

## CHECK LIST FOR COMMON ELEMENTS 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)
- All of the parcels of tied land are in the same land registration division as the property and each owner of a parcel of tied land has an absolute title under the *Land Titles Act* or holds a certificate of title issued under the *Certification of Titles Act* within ten years before registration of the condominium. O.Reg. 48/01 s. 39(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 will contain a statement that the declaration will create a Freehold Common Elements Condominium Corporation. *Condo Act, 1998 s. 6(3) & (4) & O.Reg. 48/01 s. 40(1)(a)(i) & Bulletin 2001-1*
- The first page contains a statement that a parcel of tied land may not be divided without an amendment to the declaration. O.Reg. 48/01 s. 40(1)(a)(ii)
- 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 and 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 condominium lands and of every person having a mortgage against interests appurtenant to the condominium lands. Verify that the consents have been obtained for mortgages on the condominium lands only. *Condo. Act, 1998* SS.7(2)(b) O.Reg. 48/01 s. 5(3)
- Schedule **B** will also contain the consent of every person having a registered mortgage against a parcel of tied land in Form 16, O.Reg. 48/01. These should be verified against the PARCEL/PIN/CTA CERTIFICATE of the parcels set out in Schedule D. O.Reg. 48/01 s. 40(3)
- There will be no Schedule **C**. O.Reg. 48/01 s. 40(4)
- Statement in Schedule **D** that the common elements are intended for the use and enjoyment of the owners. *Condo. Act, 1998* s. 140(a) & O.Reg. 48/01 s. 40(6)(a)
- Schedule **D** contains descriptions of the parcels of tied land. Verify that the parcels of tied land are all within the same Registry or Land Titles division as the condominium lands and are absolute land titles if the condominium is in land titles or have a CTA certificate less than 10 years old in the owners name if the condominium is in registry. *Condo. Act, 1998* s. 140(b) & O.Reg. 48/01 s. 40(6)(b)
- Statement in Schedule **D** of the proportions of common interests and of the common expenses allocated to each parcel of tied land expressed in percentages. Each must indicate a total of 100%. Confirm that common interests add up to 100%. *Condo. Act, 1998* s. 7(2)(d), 138(4) & O.Reg. 48/01 s. 40(6)(c)&(d)
- 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 use of one or more designated common interests and not by all the owners or shall indicate that there are no such parts. Ensure that it exists. Do not review the statement of allocation. *Condo. Act, 1998* s. 7(2)(f) & O.Reg. 48/01 s. 40(8)

- 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 Schedule **H** must contain a statement to that effect. O.Reg. 48/01 s. 40(1)(b), 40(15)&(16)
- 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. 40(9)(11)&(12)  
  
If Schedule **H** indicates that there are no buildings and structures and facilities and services in the 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.
- Schedule **I** will contain a Certificate of Owner in Form 9, O.Reg. 49/01 for each owner of a parcel of tied land. Verify consistency with Schedule D and verify owner(s) with PARCEL/PIN/CTA Certificate. *Condo. Act, 1998 s. 139(1) O.Reg. 48/01 s. 40(17), O.Reg. 49/01 s. 43(1)*
- Schedule **J** will contain a Notice of Attachment of a Common Interest in a Common Element Condominium in Form 10, O.Reg. 49/01 for every parcel of tied land. Verify consistency with Schedule D. *Condo. Act, 1998 s. 139(2)(b), O.Reg. 48/01 s. 40(18), O.Reg. 49/01 s. 43(2)*

## DESCRIPTION

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

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 – Common Elements. O.Reg. 48/01 s. 10(1) & O.Reg. 49/01 s.11(1)(a)
- Surveyor’s Certificate in Form 5, O.Reg. 48/01 immediately below the registration certificate. O.Reg. 48/01 s. 10(2) & O.Reg. 49/01 s.11(1)(c)

- The notation: "Declaration registered as Number \_\_\_\_\_" immediately below the surveyor's certificate. 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. 8(1)(g), O.Reg. 48/01 s. 9(5) & 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. 8(1)(g), O.Reg. 48/01 s. 9(5) & O.Reg. 49/01 s. 11(2)
- 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 on common elements illustrated. *Condo. Act, 1998* s. 8(1)(a) O.Reg. 49/01 s. 4(2)
- 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. 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 – Common Elements). O.Reg. 49/01 s.11(3)(a)
- Certificate of Surveyor in Form 7, O.Reg. 48/01. O.Reg. 48/01 s. 10(4) & O.Reg. 49/01 s. 11(3)(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
- \_\_\_\_\_ Common Element 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)