

## **BACKGROUND**

All subdivision plans are registered under section 84 of the Land Titles Act. Titles to the newly created lots are issued to the registered owner. Section 84(3) of the Land Titles Act provides for the issuance of a title to the crown, a municipality or a school authority for land required for a reserve or a public utility parcel upon the registration of the plan of subdivision. Public roadways within the subdivision plan vest in the crown or municipality and no certificates of title are issued for them. Subdivision plans do not affect the ownership of mines and minerals.

## **REGISTRATION PROCEDURE**

These provisions are in addition to those outlined in the procedure on Surveys - Examination of Plans. [SUR-1](#)

### **A. GENERAL REQUIREMENTS**

1. **Area** - The total area within a subdivision plan is to be shown. If the plan affects part of multiple parcels, a table of areas is required to show the area essential from each affected parcel forming part of each new parcel(s) created by the plan.
2. **Area of an Individual Parcel** - The area of each lot or parcel containing 0.5 hectares or more is to be shown in hectares and decimals thereof. The area of each lot or parcel containing 0.5 hectares or more is to be shown in hectares and up to 3 decimal places. Areas under 0.5 hectares are not required to be shown on the plan.
3. **Plan to Show Only Areas to be Registered** - If an area larger than what is intended to be registered has been subdivided and laid out on the ground, only that part which is to be registered is to be shown on the plan. Plans showing further extensions of the subdivision, outside the portion to be registered, are not registrable. Only previously registered subdivisions may be shown outside the area to be registered under the new plan.
4. **Designation of Use of Land** - The plan is not to contain information describing the purpose for which any portion of the land on the plan is intended to be used other than uses set out in the Subdivision and Development Regulation. (1)
5. **Designation of Lots and Blocks** - Each parcel of land must be designated by a lot and block. The letter or number used to designate a lot should not be a duplicate of any used on a previous subdivision plan in the same quarter section. The block numbers or letters used should follow consecutively from those shown on the previously

registered plans. Duplication in numbering such as Lot 1, Lot 1 MR is not acceptable. Only continuous numbering is permitted (e.g., Lot 1, 2 MR, 3 PUL, 4, etc.). In re-subdivisions of existing blocks, former lot numbers should not be duplicated.

6. **Reserves and Public Utility Lots** - Reserve and public utility lots are to be identified by a number suffixed by the letters identifying the type of lot. For example:

- a) Environment Reserve - 1 ER
- b) Municipal Reserve - 1 MR
- c) School Reserve - 1 SR
- d) Municipal and School Reserve - 1 MSR
- e) Public Utility Lot - 1 PUL

The letters identifying the type of reserve lot or utility lot must be explained either in the legend or within the lot itself.

The name of the school authority and its address including the postal code is to be given in the legend of a subdivision plan which contains a school reserve or municipal and school reserve. Additional consents may be required for Subdivision plans creating reserves, public utility lots or road. See paragraph 13(f).

7. **Lot Dimensions and Bearings**

- a) In a block where all the lots are the same width and depth, only the dimensions of the first and last lots need to be shown. All internal lot dimensions may be designated by "ditto" marks. If any dimension or bearing varies, the dimension or bearing of that line must be shown along the lot line.
- b) If corner-cuts are standard, a note specifying the required dimensions may be shown in the legend of the plan.

8. **Road Names** - All roads on a subdivision plan must be identified.

9. **Widths of Streets and Lanes** - The perpendicular widths of each street are to be shown twice in each course thereof. When the street is intersected other than perpendicularly by another street or by the limit of the subdivision, the slant width is to be shown. Widths of lanes are to be shown twice in each course in each block.

10. **Title Boundaries** - The plan is to be compared to the certificates of title for the land affected by the plan to ensure there is no encroachment on other lands. All exceptions in the titles are to be accounted for. To do this, the distances, bearings and Iron Posts on the existing plans must be compared to the unregistered plan to determine their location in relation to the new plan.

11. **Water Boundaries** - The general instructions on water boundaries apply. (2)

12. **Right of Way Plans** - All right of way plans affecting the area to be subdivided are to be shown in broken black lines.

13. **Consents Required** - The following consents are required to register a plan of subdivision:

- a) Subdivision authority ([SURVEY-FORM 4](#))
- b) Land Administration Division of the Department of Sustainable Resources Development if the plan contains land adjoining a water body referred to in the title and there is accreted land included within the plan. In order for Land Titles to determine if accreted land is included in the plan, the previously surveyed bank referred to in the title must be shown in dotted line. (3)
- c) Irrigation District approval if land is within an irrigable unit
- d) Department of Environment approval in respect of a Restricted Development Area
- e) Registered owner(s) ([SURVEY-FORM 3](#))
- f) If a plan contains land dedicated for public purposes (reserves, public utility lots and roads) then:

Each person shown on the title as having an interest pursuant to a registered instrument or caveat except for the following:

- mortgage of utility right of way;
  - restrictive covenant;
  - zoning restrictions;
  - writ of enforcement;
  - Any interest which affects part of a title and that part is clearly described or shown as falling outside the limits of the new plan.
  - Any interest which affects part of a title that is within the limits of the new plan, but does not fall within the limits of any land dedicated for public purposes. ([SURVEY-FORM 3](#)) (4).
- g) A plan of subdivision, other than a condominium plan or strata space plan, in which there is no dedication of land for roads, reserves or other public purposes does not require the approvals listed in (f) above other than that of the registered owner of the estate being subdivided.
  - h) If for any reason a signature required cannot be obtained, an application by originating notice may be made to the court for an Order dispensing with the signature. (5)

The majority of caveats are considered as blanket interests (i.e. affecting the entire title as described in the caveat form). Land Titles is not mandated to review any attachments to a caveat to determine if the interest affects part of a title or not.

A utility right of way is considered to be registered as a blanket interest where a sketch is attached but there is no reference to a plan or survey or the right of way is not described by a metes and bounds description within the grant clause of the document. One example of this is where a document shows the approximate location of the right of way on a sketch attached to the utility right of way document, with a provision to register a plan of survey at a later date and subsequently register a discharge to limit the utility right of way to the plan.

The following guidelines should be used to assist in determining the appropriate party(ies) who may be required to consent to a plan of subdivision or a condominium plan when dealing with easement/encroachment/party wall agreements or a caveat relating to any one of these interests.

1. Check the document to determine if the land to be subdivided by the plan is described as the dominant or servient tenement.
2. If it is a dominant tenement, then consent of the current registered owner(s) is required. However, as the registered owner has already consented to the plan for its registration, there is no additional need to specifically mention the document number in the owners consent form.
3. If the land to be subdivided is a servient tenement, then consent from the current owner(s) of all titles of the dominant tenements is required.

Where the title affected by the plan is subject to a caveat re: any one of the above documents, check the caveat to determine the dominant and servient tenements. Do not assume that the caveator shown on the title is the current dominant owner. Ensure that you take into account that the land as described in the original instrument or caveat may have been subdivided. Once you have determined the dominant and servient tenements, the same rule applies as if the actual document was registered. If the dominant tenement is not identified in the caveat, then consent from the caveator is required.

14. **Subdivision authority information** – The following is to be drafted on the plan:

Name of the Subdivision Authority  
File No.

## **B. Registration or Filing of Non-Monumented Plans Pursuant to Section 47 of the Surveys Act**

A surveyor may submit a plan for registration without placing monuments in the ground notwithstanding section 45(1) if sufficient surveys markers exist in the vicinity and;

### 1. **Legend**

- △ 14 - Reference Monuments (state size and material)
- 113 - Statutory Iron Post Found
- 166 - Statutory Iron Post Planted
- ..... - Traverse lines
- 238 - The position where iron posts are to be placed pursuant to section 47 of the Surveys Act

cc 400

123

- Curve centre co-ordinates
- The position where iron posts are to be placed in accordance with Plan \_\_\_\_\_.

2. The table of co-ordinates of the survey control markers and the monuments is to be shown either on the plan of survey or on a separate document in which case the following is to be added to the plan:

NOTE: Co-ordinate positions of the Monuments Found or Placed by this survey, Survey Control Markers used, Reference Monuments installed and the location of all Monuments To Be Placed in accordance with section 47 of the Surveys Act, are shown in a Table of Co-ordinates attached to the Plan Instrument.

3. A plan prepared pursuant to section 47 may consist of one or two sheets. Where two sheets are used the second sheet shall contain only that information which is pertinent during the period that the statutory monuments are not in place. This information includes the reference control network, a key plan of point numbers and may include the table of co-ordinates. The second sheet shall be numbered "SHEET 2 OF 2" and sheet one must contain a statement indicating what information is contained on sheet 2.

4. Alberta Land Surveyors who have registered a survey plan pursuant to subsection 47(1) of the *Surveys Act*, shall within 3 years, or a longer period specified by the Director of Surveys,

- a) place the monuments required by section 45(1), and
- b) complete a monumentation certificate ([FORM 11.1 Land Titles Act](#))

5. The Table of Coordinates shall only list coordinates for Survey Control Markers or monuments shown on the Plan of Survey. All point numbers listed, must correspond to a point contained within the Plan of Survey being registered.

### **C. Instrument Affecting Certificate of Titles to Public Utility Lot and Reserves**

Certificates of title to public utility lots and reserves are issued free and clear of all instruments and caveats other than;

- a) utility rights of way,
- b) easements,
- c) conservation easements,
- d) environmental reserve easements,
- e) zoning regulations,
- f) restrictive covenants,
- g) leases by oil companies,
- h) Public Utility Board or Surface Rights Board Orders,
- i) certificates under the Water Resources Act,

- j) restricted development area notices,
- k) notices under the Drainage District and Irrigation Act,
- l) caveats protecting the above. (7)

The list is not necessarily exhaustive.

#### **D. FEES**

[Tariff item 8\(1\)](#) is charged for the registration of the plan. In addition, except for plans within the City of Calgary, a cadastral mapping fee is charged pursuant to Alberta Regulation 94/2000 made pursuant to Surveys Act.

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Subdivision Plan

The code used for registration at Land Titles is: SUBP

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

Statute references are to the Land Titles Act, R.S.A. 2000, c. L-4, unless otherwise indicated.

1. s. 18, Subdivision and Development Regulation, Alberta Regulation 212/95
2. see procedure on Surveys - Examination of Plans [SUR-1](#)
3. s. 89
4. s. 85(1)
5. s. 85(2)
6. s. 85(4)
7. s. 84(3)