



Ministry of Consumer
and Business Services
Registration Division
Title and Survey Services Office

BULLETIN NO. 2002-4

Condominium Act, 1998

DATE: December 23, 2002

TO: All Land Registrars
All Ontario Land Surveyors

Amending Condominium
Descriptions under Sections
107 and 109 of the
Condominium Act, 1998

The *Condominium Act, 1998* provides for the amendment of a declaration and/or a description with the owner's consent under Section 107 or by a Court Order under Section 109.

When a Surveyor is engaged to undertake an amendment to the description under Section 107, the Surveyor should ensure that the amendment has been clearly set out in Form 1 of O. Reg. 49/01 under the *Condominium Act, 1998*. This Form must be registered in accordance with Section 107(6), prior to making the amendment.

When a Surveyor is engaged to undertake an amendment to the description under Section 109, the Surveyor should ensure that the amendment has been clearly set out in the Court Order. In addition, the Court Order must be registered.

Before proceeding with any amendment to the description, the Surveyor should consult with the Land Registrar or the Regional Surveyor.

AMENDING PROCEDURE FOR AMENDMENTS TO THE DESCRIPTION

1. Manual amendments may be made to the original description plan(s) where *Planning Act* approval is not required, subject to Item 10.
2. Where *Planning Act* approval is required, follow the process set out in items 3 and 4.
3. The Ontario Land Surveyor must obtain a copy of the original description plan(s), that require(s) amending, in the form of a hard copy (mylar or photographic reproduction) or a digital copy, from the appropriate Land Registry Office. Arrangements for the copy or copies can be made through the Land Registrar or the Regional Surveyor and an outside supplier. The original description plan(s) must remain in the custody of the Land Registrar or Regional Surveyor throughout this procedure. The Surveyor will be responsible for arranging for payment of all costs associated with producing the copy or copies.

All original registration particulars, Certificates and **signatures** must remain intact on the copy or copies.

4. On the copy or copies of the original description plan(s) being amended, including any sheets being added, the following shall be added preceding the component name of the Plan in the top right hand corner, in the same size lettering: **“AMENDMENT TO DESCRIPTION”**.

Example:

AMENDMENT TO DESCRIPTION	
PART 1 OF 4 PARTS SHEET 1 OF 1 SHEET	HALTON STANDARD CONDOMINIUM PLAN No. XXXX

5. The Certificate of Amendment shall be included in a conspicuous location adjacent to the original Registration Certificate(s) or as close as possible and boxed as shown. This Certificate need only be added to those description plans that are being amended in accordance with Form 1 or a Court Order, as well as any new sheets being added. Renumbering a sheet will not require a Certificate.

CERTIFICATE OF AMENDMENT	
Amended in accordance with s. 18, O.Reg. 49/01.	
Amendment to Declaration or Description registered as No. _____ <i>(or in the case of a Court Order):</i>	
Amendment by Court Order registered as No. _____	
_____ Date	_____ Land Registrar

6. The Surveyor’s Certificate(s) for Amendment shall be included in a location adjacent to the original Surveyor’s Certificate or as close as possible and boxed as shown:
 - A. To be added to all Part 1 Sheets, that are being amended or added and Sheet 1 of Part 1 of a Phased Condominium under the *Condominium Act, 1998*, if applicable; and

SURVEYOR'S CERTIFICATE FOR AMENDMENT

I certify that:

- 1. This survey and plan are amended in accordance with an amendment to declaration or description registered as No. _____ and are correct and in accordance with the *Condominium Act, 1998*, the *Surveys Act*, the *Surveyors Act* and the *Land Titles Act* (or the *Registry Act*) and the regulations made under them;

or

This survey and plan are amended in accordance with an amendment by Court Order registered as No. _____ and are correct and in accordance with the *Condominium Act, 1998*, the *Surveys Act*, the *Surveyors Act* and the *Land Titles Act* (or the *Registry Act*) and the regulations made under them;

(If the perimeter boundary or boundaries are being changed and/or a Unit(s) is being added, removed or amended, include the following paragraph)

- 2. The survey was completed on the _____ day of _____.

(If Units are being added or the extent amended on the Sheet, include the following paragraph)

- 3. The diagrams of the Units affected by this amendment are substantially accurate.

(If the plan is of Crown land and was prepared under the instructions of the Surveyor General of Ontario, include the following paragraph)

- 4. This plan and the field notes were prepared from an actual survey performed under my personal supervision and I was present on the site during the progress of this survey.

Date

(signature)

(print name)
Ontario Land Surveyor

B. To be added to all description plans designating Exclusive Use Portions that are being amended and/or added.

**SURVEYOR'S CERTIFICATE
EXCLUSIVE USE COMMON ELEMENTS FOR AMENDMENT**

I certify that this plan of survey accurately shows the extent and location of the exclusive use portion of the common elements as affected by this amendment.

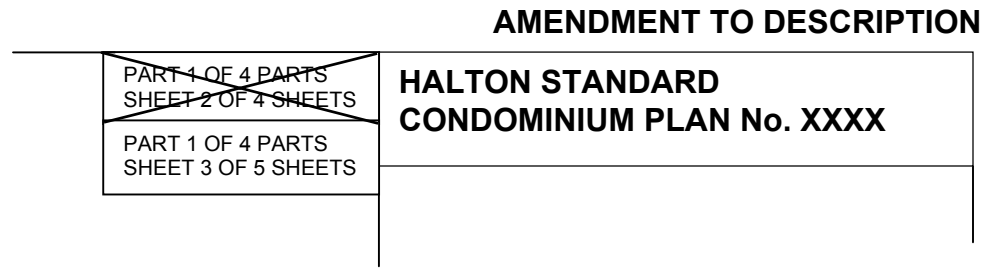
Date

(signature)

(print name)
Ontario Land Surveyor

7. For applications under Section 107, a statement with respect to *Planning Act* approval as per Section 9 of the *Condominium Act, 1998* shall be included in a conspicuous location adjacent to the amended portion of the description plan or as close thereto as possible.
8. If the amendment necessitates the addition of a new description plan sheet (or sheets), the Part / Sheet box on the existing description plans shall be amended.

Example:



9. Further to item 8 and the addition of Architectural and/or Structural Plans, as a result of the addition of Units, the Index of Parts Schedule shall also be amended accordingly. The numbering of the original Architectural and/or Structural Plans will also have to be amended.
10. If applicable, the Schedule of APPURTENANT and SERVIENT INTERESTS shall also be amended accordingly. If this necessitates the moving of other items on the plan to accommodate the expansion of the Schedule, manual amendments to the original description plan(s) will not be accepted.
11. All manual amendments to the original description plan(s) shall be prepared to a drafting standard that in the opinion of the Land Registrar or the Regional Surveyor will permit legible and accurate copies.
12. Consideration shall be given to the extent of the amendments and the placement of the required Notes and Certificates. It may be necessary to place the copy on a larger sheet than the original without exceeding the maximum plan requirements.

REGISTRATION PROCEDURE

It is strongly advised that the amendment be pre-approved by the Land Registry Office prior to forwarding the amended plans to the Planning Authority. Once the Planning Authority signs the approval Certificate with respect to the amendment, no changes or amendments will be allowed without the Planning Authority's written approval.

For pre-approval, the following must be submitted:

- ✓ two (2) paper prints of the amended description;
- ✓ one (1) marked up copy of the original description illustrating the amendments;
- ✓ two (2) copies of completed Form 1, O.Reg. 49/01, or Court Order, and the applicable amended Schedules etc.;
- ✓ one (1) copy of the original declaration and
- ✓ copies of all Plans and title documents, if applicable.

Submission for Registration:

The process for the registration of an amendment to the description is set out in Section 18 of O. Reg. 49/01.

Where the original description sheet has been superceded, it is to remain with the original mylars and made available for viewing upon request, in accordance with Section 18 of O. Reg. 49/01.

This Bulletin supercedes Appendices 'B' and 'C' of Bulletin 2001-1



Examiner of Surveys