

## BACKGROUND

Section 75 of The Land Titles Act provides a mechanism for an application to the Registrar to consolidate land contained in two or more certificates of title into one or more certificate(s) of title. Registrants should exercise care in requesting consolidation as a future separation may be subject to subdivision approval, especially in the case of parcels in subdivisions registered before July 1, 1950.

## REGISTRATION PROCEDURE

1. The registered owner, or an agent acting on behalf of the registered owner, may make application for consolidation by use of the form developed ([FORM A](#)) or by request on a Document Registration Request form ("D.R.R.") or in a letter. The application form, a photocopy of the D.R.R. or the letter requesting the consolidation is registered. Attestation requirements do not need to be complied with.
2. The registered owner and the estate owned must be consistent in all certificates of title for consolidation to proceed. If there is some question as to identity, further confirmation of identity must be obtained (see procedure under [IDE-1](#)).
3. **Subdivided land** - Lots may be consolidated if they are from the same subdivision plan, are contiguous and contained within the same block. (1)
4. **Unsubdivided land** - The land must be within the same section.
5. Subdivided land may not be consolidated with unsubdivided land.
6. Land taken by a taxing authority pursuant to the Municipal Government Act cannot be consolidated with other land owned by the taxing authority with the exception of land taken under the Municipal Government Act which is situated in a special area. (2)
7. All registrations against the former certificates of title are carried forward to the consolidated title. If an instrument or caveat relates only to part of the land in the consolidated title, a notation that only a part is affected is included in the memorandum.
8. Where an application is made to consolidate two adjacent parcels of land into one certificate of title and one of the parcels included in the consolidation was
  - (i) formerly a public road, right of way, drainage ditch, canal or the bed and shore of a body of water
  - (ii) transferred to or vested in the registered owner to accommodate an encroachment or rights to exclusive possession

all encumbrances registered or caveated against the other parcel immediately prior to the application are deemed to apply to all the land comprised in the consolidated parcel. (3)

In order to make appropriate endorsements of encumbrances on the consolidated title, the registered owner should indicate on the form if the consolidation is one to which the above deeming provisions apply.

9. Where a person has more than one title for undivided shares in a parcel of land, the titles can only be consolidated if the registered instruments and caveats are identical on each of the certificates of title that are requested to be consolidated.

10. **Condominiums** - Consolidation does not apply to condominiums as there may only be one condominium unit in each certificate of title. (4)

11. **Fees** - The fee in [Tariff item 11\(4\)](#) is charged on all consolidations. The fee listed in [Tariff item 13](#) is charged for the cancellation of each title after the first one.

#### **STATUTE AND CASE REFERENCES**

1. s. 26, Land Titles Act, R.S.A. 2000, c. L-4
2. s. 21, Special Areas Act, R.S.A. 2000, c. S-16
3. s. 75(2), Land Titles Act
4. s. 5(2), Condominium Property Act, R.S.A. 2000, c. C-22