.

As noted, the schedule in the declaration describing unit boundaries must agree with the labelling on the plan cross sections. As well, where several unit boundary surfaces are used alternately, be specific as to which governs in a particular instance. For instance, the vertical boundary of a unit may be "the backside face of drywall" on some portions of the unit boundary and "the unitside face of concrete block wall" on others. If drywall covers concrete block in some areas of the unit, then you have described two unit boundaries on the same wall. Be specific.

The best examples of schedules describing unit boundaries in the declaration are usually always the clearest and simplest. These list the vertical and horizontal boundaries separately and set out each boundary in a numbered list. Where two or more materials are used alternately to define the unit boundary, the schedule will say precisely which governs.

In certain circumstances a purely geometric plane can be used as a unit boundary. If these are within 6 m. of the building, the building alone can act as the monumentation controlling the unit boundary. If the geometric plane is some distance from the building or in instances where it may be needed for clarity, it will be necessary to set additional survey monumentation as required by the Regulations. However, even in these cases, ties to the buildings will still be used as a feature controlling the position of the unit boundary.

The accurately plotted units and common elements on each level will define the extent of each level in the building. There must always be a plan sheet showing the extent of the property at grade with units shown thereon, if this is the case. On levels where all units have the same size and layout, one sheet may be used in place of several. However, if there are any significant differences in this respect, additional sheets will be necessary.

A full building profile or cross section showing the relationship of all levels, must be shown on each sheet designating units and exclusive use portions of the common elements.

Very often surveyors confuse exclusive use and unitization of parking and locker spaces. When creating such units it is necessary to refer to the monuments controlling these limits. In the case of parking units, quite often, surveyors show only a length and width, as previously discussed, then proceed to define the written limits as horizontal or vertical planes. It is absolutely necessary to define the precise location of these planes by sufficient dimension on the plan sheets. Similarly lockers may be defined as "unit face of wire mesh". This monumentation is acceptable only if the structural plans clearly set out these limits.

Lastly, the regulations require that the surveyor sign the unit boundary schedule (Ontario Regulation 122, Section 3(2)). This verifies that he has examined this schedule and it is in accordance with the description plan sheets.

Editor's Note: M.C.C.R. holds that if there is any discrepancy between the written schedule and the description plan sheets, an amendment may be the only procedure available.

10.0 SUBDIVISION STYLE CONDOMINIUMS

At first glance these appear to be non-conforming subdivisions. However, to be eligible for registration under the Condominium Act these must not be vacant land. The only examples of this type that have been approved to date have been for residential purposes. To agree with the Regulations under the Condominium Act the proposed units involved must contain, or be contained, in a residential structure. A vacant land unit which simply abuts against a residential structure would not comply.

The term "subdivision-style" has been used to describe this style of condominium because, as stated, they resemble a subdivision plan. In this respect there is an area of the unit which lies outside the structure and usually resembles the front and back yards of a subdivision plan. However, in accordance with the Regulations under the Condominium Act, the structure itself must control the unit. I understand that some Approval Authorities may be increasingly reluctant to approve this type. It would be prudent for anyone contemplating this style of condominium to make sure at an early stage, that planning approval will be given. There are examples of this style in the list of plans at the back of this publication. A condominium must comprise both units and common elements and cannot be composed of units only.

10.1 MONUMENTATION: SUBDIVISION STYLE CONDOMINIUMS

The monumentation and description of the unit boundaries is somewhat more of a problem with the subdivision-style than other condominiums. In accordance with [The Condominium Act, Section 4(1)(c)], the structure must control the unit boundaries and they must be described in relation to the structure. However, it will be necessary for the surveyor to monument the corners of the units which lie outside the structure in accordance with Ontario Regulation 122, Section 2.

In describing the unit boundary for the schedule in the declaration, the surveyor should qualify the description to indicate that while the structure governs, the monumentation shown is also evidence of the unit boundary. To this end some surveyors have used statements such as: "The unit boundaries are vertical planes controlled by the ties to the building and the survey monumentation shown on the plan." This appears to be a practical description if the circumstances fit.

11.0 OTHER CONCEPTS: COTTAGE DEVELOPMENTS; VACANT LANDS; MOBILE HOME; MARINA

Over the years M.C.C.R. has received a number of inquiries concerning the development of vacant land as summer cottage condominiums. Some proposed that cottages would be built at some future time on vacant land units, with areas set aside for beaches, parks, car parking, docking and roads, etc., as part of the common elements. The intention was that each owner would build their own cottage with considerable freedom of choice.

A project involving the creation of condominium units where no structures are in existence (i.e. vacant land) is not permitted under the Condominium Act. No unit can be created on any condominium plan unless it is contained within a building or unless a building is contained with the unit.

Since on termination of a condominium the land reverts to a tenancy-in-common, it can be seen that anyone who has invested money in an expensive cottage is liable to lose part of the value. Under tenancy-in-common no means exists to provide for percentage ownership as with percentage ownership of common interests under the Condominium Act.

The foregoing does not mean that lake-side residential developments are completely restricted. However, they must not involve vacant land as units, they must meet planning requirements and they must meet the completion requirements of the Regulations under the Condominium Act. For all intents and purposes they must meet the same criteria as any other residential development in a similar situation.

Other proposals such as mobile home parks and marinas have been proposed for condominium development. M.C.C.R. feels that mobile homes are not a permissible structure under the Condominium Act and Regulations since they are not permanent. To date no proposals of this type have qualified.

The same can be said of the marina concept. M.C.C.R. considers open boat docking areas to be nothing more than vacant land. Even the marina concept involving a building, does not qualify as a structure or building under the Condominium Act and Regulations when it is used for creating docking or boatslip units.

11.1 RECREATIONAL UNITS

In the recent past, many multi-phased condominium projects contained very elaborate recreational centres which were to be shared by all of the unit owners. In some cases they included gatehouses, utility areas, mechanical rooms, tennis courts, pools, etc.

Various methods were devised by solicitors to deal with the problems of; access by adjacent condominium unit owners, cost sharing of maintenance, operation and rules regarding use and a myriad of related problems.

After much discussion between M.C.C.R., the legal profession and various large developers, it was agreed that unitization would provide the best means of dealing with this problem. The Condominium Act does not provide for such a "beast" therefore M.C.C.R. set up a reasonable (in my view) approach to the problem. Such units can only be declared where the declaration sets out that they are to be shared by two or more Condominium Corporations, that contains a clause setting out the ratio of the ownership of the Corporations and further contains a clause specifying the date when the declarant will transfer the unit(s) to the various Corporations. Since the "unit" does not meet any of the completion requirements set out in Ontario Regulation 122 6(a), it was determined that completion would be based upon use, i.e. if it is a swimming pool unit - it must be able to hold water, if a gatehouse - it must be completed to relate to that activity, or if it was a tennis court - one could use it for that purpose, etc.

In addition, it was generally held that the limits of this unit must be related to the building or buildings situated on the property.

Note: Facilities created by the developer as a revenue generating enterprise are simply commercial and would follow the guidelines of the Act for any commercial unit. I urge extreme caution when contemplating such a unit, as no protection is provided by the Condominium Act or the Regulations. It is advisable to contact M.C.C.R. either at the survey level or the Legal Services Level (Property Rights Division) prior to registration.

12.0 ENCROACHMENTS: EFFECT ON REGISTRATION

M.C.C.R. has received a number of submissions where the structures of the proposed condominium extended beyond the limits of the property. Such encroachments must be treated with great care since there is no provision of the Condominium Act which deals with such areas. They cannot be part of the condominium and cannot be governed by the Condominium Act. Registration is therefore affected.

In the case of the encroachment of a condominium building on private lands, M.C.C.R. believes the problem should be solved by the acquisition of sufficient freehold lands to remedy the encroachment. In the event of the encroachment of a condominium on a public road, generally encroachment agreements executed by the Municipality have been the solution.

Anyone encountering such an encroachment should contact the Confirmation and Condominium section of the Real Property Registration Branch.

13.0 THE VERTICAL DIVISION OF TITLE: STRATA

The division of the ownership of land by horizontal boundaries as well as vertical boundaries is increasingly being used in condominium development. In the past most Strata Reference Plans were used in the creation of easements. Recently, however, this concept has been used to divide ownership within the structure. For example, the lower floors of the structure might remain outside the condominium and be used for mercantile or commercial purposes. The condominium would then be declared in the space above this. Another possibility is that both a commercial condominium and a residential condominium might be declared in the same building.

Often the Strata Reference Plan was required to illustrate portions of the condominium reserved for easement purposes where the developer was bringing the condominium "on-stream" in different phases. Regardless of whether the "strata plan" is being used to reserve easements or to divide ownership, the problems in creating such a plan are much the same. It must be noted that both horizontal or vertical planes being used to divide ownership or easement interest, are title boundaries. Therefore they must be capable of being relocated and must be given a definite position in space.

The PARTS shown on a Strata Reference Plan must be clearly illustrated on sheet 1 of the description plan sheets as underlying plan detail. If they are used for easement purposes they must also be referred to in the schedule of appurtenant and servient interests on sheet 1 of the description plan sheets and in Schedule A of the declaration. If the PART limits are boundaries dividing ownership then they must be shown on sheet 1 of the description plan sheets to the fullest extent possible.

Editor's Note: (See previous discussion in Strata Reference Plan guide)

Many complicated Strata Reference Plans contain several sheets - these must be reproduced to illustrate interest applicable to the condominium phase. Generally, surveyors have used a "wash-off" reproduction of the underlying "strata plan" with the condominium limits drawn in heavy outline.

Since this is a re-survey of the strata plan it is necessary to add Form 3 (Ontario Regulation 122) where easements are in place or are being created.

Note: Ontario Regulation 122, Section 9 requires this information to be shown on sheet 1, however, M.C.C.R adopts the principle that a Part 1 containing several sheets satisfies this section.

There are no specific regulations for strata Reference Plans and the Condominium Act and Regulations also do not adequately deal with these.

This provision in Section 9, Regulation 122, re: easements to be shown on the sheet required under Section 4(1)(a) of the Act does not adequately address the multi-sheet Reference Plans, nor does it adequately deal with Strata Plan PARTS.

This requirement in Section 9 of Regulation 122, re: showing easements on the face of the plan was made with a view to notify unit owners and other interested parties of the existence of the easements.

Inasmuch as the Regulation re: strata plans have not kept pace with the condominium development, we at M.C.C.R have asked that the easements be shown on all sheets where they exist. If for example there is a PART on Level A which is subject to an easement, then it should be shown on the Level A sheet.

All PARTS on the various level sheets should be illustrated on these plans.

Comment by:
R.P. Madan, O.L.S.

14.0 PLAN APPROVAL: REGISTRATION

The condominium will have gone through the draft approval stage, likely before construction commenced. Provided the conditions set down by the Approval Authority have been met, this phase should not be time consuming. At this stage the surveyor submits the completed description plan sheets to the Approval Authority, along with whatever other supporting material they may specify.

Presently, the steps outlined in the Condominium Checklist (Item 1.1 - pages 4 to 6) are required concerning the Examiner of Surveys role. As the examination and review requirements are modified, new procedures will be instituted. It is necessary to keep abreast of such changes as M.C.C.R. modifies its program.

When these plans have been received by the Land Registrar the solicitor for the declarant may attend at the Land Registry Office and present the executed original of the declaration for registration. The approved and executed originals of the description plan sheets previously received by the Land Registrar, are registered at the same time as the declaration.

15.0 AMENDING PROCEDURE

Section 3 of the Condominium Act, provides for the amendment of the declaration and description. This can be done in two different ways. The first method is with the consent of all the owners and mortgagees in accordance with Section 3(4) and (6) of the Condominium Act. The second method is by Judge's order in accordance with Section 3(8) of the Condominium Act. Whichever method is used, if the amendment involves a change in the description, this must be prepared by a surveyor. This is done in accordance with Sections 12 and 13 of Ontario Regulation 122.

In connection with the Judge's order please note that Section 3(9) of the Condominium Act requires that a certified copy of the order must be registered, to make it effective. Please also note that an amendment being made under Section 3(6) of the Condominium Act will require the approval of the Approval Authority.

15.1 SUGGESTED PROCEDURE FOR AMENDING CONDOMINIUM DESCRIPTIONS UNDER SECTIONS 3(4) AND 3(6) OF THE CONDOMINIUM ACT

The solicitor will set out the desired amendment in Form 8 of Ontario Regulation 121, to be accompanied by the required By-law in Form 9 of Ontario Regulation 121.

The Ontario Land Surveyor will obtain a registered reproducible of the description plan sheets to be amended (from the appropriate Land Registry Office). The following steps are required:

- (1) make the desired change(s) as set out in the Amendment to the Declaration.
- (2) erase the registration and approval details, i.e. dates and signatures (if applicable).
- (3) If only minor changes are being made, it is advisable to not remove the planning approval. Instead, perhaps it is more appropriate to have planning approval and additional approval as to the amendments being made.

Comment by:
R.P. Madan, O.L.S.

- (4) preceding the component name of the condominium plan, in the same size lettering, add the words "AMENDMENT TO DESCRIPTION"
- (5) near the upper right hand corner or beneath the original "DECLARATION REGISTERED AS NUMBER _____" add the following:

AMENDMENT TO DESCRIPTION:

AMENDED IN ACCORDANCE WITH AMENDING DECLARATION REGISTERED AS NUMBER _____

The surveyor or solicitor will submit the following to the Real Property Registration Branch.

- (1) 1 cronoflex (of the amended plan sheet)**
- (2) 5 duplicates**
- (3) 1 paper print**
- (4) the executed copy of the Amending Declaration**

NOTE: It will be necessary to have the Appropriate Planning Authority affix their signature or seal to the amended plan sheets.

15.2 PROCEDURE FOR AMENDING CONDOMINIUM DESCRIPTIONS UNDER SECTIONS 3(8) and 3(9) OF THE CONDOMINIUM ACT

The solicitor will apply to a judge of the county or district court for an order to amend the declaration and description. To carry out such an order to the registration stage as set out in Section 3(8) and (9); Ontario Regulation 122, Sections 12 and 13, must be followed. The Ontario Land Surveyor will obtain a registered reproducible of the description plan sheets to be amended from the appropriate Land Registry Office. The following steps are required:

- (1) make change(s) as set out in the Judge's Order.
- (2) erase the registration and approval details, i.e. dates and signatures (if applicable).
- (3) erase the Ministry of Municipal Affairs or appropriate Planning Authority approval certificate (if applicable).
- (4) preceding the component name of the plan, in the same size lettering, add the words "AMENDMENT TO DESCRIPTION".
- (5) near the upper right hand corner or beneath the original "DECLARATION REGISTERED AS NUMBER _____" add the following:

AMENDMENT TO DESCRIPTION:

AMENDED IN ACCORDANCE WITH JUDGE'S ORDER REGISTERED AS NUMBER _____

When the plans are tentatively approved by the Examiner of Surveys, the surveyor or solicitor will submit the following to the Land Registry Office:

- (1) 1 cronoflex (of the amended plan sheet)
- (2) 3 duplicates
- (3) 3 paper prints
- (4) original copy of the judge's order.

16.0 CONCLUSIONS

In reviewing the flow chart and what has been written herein, it appears that there is no simple straightforward procedure or sequence of steps which would be applicable to condominium generally. There are many variables involved in the projects which may be developed as condominium.

There are, however, some questions that should be asked at the initiation stage of any condominium, upon which will depend the timing of the various steps taken on the path to registration.

1. Is the project new or a conversion? If the project is new, then registration must await completion of construction. If the project is a conversion of existing buildings, no construction time should be necessary and the project can move quickly to the next phases.
2. Is the land to be developed already registered under the Land Titles Act? If the answer is yes, then you need not consider an application for first registration under the Land Titles Act. If the answer is no, this leads to another question.
3. Is Land Titles available? If the answer is yes, then the land must be brought into Land Titles by an application for first registration under the Land Titles Act. If the answer is no, then the land will remain under the Registry Act and title must be certified in the name of the declarant under the Certification of Titles Act.

And there are probably more questions which you will want to add to this list. In this respect, you should consider the items listed on the Condominium Checklist printed herein.

The flowchart shows the various steps through which you will have to guide the project before you can register your condominium. As to that smooth route to registration; it exists only if the major players; the developer, the solicitor and the surveyor meet on a regular basis and monitor all changes during the process.

17.0 CONDOMINIUM CHECKLIST

The following are some suggested checkpoints in preparing a condominium project for registration. The list is general in nature and may not list all of the items which may be required in a particular circumstance.

1. The declarant obtains draft planning approval.
2. A survey of the boundary and appurtenant and servient interests (reference plan), is made.
3. If Land Titles is available, an application for first registration under the Land Titles Act **must** be made. If Land Titles is **not** available, a C.T.A. Application **must** be made.
4. Construction of the project is completed.
5. The unit boundary decisions are made (declarant, surveyor, solicitor).
6. Using the boundary survey and the structural plans, the surveyor plots the description plan sheets. If the boundary survey is not recent, it must be up-dated.
7. The surveyor verifies that construction of the project is complete (Ontario Regulation 122, Section 6(a)).
8. The surveyor verifies that the building, as constructed, agrees with the structural plans. (Note: This includes all of the buildings.)
9. The surveyor advises the declarant if revisions to the structural plans are required.
10. The surveyor verifies that the unit dimensions shown on his description plan sheets, measure accurately and agree substantially with the structural plans.
11. The surveyor completes his description plans sheets.

12. **The solicitor completes the declaration and submits a copy to the surveyor.**
13. **The surveyor compares the completed declaration with title and his description plan sheets and any necessary revisions are made.**
14. **The surveyor makes the following final plan submission to the Approval Authority: The original and required duplicates of the description plans sheets. After their approval, the Approval Authority will forward these directly to the Appropriate Land Registry Office.**
15. **The surveyor will submit the required cronoflexes and paper prints of the structural plans directly to the Appropriate Land Registry Office.**
16. **The solicitor will attend at the Land Registry Office, bringing with him the original of the declaration, and REGISTRATION OF THE CONDOMINIUM WILL BE MADE.**

18.0 THE CONDOMINIUM CONCEPT

Condominium is a concept whereby property is subdivided into units which are owned individually and common elements which are owned jointly by the unit owners.

The dwellings (or living areas) or business areas are usually the units and common areas such as corridors and swimming pools are the common elements.

The property is run by a corporation which is comprised of the unit owners and which is automatically created when the condominium is registered. The corporation is represented by a board elected by the members of the corporation.

CREATION

The creation of a condominium occurs upon the simultaneous registration of a declaration and description. The declaration sets out the rules under which the property is to be managed and maintained. The legal description sets out the boundaries of the units and common elements.

POWERS OF THE CORPORATION

The corporation is empowered under the Act to pass by-laws and to collect common expenses from the unit owners. The corporation may foreclose on a unit owner for default in payments of the common expenses.

REASONS FOR CONDOMINIUM

Common facilities may be provided which are not available under conventional home ownership and, thus, make the units more marketable. It facilitates the vertical division of land. The developer may sell individual high-rise units as opposed to renting. Each unit may be separately mortgaged or otherwise encumbered and a unit owner is not vulnerable to his neighbour's debts as in a co-operative. Planning authorities allow a greater density of units for a given area of land.

A group of owners may go condominium solely to share the use of a common facility, e.g., ski slope, services, etc. Without the benefit of condominium, agreements are difficult to enforce for the management and maintenance of a facility.

PLAN OF SURVEY: DESCRIPTION

Describes the boundaries of common elements and units, which are identified by numbers. This is the legal description. Monuments referencing units differ from conventional surveys as the surfaces of the structure are usually the boundary and the surface is the monumentation which controls its position. The unit boundary is visible and will not need to be retraced. Therefore, precise measurements need not be shown, except in cases where unit boundaries are vertical planes based on measurements from physical surfaces. In all such cases, sufficient measurements should be shown to permit retracement without resorting to extraneous factors, as with any plan of survey.

19.0 SPECIAL PROBLEMS

FIREPLACES

The following definitions have been used in the written schedules defining unit boundaries, in declarations:

- (a) "Fireplace construction is common element with the exception of the firebrick, damper, ash dump, sills, and finishing masonry, which exceptions are part of the unit."
- (b) "Boundaries in the vicinity of fireplaces are parallel to the actual fireplace wall as constructed and distant 5 inches therefrom measured into the wall. In the vicinity of the flue, the boundary is the unit side face of the masonry forming such flue."
- (c) "The vertical unit boundary is the unexposed surface of the firebrick in the fireplace. The horizontal boundary is the bottom surface of the firebrick in the firebox and the bottom surface of the damper in a closed position and its extension to intersect with previously mentioned vertical boundaries."

In choosing these definitions, consideration must be given to details contained in the structural plans.

PARTS OF UNITS NOT CONTIGUOUS

i.e. (dwelling portion detached from a garage portion)

- (a) The two non-contiguous portions shall be designated as Area 1 and Area 2 (etc.) of that unit.
- (b) A note shall be endorsed on the plan stating that "Units ___ to ___ inclusive each comprises two (or more) non-contiguous areas each designated on the plan by the same unit number".

This note to appear in close proximity to affected units.

- (c) The unit register pages for these units affected shall have a note endorsed across the page below the column headings stating that, "This unit comprises two (or more) non-contiguous areas each designated on the plan by the same unit number".

WING WALLS, PROTRUSIONS, OR IMPROVEMENTS ON THE COMMON ELEMENTS

- (a) Any physical feature obstructing or limiting the enjoyment of exclusive use portions must be indicated on the exclusive use plans.
- (b) In townhouse projects, protrusions such as wing walls are to be shown and must indicate limit of exclusive use; while service equipment such as fire hydrants, light standards, telephone and cable boxes, and hydro vaults may be indicated by symbols with appropriate note in the legend portion of the plan.
- (c) In highrise projects, exclusive use parking in the basement must indicate any shear wall protrusion, or the location of service equipment such as sump pits, large pipes, ventilation fans, gas, water, or similar metering devices with symbols and legend; or appropriate note on the plan.

EASEMENTS ON EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS

- (a) Where exclusive use portions rest on a service easement, that easement is to be shown in hatched outline with the appropriate reference (i.e. "Easement in Inst. No.").
- (b) Where exclusive use portions rest on rights of way they are to be shown similarly to (a) above. This provides information to the unit owner, so affected, that his enjoyment of this space may be interrupted from time to time.

Editor's Note

These special problems represent difficult situations encountered by M.C.C.R. over the years and represent an examiner's attempt to resolve them. In my opinion, they appear to be very germane even today. If you encounter any of these situations, it would be appropriate to use the suggestions contained herein as they have not met any legal challenge to my knowledge.

1.0 EXAMPLES OF CONDOMINIUM PLANS
 TOWNHOUSE TYPE - RESIDENTIAL

Comments	Condominium Plan No.	Declaration
Typical		
Std. Unit Boundary-typical exclusive use	York #538	B-685072
	Peel #219	254821
	Went. #82	92255LT.
	London #60	38078
	Durham #69	LT82402
	Wat. North #62	670416
	Carleton #177	224684
Subdivision Style		
Unit includes front and rear yards with streets as common elements	York #390	B-586074
	Peel #196	211441
	Carleton #183	232296
	York #491	B-640625
	York Region #534	
Stacked Town House		
Typical with exclusive use parking in underground garage	Metro Toronto #532	B-678857
	Peel #156	145144
Large Land Holding		
Detached units on large parcel of land. Total area is 100 acres	Halton #69	103184
Special		
Units made subject to a right of way in favour of other units	York #283	B-517539
	Peel #34	11372
Special		
Unit boundary exterior surface of structure	York #262 Durham #47	B-501903 LT36484

Comments	Condominium Plan No.	Declaration
Special		
Expanding Condominium developed in phases	York #491	B-640625
Special		
Detached Garage incorporating same number as unit	Durham #71 York #406	LT91496 B-593582

HIGHRISE TYPE -RESIDENTIAL

Comments	Condominium Plan No.	Declaration
Typical		
Std. Unit Boundary but incorporating Parking Units and Exclusive Use Parking (note: Parking Units in York #526 only)	York #526 Peel #170 Went. #65 London #65 Durham #64 Wat. North #61 Carleton #169	B-671845 169578 64417LT 46411 LT65352 670376 212849
Mixed-use		
Commercial at Level 1	York #486	B-637595
Integrated - sharing common facilities		
Multi-phased projects that are to be interlocked to form a single complex. Fully integrated 4 phase project with interlocking reference plan	Metro Toronto #540 with York #455 York #241 York #271	B-68557 B-617464 B-486693 B-507927
Restricted as to use areas		
Described on plan-use prescribed in the Declaration	York #403 York #458 York #463	B-591288 B-618306 B-620881

Comments	Condominium Plan No.	Declaration
Restricted for Leasing		
Described on plan-part of common elements available for leasing purposes	Wellington #26	199174
	York #427 (Parking by Licence)	B-602935
	Metro Toronto #613	B-788667
Special		
Highrise buildings as single units	Carleton #100	147473
Special		
Large integrated project - Harbour Square - Campeau	York #288	B-520194
	York #510	B-658975
Special		
Large single tower - "Palace Pier"	York #382	B-577469
Special		
Luxury integrated project - "Granite Place"	York #472 and Metro Toronto #543	B-627195
		B-690105
Special		
Residential Condominium on top of Commercial Condominium - "110 Bloor"	Metro Toronto #539 and #578	B-685352
		B-738220
Special		
Multi-floor mixed single floor - Luxury "Bedford Glen"	York #503	B-653262
Special		
High Rise: Strata Configuration	Metro Toronto #544	B-690644
	Frontenac #10	347656

Comments	Condominium Plan No.	Declaration
Special		
Strata-commercial excluded	Metro Toronto #555	B-711882
	Metro Toronto #565	B-728588
Special		
Strata-condominium on top of a freehold building	Metro Toronto #593	B-760788
Harbourfront (Terminal Warehouse)	Metro Toronto #690	B-885414
Special		
Illustrated encroachment	Metro Toronto #588	B-721705
	Metro Toronto #601	B-768550
	Metro Toronto #608	B-781118
	Carleton #194	266267
	Carleton #197	269230

Special		
Strata Streetline	Metro Toronto #615	B-792686

CCMMERCIAL - INDUSTRIAL

Comments	Condominium Plan No.	Declaration
Commercial		
Medical Building - units divided into small segments by vertical planes	York #194 Metro Toronto #557	B-455013 B-718995
Industrial/Commercial		
Sample of various unit boundaries, walls, vertical planes, etc.	York #505 York #507 Peel #226 Peel #228 Metro Toronto #557	B-656015 B-656679 273915 294793 B-718995

SPECIAL CONVERSIONS

Comments	Condominium Plan No.	Declaration
Creation of 2 units to divide a church from a nursing home. Church 100 years old	York #147	B-428607
Conversion of old apartment building with stone foundation and ornate exterior	Wentworth #84	103920LT
New Low-rise integrated with existing 4 storey apartment building	York #529	B-675013

Editor's Note: The preceding information was transcribed from a list furnished by M.C.C.R. The editor does not certify the veracity of the documents quoted.

2.0

EXAMPLES OF STRATA REFERENCE PLANS

<u>TYPE</u>	<u>REFERENCE PLAN NUMBER</u>	<u>LAND REGISTRY OFFICE</u>
Single level strata	66R-12580 (See Metropolitan Toronto Condominium Plan #555)	Metropolitan Toront #66
Single level strata	66R-12670 (See Metropolitan Toronto Condominium Plan #565)	Metropolitan Toront #66
Single level strata	66R-13357 (See Metropolitan Toronto Condominium Plan #607)	Metropolitan Toront #66
<hr/>		
Multi-level strata	66R-12220 66R-12221 66R-12222 (See Metropolitan Toronto Condominium Plan #544)	Metropolitan Toront #66
Multi-level strata	66R-12356 (See Metropolitan Toronto Condominium Plan #539)	Metropolitan Toront #66
Multi-level strata	66R-12955 (See Metropolitan Toronto Condominium Plan #593)	Metropolitan Toront #66

<u>TYPE</u>	<u>REFERENCE PLAN NUMBER</u>	<u>LAND REGISTRY OFFICE</u>
Multi-level strata	13R-4129, 13R-4460, 13R-4461, 13R-4462 13R-4515 (See Frontenac Condominium Plan #10)	Frontenac #13
Multi-level strata	25R-3755 (See Lambton Condominium Plan #10)	Lambton #25
Multi-level strata	66R-13138 (See Metropolitan Toronto Condominium Plan #597)	Metropolitan Toront #66
Multi-level strata	66R-12724 (See Metropolitan Toronto Condominium Plan #559)	Metropolitan Toront #66
Multi-level strata	66R-13406 (See Metropolitan Toronto Condominium Plan #648)	Metropolitan Toront #66
Multi-level strata	40R-12466	Durham #40

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