
CHECK LIST FOR AMALGAMATED CONDOMINIUMS (REGISTRY AND LAND TITLES)

DECLARATION

BODY OF DECLARATION

- Each of the amalgamating corporations must be a standard condominium. O.Reg. 48/01 s. 34(1)(a)
- The amalgamated property must be located entirely within one Land Titles division or entirely within one Registry division. O.Reg. 48/01 s. 35(2)
- Statement of intention by the amalgamating corporations 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 1st 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 Standard Condominium Corporation. *Condo. Act, 1998* s. 6 (3) & (4) & O.Reg. 48/01 s. 5(1)(c) & Bulletin 2001-1
- Address for service and mailing address for the corporation. Check that it exists. *Condo. Act, 1998* s. 7(2)(e)
- The declaration includes a statement by the persons authorized to bind the amalgamating corporations certifying that they have complied with section 120 of the *Condominium Act, 1998* and the regulations under the act. If the amalgamating corporations are phased condominiums, that all phases have been completed, or more than 10 years have passed since registration of the declaration and description that created the amalgamating corporation. O.Reg. 48/01 s. 36(12)
- Declaration is signed and dated by the officers of each amalgamating corporation who are duly authorized to sign on behalf of the corporation. *Condo. Act, 1998* s. 120(4) & O.Reg. 48/01 s. 36(3)

SCHEDULES

- Verify that the description in Schedule **A** includes the property of each of the amalgamating condominiums. O.Reg. 48/01 s. 5(2)(a)
- Verify that all easements to which the condominium lands are subject as set out in Schedule **A**, are consistent with the legal descriptions of each amalgamating condominium. *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.

- Verify that all easements which benefit the condominium lands, as set out in Schedule **A**, are consistent with the legal descriptions of the amalgamating condominiums. O.Reg. 48/01 s. 5(2)(a)
- 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)
- If there are easements that will merge upon registration of the declaration and description, there shall be a statement of the solicitor in Schedule **A** setting out a legal description of the easements and the most recent registered instrument number in which they are fully described. The statement shall also state that the easements will merge and no longer exist in law upon registration of the declaration and description. O.Reg. 48/01 s. 36(5)
- There will be no Schedule **B**. O.Reg. 48/01 s. 36(6)
- Statement in Schedule **C** to specify and describe the boundaries of each unit and to include a statement of an O.L.S. certifying that the description accurately corresponds with the diagrams shown on the plan of survey. It must be signed and dated. O.Reg. 48/01 s. 5(4)(a)(b) & (c)
- Schedule **C** must contain a list indicating all units in the amalgamating corporations and what they will become in the amalgamated corporation and a list indicating all units in the amalgamated corporation and what units they were in the amalgamating corporations. The statement of surveyor must certify that the lists are accurate and complete. It must be signed and dated. Each unit must have an individual entry. O.Reg. 48/01 s. 36(7)&(8)
- 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** (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)*
- There will be no Schedule **G**. O.Reg. 48/01 s. 36(11)

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. There will be no Architectural drawings and/or Structural drawings.

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

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| <input type="checkbox"/> Registration Certificate in Form 4, O.Reg. 48/01 in the upper right hand corner. The name of the condominium must include the type – Standard. (Not amalgamated) | O. Reg. 48/01 s.10 (1) &
O. Reg. 49/01 s.11(1)(a) |
| <input type="checkbox"/> 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) |
| <input type="checkbox"/> The notation: "Declaration registered as Number _____" immediately below the surveyor's certificate. | O.Reg. 49/01 s.11(1)(d) |
| <input type="checkbox"/> If the amalgamating condominiums are not contiguous a key plan illustrating the locations of the amalgamating condominiums in relation to one another. | O.Reg. 49/01 s. 4(1) |
| <input type="checkbox"/> 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. | <i>Condo. Act, 1998</i> s. 8(1)(g),
O.Reg. 48/01 s. 9(5) &
O.Reg. 49/01 s. 11(2) |
| <input type="checkbox"/> 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. | <i>Condo. Act, 1998</i> s. 8(1)(g),
O.Reg. 48/01 s. 9(5) &
O.Reg. 49/01 s. 11(2) |
| <input type="checkbox"/> 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 |
| <input type="checkbox"/> Index of plan sheets. | O.Reg. 49/01 s. 2(2) & (3) |
| <input type="checkbox"/> Plan part and sheet numbers adjacent to registration certificate. | O.Reg. 49/01 s. 2(3)(4) &
(5) |
| <input type="checkbox"/> Certificate of Amalgamating Corporations in Form 6, O.Reg. 48/01 signed by the persons authorized to sign on behalf of each amalgamating corporation with corporate seal or the binding statement. | O.Reg. 48/01 s. 10(3) &
O.Reg. 49/01 s. 11(1)(f) |
| <input type="checkbox"/> Certificate of <i>Planning Act</i> approval or exemption. | <i>Condo. Act, 1998</i> , s. 9(3) |

2. FACE OF PLAN

- Perimeter boundary to be shown by heavier lines. O.Reg. 42/96 s. 18 under the *Surveyors Act*
- Geographic fabric, underlying plans, instrument/parcel numbers and PINS illustrated in broken outline. (Does not apply to units) 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 on property illustrated. *Condo. Act, 1998* s. 8(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. 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) DEFINING THE UNIT BOUNDARIES

Note that the plan sheet(s) showing the condominium lands may also illustrate unit boundaries.

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 –Standard. 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)
- Plan part and sheet numbers adjacent to registration certificate. O.Reg. 49/01 s. 2(3)(4) & (5)

- Certificate of Amalgamating Corporations in Form 6, O.Reg. 48/01 signed by the persons authorized to sign on behalf of each amalgamating corporation with corporate seal or the binding statement, if required. O.Reg. 48/01 s. 10(3) & O.Reg. 49/01 s. 11(1)(f)

2. UNIT LABELLING

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

Note that no more than one unit to be designated with the same number on each level.

- Levels to be numbered consecutively in ascending order, beginning with the number 1. If there are levels below Level 1, they shall be lettered in descending order in alphabetic sequence beginning with the letter A. O.Reg. 49/01 s. 7(1)

- 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)

- Section or perspective drawings to portray the vertical relationship of all levels. O.Reg. 49/01 s. 5(7)

3. 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 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

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 – Standard) 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