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## CHECK LIST FOR VACANT LAND CONDOMINIUMS (REGISTRY AND LAND TITLES)

- The declarant is the registered owner of the property (which includes the appurtenant interests) with an absolute title under the *Land Titles Act* or the declarant holds a certificate of title to the property (which includes the appurtenant interests) issued under the *Certification of Titles Act* within ten years before registration of the condominium. O.Reg. 48/01 s.4(a) & (b)

### DECLARATION

#### BODY OF DECLARATION

- Statement of intention by the declarant that the land and interest appurtenant to the land in the description and Schedule A of the declaration be governed by the Act. (Usually on 1<sup>st</sup> page of declaration, if not ask client where it is.) *Condo. Act, 1998 s. 7(2)(a)*
- The first page contains a statement that the declaration will create a Freehold Vacant Land Condominium Corporation. *Condo. Act, 1998 s. 6 (3) & (4), O.Reg. 48/01 s. 56(1)(b) & Bulletin 2001-1*
- Address for service and mailing address for the corporation. Check that it exists. *Condo. Act, 1998 s. 7(2)(e)*
- Declaration is signed and dated by the declarant. *Condo. Act, 1998 s. 7(1) & O.Reg. 48/01 s. 5(1)(a)*

#### SCHEDULES

- Verify that the description in Schedule **A** is consistent with the PARCEL / PIN / CTA Certificate O.Reg. 48/01 s. 5(2)(a)
- If servient easements are created by the declaration, they are through the common elements and benefit other lands of the declarant. If appurtenant easements are created by the declaration, they are over lands owned by the declarant and benefit the condominium lands. *Condo. Act, 1998 s. 20(2), O.Reg. 48/01 s. 5(2)(a)*
- Easements may be created in the declaration if required as a condition of *Planning Act* approval. When such easements are included in Schedule A, a note identifying them as such must be included together with a reference to the location within the declaration where the statement of planning conditions is set out. *Condo. Act, 1998 s. 7(2)(g) & s. 20(2) Bulletin 2001-1*

Note that all easements created in Schedule A to the declaration must be properly described. Acceptable descriptions are: 1) over all of the Common Elements; 2) parts on a reference plan; and 3) a description for part of the common elements, approved by the examiner of surveys, in accordance with s.45(5), O.Reg. 49/01.

- Any easements created in the declaration must be certified under the *Certification of Titles Act* or registered with absolute title under the *Land Titles Act*. O.Reg. 48/01 s.4(a) & (b)
- Schedule **A** must be signed by the solicitor and certify that the legal description is correct, the easements will exist in law upon registration of the declaration and description, the declarant is the registered owner of the land and appurtenant easements. O.Reg. 48/01 s. 5(2)(b)
- Consent in Schedule **B** being, Form 1, O.Reg. 48/01, of every person having a registered mortgage against the parent parcel or a registered mortgage against an interest appurtenant to the condominium lands. Verify that the consents have been obtained for mortgages on the condominium lands only. *Condo. Act, 1998* s.7(2)(b) & O.Reg. 48/01 s.5(3)
- Statement in Schedule **C** to specify that the boundaries of the units are controlled by the monuments illustrated on the plan of survey certified by an O.L.S. It must be signed and dated. O.Reg. 48/01 s. 56(4)
- Statement in Schedule **D** of the proportions of common interests and of the common expenses allocated to each unit expressed in percentages. Each must indicate a total of 100%. Confirm that common interests add up to 100%. *Condo. Act, 1998* s. 7(2)(c) & (d) O.Reg. 48/01 s. 5(5)(a) & (b)
- Statement of common expenses in Schedule **E** (which may be left blank but not omitted) *Condo. Act, 1998* s. 7(4)(a) & O.Reg. 48/01 s. 5(6)
- A specification in Schedule **F** of exclusive use areas assigned for the use of the owners of one or more units or stating there are none. Ensure that it exists. Do not review the statement of allocation. *Condo. Act, 1998* s. 7(2)(f) & O.Reg. 48/01 s. 5(7)
- Schedule **H** shall be a list with headings "Buildings and Structures" and "Facilities and Services" listing the individual items, included in the common elements, numbered consecutively beginning with 1 and containing a brief description of each. If there are no buildings and structures and facilities and services on the common elements Schedule **H** must contain a statement to that effect. O.Reg. 48/01 s. 40(15) & (16) & 56(1)(c)

- If Schedule **H** indicates that there are buildings and structures or facilities and services in the common elements Schedule **G** shall contain a certificate(s) by an Architect, and/or one or more Engineers certifying that all buildings, structures and/or facilities and services included in the common elements have been constructed/installed in accordance with the Act. There may be several certificates. Ensure that together they certify all the matters set out in Form 17, O. Reg. 48/01 that apply to the items listed in Schedule **H**.

O.Reg. 48/01 s. 56(5)(7) & (10)

If Schedule **H** indicates that there are no buildings and structures and facilities and services in the common elements there will not be a Schedule **G**.

Note: A matter certified with respect to buildings and structures applies to all buildings and structures in the common elements.

- If Schedule **G** does not contain the required completion certificates of the Architect/Engineer it will contain a statement of the declarant that the certificates will be included in an amendment to the declaration and a statement of the municipality (or MMAH) that a bond has been posted, signed by a person authorized to bind the municipality or the Minister as the case may be. (Note: If a bond is posted Schedule G will not contain any completion certificates).

Condo. Act, 1998 s. 158 & O.Reg. 48/01 s. 41& 56(8) & (9)

## DESCRIPTION

The Plans of Survey consisting of the perimeter plan sheets showing the Condominium Lands and the plan sheets defining the units, will be Part I. The plan sheets showing Exclusive Use areas will be Part II. Architectural drawings and/or Structural drawings will be Parts III and IV respectively if there are buildings & structures on the common elements.

Schedule A of the declaration must have been checked before proceeding.

The maximum size for all plan sheets is limited to 915mm x 1500mm.

### PERIMETER PLAN SHEET SHOWING THE CONDOMINIUM LANDS

#### 1. MANDATORY FORMS AND NOTES

- Registration Certificate in Form 4, O.Reg. 48/01 in the upper right hand corner. The name of the condominium must include the type – Vacant Land.
- Surveyor's Certificate in Form 5, O.Reg. 48/01 immediately below the registration certificate.
- The notation: "Declaration registered as Number \_\_\_\_\_" immediately below the surveyor's certificate.

O.Reg. 48/01 s. 10(1) & O.Reg. 49/01 s. 11(1)(a)

O.Reg. 48/01 s. 10(2) & O.Reg. 49/01 s. 11(1)(c)

O.Reg. 49/01 s. 11(1)(d)

- Notation required: Bulletin 2001-1
    - This plan comprises of ...
    - "All of Parcel/PIN/Certificate of Title" ... or
    - "Part of Parcel/PIN/Certificate of Title" ... or
    - "Remainder of Certificate of Title/All of PIN"
  - All easements to which the condominium lands will be subject to upon registration of the declaration and description must be set out in the schedule of appurtenant and servient interests in Form 3, O.Reg. 48/01. Check for consistency with Schedule A of the Declaration. *Condo. Act, 1998 s. 157(1)(d), O.Reg. 48/01 s. 57(4) & O.Reg. 49/01 s. 11(2)*
  - All easements that will be appurtenant to the condominium lands upon registration of the declaration and description must be set out in the schedule of appurtenant and servient interests in Form 3, O.Reg. 48/01. Check for consistency with Schedule A of the Declaration. *Condo. Act, 1998 s. 157(1)(d), O.Reg. 48/01 s. 57(4) & O.Reg. 49/01 s. 11(2)*
  - If units are either subject to or together with any easements, the unit(s) must be identified in the "Notes" column of the schedule of appurtenant and servient interests or directly below the schedule with an appropriate notation in the "Notes" column of the schedule. O.Reg. 48/01, Form 3
  - Index of plan sheets. O.Reg. 49/01 s. 2(2) & (3)
  - Plan part and sheet numbers adjacent to registration certificate. O.Reg. 49/01 s. 2(3)(4) & (5)
  - Certificate of Declarant in Form 6, O.Reg. 48/01 endorsed by each owner with corporate seal or the binding statement, if required. O.Reg. 48/01 s. 10(3) & O.Reg. 49/01 s. 11(1)(e)
  - Certificate of *Planning Act* approval or exemption. *Condo. Act, 1998, s. 9(3)*
2. FACE OF PLAN
- Geographic fabric, underlying plans, instrument/parcel numbers and PINS illustrated in broken outline. O.Reg. 42/96 s. 17 under the *Surveyors Act*
  - All easements affecting the condominium lands (servient and appurtenant\*) must be illustrated on the plan in broken outline, and labelled. Check for consistency between the schedule of appurtenant and servient interests and the face of the plan. O.Reg. 49/01 s. 10

\*Appurtenant easements do not have to be illustrated if they are described in reference to whole lots/blocks/parts etc. on previously registered/deposited plans.
  - Line weight – boundaries of condominium lands must be significantly heavier than the underlying information. O.Reg. 42/96 s. 18 under the *Surveyors Act*
  - Perimeter of buildings and structures, if any, on common elements illustrated. (No buildings or structures on units) *Condo. Act, 1998, s. 157(1)(a)*
  - Suitable tie to reference property to lot limits. O.Reg. 42/96 s. 17(1)(b) under the *Surveyors Act*

Boundary confirmation under the *Boundaries Act*, if shown on PARCEL / PIN / CTA Certificate. O.Reg. 42/96 s. 23 under the *Surveyors Act*

By-law or other instrument if plan shows a street as closed. O.Reg. 42/96 s. 22 under the *Surveyors Act*

### 3. UNIT LABELLING

Units to be designated with prefix "UNIT" and numbered consecutively beginning with number 1. O.Reg. 49/01 s. 8(1) & (2)

There will only be Units on one Level in a vacant land condominium. *Condo. Act, 1998* s.155(1)(b)

Each unit shown on the plan must also be listed in Schedule 'D' and be allocated a common interest. *Condo. Act, 1998* s. 7(2)(c) & O.Reg. 48/01 s. 5(5)(a)

### 4. UNIT BOUNDARIES

Line weight – boundaries of units must be significantly heavier than the underlying information. O.Reg. 49/01 s. 8(5)

Unit boundaries are to be illustrated in plan views and if the unit is limited vertically also in cross sections. O.Reg. 49/01 s. 5(4)

Plan sheets that designate units shall refer to Schedule C of the declaration. O.Reg. 49/01 s. 5(3)

Underlying easements must be illustrated and labelled unless they affect the entire property. Where an easement affects part of a unit, the part so affected will be illustrated and defined by measurements or described as a PART on a reference plan. Bulletin 2001-1

### 5. TITLE BLOCK

Geographic Fabric (Lot & Con/Lot & Plan ) and Township (as applicable). O.Reg. 42/96 s. 24(1)(a) & (c) under the *Surveyors Act*

Municipality and County/District/Regional Municipality (as applicable). O.Reg. 42/96 s. 24(1)(d) under the *Surveyors Act*

## PLAN SHEET(S) OF EXCLUSIVE USE PORTIONS

### 1. MANDATORY FORMS AND NOTES

Plan part and sheet numbers. O.Reg. 49/01 s.2(3) & (4)

Identification of the Condominium Plan (Including type – Vacant Land). O.Reg. 49/01 s.11(3)

Certificate of Surveyor in Form 7, O.Reg. 48/01. O.Reg. 48/01 s. 10(4) & O.Reg. 49/01 s. 11(2)(b)

## 2. FACE OF PLAN

- Exclusive use portions shall be designated by numbers or letters or by numbers and letters. O.Reg. 49/01 s.8(3) & (4)
- Section or perspective drawings to portray the vertical relationship of all levels. O.Reg. 49/01 s. 5(7)
- Underlying easements must be illustrated and labelled unless they affect the entire property. Where an easement affects part of an exclusive use portion, the part so affected will be illustrated and defined by measurements or described as a PART on a reference plan. Bulletin 2001-1

## ARCHITECTURAL/STRUCTURAL PLANS

Note: If there are no buildings or structures on the common elements, as indicated in Schedule H to the declaration, there will be no architectural/structural plans.

- Architectural (or drawings sufficient to enable construction of the buildings if Architectural drawings are unavailable or not required by the *Building Code Act, 1992*) and/or Structural Plans of the buildings(s) and structures on the common elements are required. O.Reg. 49/01 s. 12, 13 & 14
- Architectural Plans are to be Part III, Structural Plans are to be Part IV O.Reg. 49/01 s. 2(1) (c) & (d)
- All architectural and/or structural plans to have the following registration detail: O.Reg. 49/01 s. 2(4), 13(3) & 14(3) & Bulletin 2001-1  
\_\_\_\_\_ Vacant Land Condominium Plan No. \_\_\_\_\_  
Part (III or IV), Sheet \_\_\_\_\_ of \_\_\_\_\_ Sheets
- The number of sheets is consistent with the index on the perimeter plan sheet.
- Architectural and/or Structural plan sheets shall contain no notes, words or symbols that restrict the right to make copies. O.Reg. 49/01 s. 15
- Only white print (not mylar) copies of Architectural/Structural drawings required. O.Reg. 49/01 s. 17(1) (c) & (d)

## AMENDMENT TO DESCRIPTION PURSUANT TO POSTING A BOND

- Shall be registered as Form 21, O.Reg. 48/01. O. Reg. 48/01 s. 58