



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

BULLETIN NO. 2001-1

DATE: May 4, 2001

TO: All Land Registrars

Land Titles Act
Registry Act

Condominium Act, 1998

I. INTRODUCTION

The *Condominium Act, 1998* is the culmination of many years of consultation to reform the existing legislation. The new Act will provide for increased consumer protection through more detailed disclosure requirements prior to the sale of a condominium, mandatory post construction audits of the common elements after registration of the condominium project and ongoing reserve fund studies to ensure adequate funding is available for repairs throughout the life of the condominium.

In addition to the increased consumer protection, the new Act will introduce new forms of condominium ownership. These new forms will allow the industry to address a variety of consumer needs by allowing freehold and leasehold condominiums. Beyond the standard condominium type now in existence, the new forms of freehold condominiums will encompass vacant land condominiums, common element condominiums, amalgamation and phasing of standard condominiums. Standard condominiums can also be constructed on leasehold lands.

The provisions of this Bulletin are effective as of May 5, 2001, being the date the *Condominium Act, 1998* (new Act) comes into force. A series of Regulations under the new Act – O. Reg. 48/01, 49/01, 50/01, 51/01 and 52/01 have been filed and are available on the MCBS Internet site - www.ccr.gov.on.ca.

In summary the types of condominiums in the new Act are:

1. Standard Condominiums

Standard Condominiums will be entitled - '(LRO Division) Standard Condominium Corporation (Plan) No. ____'. All condominiums in existence at the time the *Condominium Act, 1998* comes into force are deemed to be standard condominiums however, the word "Standard" shall not be added to their name.

2. Leasehold Condominiums

Leasehold Condominiums will be entitled - '(LRO Division) Leasehold Condominium Corporation (Plan) No. ____'. It is anticipated that Leasehold condominiums will be developed on institutional lands (e.g. universities, hospitals) where there is an obligation for the institution to maintain title to the property. The initial term of a leasehold condominium will be between 40 and 99 years.

3. Vacant Land Condominiums

Vacant Land Condominiums will be entitled - '(LRO Division) Vacant Land Condominium Corporation (Plan) No. ____'. Units are not part of a building or structure. Units are on one level only and the condominium must contain common elements. A vacant land condominium must be freehold and cannot be combined with any other type of condominium.

4. Common Elements Condominiums

Common Elements Condominiums will be entitled - '(LRO Division) Common Elements Condominium Corporation (Plan) No. ____'. Common Elements Condominiums have no units. The owners of the common interest are owners of freehold parcels of land (parcels of tied land or POTL's) that are not part of the condominium property. The parcels of tied land must all be in the same land registration division as the condominium land and they must have a land titles absolute title or have a valid certificate of title.

5. Phased Condominiums

A Phased Condominium will be entitled - '(LRO Division) Standard Condominium Corporation (Plan) No. ____'. Only standard condominiums may be phased and the intention to create a phased condominium must be indicated on the first page of the declaration. The declaration must also set out the "servient tenement" which are lands that the declarant owns and intends to include in the condominium as future phases. The phases will occur by way of an amendment to the declaration and description and will re-describe the condominium lands to include a part of or the entire servient tenement. Future phases can be registered within ten years of the time of the initial registration.

6. Amalgamated Condominiums

An Amalgamated Condominium will be entitled - '(LRO Division) Standard Condominium Corporation (Plan) No. ____'. Only standard condominium corporations may amalgamate. The word 'amalgamated' will **not** be part of the name of the new condominium corporation or plan. All declarations, descriptions, bylaws and rules of the amalgamating corporations cease to apply and will not be brought forward to the amalgamated corporation. All outstanding encumbrances or interests that affect the common elements or units in the amalgamating condominiums will continue and will be brought forward to the appropriate index or register in the amalgamated condominium.

Registration checklists for each type of condominium will be available for staff and clients. The checklists will be updated periodically.

II. TRANSITION PROVISIONS

The regulations under the new Act set out a transition period of 6 months, commencing when the new Act comes into force on May 5th, 2001. A declaration and description may be submitted for registration under the old Act during this time however, they must still go through the pre-approval process and be registered on or before October 31, 2001. This provision also applies to amendments to the declaration and description.

III. GENERAL PROVISIONS

1. Condominium Corporations Index

The Condominium Corporations Index is continued under the new Act (s. 3(3)) and will be in the existing format being MCBS Form 10315 (88).

2. Non-Automated Condominium Register - *Land Titles Act/Registry Act*

If the records of the condominium property are not automated, the Condominium Register, referred to in s. 3(4) of the Act, will be kept in a loose-leaf book and will include a set of four groups of pages, continued from the old Act, consisting of:

- (a) a Property Parcel Register or Property Abstract Index in the existing MCBS Form 10314 (88);
- (b) a Constitution Index in the existing MCBS Form 10316 (88);
- (c) a Common Elements and General Index in the existing MCBS Form 10317 (88); and
- (d) except in a common elements condominium, a series of Unit Registers or Unit Indices, one for each unit included in the condominium property, in the existing MCBS Form 10318 (88).

3. Automated Condominium Register - *Land Titles Act*

- (1) If the records of the condominium property are automated, the Condominium Register shall contain one PIN for each unit;
- (2) If the records of a common elements condominium property are automated, the Condominium Register shall contain one PIN for the property.

4. Pre-Approval for Registration

The requirement continues that all condominium declarations and descriptions and amendments to the declaration and description must be approved by the appropriate Land Registry Office prior to submission for registration.

5. Condominium Estate and Type Statements

The statements setting out the estate (freehold or leasehold) and the type (common elements, phased, standard, vacant land) shall be included on the first page of the declaration.

6. Planning Authority Conditions

Easements can be created in the declaration as a result of conditions of approval imposed by the Planning Authority. These easements can benefit third parties. (s. 20, new Act) If such easements are created in the declaration, Schedule A will include a note identifying the easements as being so created and a reference to the location within the declaration where the statement of planning conditions are set out. (s. 7(2)(g), new Act)

7. Descriptions of Easements

Descriptions of easements must be in compliance with O.Reg. 43/96, with the following exception, as outlined in s. 45(5), O. Reg. 49/01. An easement created upon the registration of the declaration and description may be described by reference to physical features or a specified level, or levels, and must be illustrated on the condominium survey plans. The extent of the easement must be clearly illustrated as a closed figure and with the use of arrows. A surveyor must be able to physically establish the horizontal and vertical extents of the easement strictly from the information contained on the plan. An easement so described will be deemed to have the approval of the Examiner of Surveys and Land Registrars are authorized to accept them.

8. Easements Affecting Part of a Unit or Exclusive Use Portion

Where an easement affects part of a unit or an exclusive use portion, the requirement will continue that the part so affected will be illustrated and defined by measurements on the plan defining the unit or exclusive use portion or described as a PART on a reference plan.

9. Description Plan Sheets

The description will contain four parts. They are as follows:

- Part I - the perimeter plan sheet and diagrams of the units.
- Part II - the exclusive use portions of the common elements.
- Part III - the architectural plans.
- Part IV - the structural plans.

Although the regulation uses roman numerals, the use of numbers 1, 2, 3 and 4 is also acceptable.

10. PIN/Parcel/Certificate of Title Notation

The perimeter plan sheet for all condominiums, other than amalgamations, will include a notation above or below the Schedule of Appurtenant and Servient Interests (Form 3, O. Reg. 48/01) that relates the land included in the plan to the whole, part or remainder of the land described in the existing underlying PINs, parcels or certificates of title.

11. Declaration Schedules

The regulations under the old Act prescribe only one schedule, being the description of the property set out in Schedule A. The new Act prescribes all required schedules, which vary depending upon the type of condominium, from Schedules A to M. See Appendix A for a summary of each.

12. Schedule C to the Declaration – Unit Boundaries

Sections 5(4) and 56(4) of O. Reg. 48/01 set out the requirements for Schedule C to the declaration. These subsections specify that the unit boundaries be referenced to buildings or monuments and fully describe the monuments or in the case of a vacant land condominium certify that the unit boundaries are controlled by the monuments illustrated on the plan sheet. Schedule C cannot contain inclusions or exclusions from the unit. Typically inclusions and exclusions are pipes, wires, cables, conduits etc. These items more properly belong in the body of the declaration. A note may be included, below the surveyor's signature, referring the reader to specific portions of the declaration that details ownership, maintenance and repair obligations of these items. If these inclusions and exclusions are contained in Schedule C, the Land Registrar is to refuse the declaration.

13. Architectural and Structural Plans and Certificates of Completion – Schedule G

If the description contains architectural plans (prepared by an architect) and structural plans, Schedule G of the declaration shall contain an architect's certificate and one or more engineer's certificates. (s. 8(1)(b) & (e), new Act)

If the description contains architectural plans (prepared by an architect) and no structural plans Schedule G of the declaration shall contain only an architect's certificate. (s. 8(1)(b) & (e), new Act)

If the description contains structural plans and no architectural plans, Schedule G of the declaration shall contain only one or more engineer's certificates. (s. 9(2), O. Reg. 48/01)

Similar to the old Act, if architectural plans are not available, inadequate or not required under the *Building Code Act*, drawings that are sufficient to enable the construction of the buildings prepared by a non-architect are deemed to be the architectural plans (s. 13, O. Reg. 49/01) and the completion certificate in Schedule G can be completed by an architect and/or an engineer(s). (s. 5(8), O. Reg. 48/01) (Note: s. 9(3) O. Reg. 48/01 sets out that the completion certificates are part of the declaration)

The Schedule G certificates will together address all the matters required by O. Reg. 48/01. (Form 2 or Form 17)

Registration requirements:

- One set of paper prints of the architectural and structural plans must be submitted to the land registry office.
- Architectural and Structural Plans will include the following endorsement on each sheet:

_____ (Standard, Common Element, Vacant Land or Leasehold)
Condominium Plan No. _____

Part (III or IV), Sheet _____ of _____ Sheets

Note: The regulations under the new Act no longer require the total number of Parts on architectural/structural plans.

14. Encroachments

The treatment of encroachments remains unchanged. Those portions of condominium buildings located outside the condominium property are not governed by the *Condominium Act, 1998*. The title to encroachments should be resolved prior to registration of the condominium however, if title resolution does not take place, the notes set out below must be included in the declaration and on the description to reflect the encroachment particulars.

Declaration – Include one of the following notes in a prominent place on the first page of the declaration.

- Where there is no encroachment agreement:
CAUTION: That portion of the condominium building shown in hatched outline on Part ____ Sheet ____ of the description, encroaches upon the adjoining lands and is not governed by the *Condominium Act, 1998*.
- Where there is an encroachment agreement:
CAUTION: That portion of the condominium building shown in hatched outline on Part ____ Sheet ____ of the description encroaches upon the adjoining lands and is not governed by the *Condominium Act, 1998* and is the subject of an agreement registered as Instrument No. _____.

Description – Include one of the following notes adjacent to the encroachment that will be highlighted in hatched outline.

- Where there is no encroachment agreement:
CAUTION: That portion of the condominium building shown in hatched outline hereon encroaches onto adjoining lands and is not governed by the *Condominium Act, 1998*.
- Where there is an encroachment agreement:
CAUTION: That portion of the condominium building shown in hatched outline hereon encroaches onto adjoining lands and is not governed by the *Condominium Act, 1998* and is the subject of an agreement registered as Instrument No. _____.

15. Non-Contiguous Portions of Units

The treatment of non-contiguous portions of units remains unchanged. Where two or more portions of a unit are non-contiguous each portion will be identified as an area of that unit. (e.g. UNIT 1, Area 1; UNIT 1, Area 2) A note will be included on the plan in close proximity to the affected unit(s) stating that: “Unit(s) _____, is (are) comprised of non-contiguous areas designated by the same unit number”

16. Reserving Corporation Numbers

Condominium Corporation Numbers cannot be reserved. Land Registrars are not to assign a number to a condominium corporation until the declaration and description are being registered.

17. Land Registration Reform Act

Declarations and descriptions are exempt from requiring a Document General, Form 4. (s. 3, O.Reg. 17/99)

18. Ontario New Home Warranties Plan

Land Registrars are required to forward a copy of all condominium declarations and amendments that create a phase in a phased condominium corporation after registration to:

Ontario New Home Warranties Program
5160 Yonge Street
Suite 600
Toronto, ON
M2N 6L9
Attention: Condominium Manager

IV. CONDOMINIUM TYPES

1. Vacant Land Condominiums

Vacant Land Condominiums will consist of units and common elements. The units may be vacant lots similar to lots on a plan of subdivision. A unit may contain building(s) and structure(s) as long they are wholly contained within the unit and do not form any part of the unit boundaries.

Section 158 of the new Act requires that all buildings, structures, facilities and services on the common elements in a vacant land condominium be completed, installed and provided in accordance with O.Reg. 48/01, prior to the registration of the declaration and description. The new Act, however, also allows the declarant to post a bond or other security with a body specified by the municipality when the buildings, structures, facilities and services are not complete prior to registration.

When such a bond or security is posted:

- Schedule G of the declaration will not contain any completion certificates and the architectural and structural plans will not be submitted with the initial registration. Schedule G will contain a statement that the certificates will be included in an amendment to the description and a statement from the municipality or MMAH that the bond or security is sufficient to ensure that the buildings and structures will be completed and the facilities and services will be installed in accordance with the new Act.
- The submission of architectural and structural plans and the architect/engineer completion certificates will be registered as an amendment to the description in Form 21, O. Reg. 48/01, at some point after the registration of the condominium when the buildings, structures, facilities and services are complete. There are no time restrictions associated with this requirement.
- Schedule H will list all buildings, structures, facilities and services that will be included in the common elements upon the registration of the amendment.
- The surveyor is to list all four Parts on all plan sheets even though the last two parts will be submitted at a later date. This will eliminate the need to amend all of the plan sheets when Parts III and IV are submitted with Form 21, O. Reg. 48/01. The index on the first plan sheet will indicate 'NIL' for the number of sheets for Part III – Architectural Plans and Part IV – Structural Plans.
- Any existing plan sheets that are amended when the Architectural and Structural Plans are submitted (e.g. first plan sheet – index & illustration of the perimeter of the buildings and structures) must include a reference to the registration number of Form 21, O. Reg. 48/01. The process to amend the plan sheets is the same as the one set out for s. 107 amendments described in Section V, Item 1 of this Bulletin.

If there are no buildings, structures, facilities and services on the common elements this will be stated in Schedule H of the declaration and there will be no Schedule G. If there are no buildings and structures on the common elements there will be no architectural and structural plans.

2. Common Elements Condominiums

Common Elements Condominiums do not contain units. The common interests in the condominium attach to freehold parcels of land located in the same land registration division as the condominium property. The freehold parcels (parcels of tied land or POTL's) are identified and described in Schedule D to the declaration.

Automated Land Titles System:

In the automated system one PIN will be opened for the condominium property. Generally, documents relating to the condominium will be registered on this PIN and documents which relate to a specific parcel of tied land, such as a lien for common expenses, will be registered on the appropriate parcel of tied land. A remark will be placed on the parcel registers for the parcels of tied land notifying the user to search the common elements condominium PIN for additional encumbrances.

- The Owners' Names field in the Common Elements Condominium PIN will contain 'The owners from time to time of the parcels of tied land as set out in Schedule D to the declaration'.
- The thumbnail description for each parcel of tied land will be amended to include: 'together with an undivided common interest in (*LRO division*) Common Elements Condominium Corporation No. _____'
- A property remark will be added to the PIN or parcel register of each parcel of tied land that states: 'For additional encumbrances the PIN for (*LRO division*) Common Elements Condominium No. _____ in Block _____ must be examined.'

Non-automated Land Titles System:

- Make an addition to the parcel register for each parcel of tied land that states: 'Together with an undivided common interest in (*LRO division*) Common Elements Condominium Corporation No. _____ as in Declaration registered as Instrument No. _____'
- A long entry will be added to the parcel register of each parcel of tied land that states: 'For additional encumbrances the Common Elements and General Index for (*LRO Division*) Common Elements Condominium Plan No. _____ must be examined.'
- Remark the declaration in the Property Parcel Register and the Common Elements and General Index with: 'Note: The owners of this parcel are the owners from time to time of the parcels of tied land as set out in Schedule D to the declaration'.

Non-automated Registry System:

- A remark may be added to the Abstract Index for each POTL referencing the applicable instrument number or reference plan part.

If there are no buildings, structures, facilities and services on the common elements this will be stated in Schedule H of the declaration and there will be no Schedule G. If there are no buildings and structures on the common elements there will be no architectural and structural plans.

A parcel of tied land can be subdivided, however the common interest attached to the original parcel of land remains unaffected. To redistribute the common interest among the subdivided parcels an amendment creating new parcels of tied land must be registered.

3. Amalgamating Condominiums

Two or more standard condominiums may amalgamate into a single standard condominium.

The regulations require, as part of Schedule C to the declaration, two lists which indicate the relationship between the old unit numbers and levels and the new unit numbers and levels and vice versa. These lists assist clients in searching title following the amalgamation. Land Registrars are to rely upon the list specified in s. 36(7)(b) O. Reg. 48/01, being the new to old listing of the units.

The only changes to the declaration and description permitted in the amalgamated declaration and description are those necessary to facilitate the amalgamation. These changes must not create new units or adjust unit or condominium property boundaries and Land Registrars are not to accept declarations and descriptions for amalgamated condominiums that do so.

Schedule A to the declaration of the amalgamated condominium may contain a solicitor's statement specifying easements that will merge in law and no longer exist upon the registration of the declaration and description.

The perimeter plan sheets for amalgamated condominiums are not required to show underlying geographics and PINs, parcels and instrument numbers for units illustrated thereon. If shown staff are to encourage the surveyor to remove them however if the surveyor elects to have this information remain its accuracy must be confirmed.

In the non-automated Registry system a reference to the amalgamated condominium will be recorded in the Unit Index for each unit in the amalgamating condominiums.

4. Phased Condominiums

A standard condominium may be designated a phased condominium under the new Act. Schedule A to the declaration will identify lands owned by the declarant which are intended to be included in the condominium property upon the registration of future phases. These lands are defined as the ‘servient lands’. Phasing will permit for the addition of units and common elements through an amendment to the declaration and description without following the amendment provisions of s. 107 of the Act.

S. 51(e), O. Reg. 48/01– the phase cannot be part of a building that was included in a previous phase or the initial registration; this prevents phasing within a building.

The declaration and description will be registered against the servient lands.

It should be noted that the Act does not identify the initial registration of the declaration and description as a phase. The first phase is the first amendment to the declaration and description creating a phase.

Schedule A to the declaration for an amendment creating a phase may contain a solicitor’s statement specifying easements that will merge in law and no longer exist upon the registration of the amendment.

Automated System

Following the registration of an amendment for a phase, the thumbnail description for a unit added to the condominium, in the automated land titles system, will not include underlying geographics. For example a thumbnail will appear as: “Unit 1, Level 1, (*LRO Division*) Standard Condominium Plan No. _____. T/W & S/T as set out in Schedule A of amendment to Declaration (*Registration No.*)”

For the purposes of s. 22(2)(b), O. Reg. 49/01 an amendment for a phase in the automated system will be recorded against all the units. Any previously registered instruments affecting the property included in the amendment will be recorded against the unit(s) included in the amendment.

Non-automated System

For the purposes of s. 22(2)(b), O. Reg. 49/01 an amendment for a phase in the non-automated system will be recorded in: 1) the Constitution Index and 2) the Common Elements and General Index followed by any previously registered instruments affecting the property included in the amendment.

Any easements that merged in law, upon the registration of an amendment for a phase, will be so noted on the Common Elements and General Index.

5. Leasehold Condominiums

The declarant in a Leasehold Condominium must own a leasehold interest in the land. A declaration and description may be registered on the leased land, dividing the land into leasehold units and common elements. Purchasers buy a leasehold interest in the unit and common elements for a fixed number of years, as set out in the declaration.

As the leasehold interest has been transferred to the Leasehold Condominium owners for the term identified in the declaration, no registrations are to be accepted on the underlying leasehold parcel.

In the automated land titles system the leasehold PIN underlying the condominium will be closed. Any transactions involving any remaining interest of the lessee will be recorded on the freehold PIN where the lease is registered.

V. GENERAL REGISTRATION REQUIREMENTS

1. Amendments to the Declaration or Description - Owners' Consent – s. 107

Amendments to the declaration and description under s. 107 of the Act shall be in Form 1, O. Reg. 49/01. The process for the registration of an amendment to the description is set out in s. 18, O. Reg. 49/01.

Amendments to the description will require the Ontario Land Surveyor to arrange with the Land Registrar or the Assistant Examiner of Surveys to make a copy of the original registered plan sheet(s). The surveyor will alter the copy to illustrate the amendment as set out in Form 1. In some cases an additional new plan sheet may also be necessary which will result in amendments to the Index of plan sheets.

The Certificate of Amendment (Appendix B) shall be included in a conspicuous location adjacent to the original Registration Certificate. The Surveyor's Certificate for Amendment (Appendix C) shall be included in a conspicuous location adjacent to the amended portion of the plan sheets.

Automated System

An amendment is recorded against each unit when the condominium is registered in the automated system. If the amendment add new units, all previously registered instruments affecting the lands included in the amendment are recorded against the units included in the amendment (s. 30, O.Reg. 49/01). If the amendment adds additional lands to the condominium but does not include units, previously registered instruments affecting the lands included in the amendment will be recorded against the existing units in the condominium.

Non-automated System

When the amendment adds additional lands to the condominium property and the condominium is registered in the non-automated system the amendment is recorded in: 1) the Constitution Index and 2) the Common Elements and General Index followed by any previously registered instruments affecting the additional lands. (see Appendix F)

2. Amendments to the Declaration or Description – Order of the Director of Titles

Under section 110 of the new Act, the condominium corporation or an interested person may apply to the Director of Titles for an Order to amend the declaration or description to correct an error or inconsistency that is apparent on the face of the declaration or description. Applications for an Order under section 110 of the Act are to be sent to the Assistant Examiner of Surveys for the region in which the condominium property is located. An application form is attached as Appendix D. An Order form is attached as Appendix E. The Order will include a statement of who is responsible for carrying out the amendment. The plan correction procedures set out in PART IX of O.Reg. 43/96 will be used if the Order is with respect to an amendment to the description plan sheets.

3. By-laws

The *Condominium Act, 1998* states that by-laws and joint by-laws are not effective until registered. To register a by-law or joint by-law it must be attached to a certificate in Form 11, O. Reg. 48/01.

4. Rules

As was the case under the old Act, Rules and Joint Rules made by Condominium Corporations do not constitute an instrument acceptable for registration and will not be accepted for registration. If rules are registered as a part of a by-law it should be noted that they become incorporated in the by-law and can only be amended or repealed in accordance with the requirements for by-laws.

5. Other Instruments

Appendix F lists where instruments registered, after the initial registration of the declaration and description, are to be recorded in the land registration system.

6. Enforcing a Judgement against a Condominium Corporation

Subsection 23(6) of the new Act provides that a judgement against a condominium corporation is also a judgement against each unit owner at the time of the judgement. It should be noted, however, that the Sheriff's Office can not enforce a writ of execution against condominium unit owners if their names were not set out in the judgement, unless otherwise specified in an Order of the court.

To ensure that a writ of execution will bind the land of the persons who were the owners at the time of the judgment, it is recommended that the solicitor for the execution creditor ensure that the names of those persons are included in the writ of execution.


7. Terminations

Pursuant to s. 83(3) of the *Registry Act* the Land Registrar shall, upon the termination of a freehold condominium or a portion thereof, when the condominium property is under the registry system, open an abstract index for the former condominium lands.

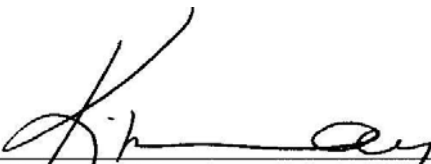
The procedure for establishing new PINs or parcels for the terminated lands, when the condominium property is in the land titles system, is set out in O. Reg. 49/01.

Any easement over the condominium lands created after the registration of the declaration and description is extinguished upon termination. (s. 127, new Act)

Bulletins 75022, 79041, 79046, 79049, 80027, 80038, 85003, and the portions relating to condominiums in 85005, 87002 are hereby revoked.



D. R. Aron
Examiner of Surveys



Katherine M. Murray
Director of Titles

APPENDIX A

SCHEDULE	CONDO TYPE	CONTENT
A	All	Legal description of the condominium property including all appurtenant and servient easements.
B	All except Amalgamations	Consent of every person having a registered mortgage on the land or interests appurtenant to the land described in Schedule A.
C	All except Common Elements	Specification of the boundaries of each unit and a statement by the OLS verifying the description of them.
D	All	A statement expressed in percentages, of the proportions equalling 100% of the common interests and the common expenses for each unit.
E	All	Specification of the common expenses or may be left blank.
F	All	Indicates any exclusive use portions of the common elements or indicates that there are none.
G	All except Amalgamations	Completion certificate(s) of an Architect and/or Engineer.
H	Common Elements & Vacant Land	List and brief description of all buildings, structures, facilities and services included in the common elements of the condo.
I	Common Elements	Certificate of consent in Form 9 of O.Reg. 49/01 from each owner of a parcel of tied land.
J	Common Elements	Notice in Form 10 of O.Reg. 49/01 of attachment of a common interest to a parcel of tied land.
K	Phased	Included only with an amendment creating a phase and contains a statement of all <i>Planning Act</i> conditions the approval authority requires the declaration to mention or a statement that there are no conditions.
L	Leasehold	Contains: 1) all the leasehold provisions that affect the property, the corporation and the owners, a statement that they are binding on them; 2) the term of the leasehold interests; 3) the amount of rent and when it is payable for at least the first 5 years; and 4) the formula used to determine rent for the remainder of the term.
M	Leasehold	Contains a statement signed by a Solicitor that: 1) the lessor is the registered owner of the freehold estate and appurtenant interests; 2) the declarant is the registered owner of the leasehold estate and appurtenant interests; and 3) the lease is a subsisting lease for (<i>indicate term</i>).

APPENDIX B

CERTIFICATE OF AMENDMENT

Amended in accordance with s. 18, O.Reg. 49/01.
Amendment to Declaration or Description registered as No. _____.

Date

Land Registrar

_____ **Appendices B & C superceded
by Bulletin 2002-4**

APPENDIX C

SURVEYOR'S CERTIFICATE FOR AMENDMENT

I certify that this survey and plan are amended in accordance with 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.

Date

(signature)

(print name)
Ontario Land Surveyor

APPENDIX D

Condominium Act, 1998

**APPLICATION FOR AN ORDER TO CORRECT
THE DECLARATION OR DESCRIPTION
UNDER SECTION 110 OF THE ACT**

IN THE MATTER OF a declaration registered as Instrument No. on the day of
.....,, in the Land Registry Office for the Land Titles (or Registry) Division of
..... (the “Declaration”)

IN THE MATTER OF a description registered as (name of condominium plan) registered in the Land
Registry Office for the Land Titles Division of (the “Description”)

TO: The Director of Titles

.....
(Name of applicant)

(If the applicant is not the condominium corporation, also state what the interest of the applicant is e.g.
owner of Unit ..., Level)

apply to have the following correction made to the Declaration / Description:

(give detailed particulars of the error or inconsistency and the correction requested)

(If a correction to the Description is requested:

A copy of the Description (of the relevant portion of it) is attached with the proposed correction(s)
noted on it.)

The following evidence is submitted in support of this Application:

(Specify the evidence in support of the Application. If you are requesting a correction to a plan of
survey, you must provide the signed statement of an Ontario Land Surveyor setting out the nature
of the error, defect or omission in the plan, specifying the correction that is required and providing
the evidence in support of the correction.)

continued:

The applicant's address for service is:

Dated this day of,

.....
(signature)

(In the case of a corporation, print names and positions of those who sign on its behalf, and include a statement that they have authority to bind the corporation or affix the corporate seal)

APPENDIX E

Condominium Act, 1998

**ORDER OF THE DIRECTOR OF TITLES
UNDER SECTION 110 OF THE ACT**

T.S.S.O. File No.

IN THE MATTER OF a declaration registered as Instrument No. on the day of
.....,, in the Land Registry Office for the Land Titles (or Registry) Division of
..... (the “Declaration”)

IN THE MATTER OF a description registered as (name of condominium plan) registered in the Land
Registry Office for the Land Titles Division of (the “Description”)

AND IN THE MATTER OF an Application dated the day of, made by
(name of Applicant – if Applicant is not the condominium corporation, state the interest of the
Applicant e.g. owner of Unit ... Level) for an order to amend the Declaration / Description to
correct an error or inconsistency that is apparent on the face of the Declaration / Description (the
Application”)

AND IN THE MATTER OF section 110 of the *Condominium Act, 1998*, S.O. 1998, c. 19.

ORDER

Having considered the Application and the evidence submitted in support of it, I order that:

(set out the details of the correction)

Dated this day of,

.....
Director of Titles

APPENDIX F

**RECORDING OF INSTRUMENTS REGISTERED
AFTER THE DECLARATION AND DESCRIPTION**
(except Terminations)

IF THE RECORDS OF THE PROPERTY ARE AUTOMATED

	Instrument	Recording Location	Authority
For all Condominiums except Common Elements Condominiums	a) affects all or some unit(s)	a) parcel register for each unit affected	a) O.Reg. 49/01 s.31(1)(a)
	b) affects the common elements	b) parcel registers for all the units in the condominium	b) O.Reg. 49/01 s.31(1)(b)
For Common Elements Condominiums	a) affects the common elements save and except instruments listed in b) & c)	a) parcel register for the common elements condominium	a) O.Reg. 49/01 s.31(2)
	b) a certificate of lien in respect of unpaid common expenses, a partial or complete discharge a certificate of lien or a partial discharge of an encumbrance	b) parcel register(s) for the affected parcels of tied land	b) O.Reg. 49/01 s.31(4)
	c) an amendment which adds parcels of tied land	c) parcel register for each new parcel of tied land and the parcel register for the common elements condominium	c) O.Reg. 49/01 s.32

- NOTE:
- 1) For amendments creating a phase see Section IV, Item 4 of this Bulletin.
 - 2) For amendments adding additional lands to the condominium, other than phases, see Section V, Item 1 of this Bulletin.

IF THE RECORDS OF THE PROPERTY ARE NOT AUTOMATED

	Instrument	Recording Location	Authority
For all Condominiums	a) affects all of the units or parcels of tied land and the common elements	a) Common Elements and General Index	a) O.Reg. 49/01 s.33(1)(a)(i)
For all instruments other than:	b) affects the common elements, but no units	b) Common Elements and General Index	b) O.Reg. 49/01 s.33(1)(a)(ii)
1) Exceptions (see below – page 21)	c) affects the common elements and some, but not all, of the units or parcels of tied land	c) Common Elements and General Index and the parcel register/Unit Index for each unit or parcel register/abstract index for each parcel of tied land	c) O.Reg. 49/01 s.33(1)(b) & (c)
2) an amendment to the declaration and description or a by-law (see below – page 22)	d) affects one or more units, but not all of the units	d) parcel register/Unit Index for each unit or parcel register /abstract index for each parcel of tied land	d) O.Reg. 49/01 s.33(1)(d) & (e)

IF THE RECORDS OF THE PROPERTY ARE NOT AUTOMATED –continued

	Instrument	Recording Location	Authority
<p>1) Exceptions</p> <p>a) a complete discharge of an encumbrance recorded in the Property Parcel Register or Property Abstract Index;</p> <p>b) an application for a caution under the <i>Land Titles Act</i></p> <p>c) a deed or other instruments by which ownership of the property is changed that is received for registration before the registration of a deed of any units</p>	<p>a), b) & c) –</p> <p>affects all of the units or parcels of tied and the common elements</p>	<p>a), b) & c) –</p> <p>Common Elements and General Index and Property Parcel Register or Property Abstract Index</p>	<p>a), b) & c) –</p> <p>O.Reg. 49/01 s.33(2)</p>

IF THE RECORDS OF THE PROPERTY ARE NOT AUTOMATED –continued

	Instrument	Recording Location	Authority
2a) An amendment to the declaration and description or a by-law	<ul style="list-style-type: none"> a) affects all of the units and common elements b) affects one or more, but not all of the units or parcels of tied land c) affects part but not all of the common elements d) which adds new parcels of tied land in a Common Elements Condominium 	<ul style="list-style-type: none"> a) Constitution Index b) Constitution Index and parcel register/Unit Index for each unit or parcel register/abstract index for each parcel of tied land c) Constitution Index and Common Elements and General Index d) parcel register/abstract index for each new parcel of tied land and the Constitution Index and Common Elements and General Index 	<ul style="list-style-type: none"> a) O.Reg. 49/01 s.33(3) b) O.Reg. 49/01 s.33(3)(a) & (b) c) O.Reg. 49/01 s.33(3)(c) d) O.Reg. 49/01 s.32
2b) An amendment to the declaration and description adding new lands (including a phase).		Constitution Index; Common Elements and General Index followed by entries of all instruments affecting the new lands.	O. Reg. 49/01 s. 22(2)(b),33(3)& Bulletin 2001-1