

## **BACKGROUND**

The Condominium Property Act ("Act") provides for the separate ownership of space located within a building or bare land within a parcel, which is designated as a unit on a condominium plan. In the case of a building, the boundaries of the units are defined by reference to the floors, walls or ceilings. In the case of bare land units, for which a building is not needed, the boundaries are defined by reference to monuments placed in accordance with the Surveys Act, R.S.A. 2000, c. S-26. The Act also provides for common property which is that part of the parcel shown in a condominium plan not comprised in a unit. The common property is held by the owners of all the units as tenants in common in shares proportional to the unit factors for their respective units.

The registration of a condominium plan, which for the purposes of Part 17 of the Municipal Government Act and the Land Titles Act is a plan of subdivision, (1) has the effect of cancelling the certificate of title to the parcel described in the plan except as to the mines and minerals, and causing the issuance of a separate certificate of title for each unit described in the plan.

The registration of a condominium plan also has the effect of constituting a condominium corporation. The corporation consists of all unit owners or those persons entitled to ownership on the termination of the condominium status. (2) The powers and duties of the condominium corporation are exercised and performed by an elected board of directors. (3) The corporation is regulated by its by-laws which provide for the control, management and administration of the units, the real and personal property of the corporation and the common property. (4)

## **REGISTRATION PROCEDURE**

Sections 8 and 10 of the Act and the Condominium Property Regulation (Alberta Regulations 168/2000), govern the preparation of a condominium plan.

These instructions are in addition to the general requirements outlined in Surveys - Examination of Plans [SUR-1](#).

### **A. GENERAL REQUIREMENTS**

1. **Heading** - The plan must be described in the heading as a "Condominium Plan", a "Leasehold Condominium Plan" or a "Bare Land Condominium Plan". Each sheet of the plan is to be endorsed in the upper right hand corner with the words "sheet \_\_\_\_\_ of \_\_\_\_\_" with the appropriate numbers filled in. (5)

2. **Site Surveys** - The site survey must delineate the external surface boundaries of the parcel and the location of the building or bare land unit in relation thereto. Any subsisting easements and utility rights of way plans are to be shown. On a bare land condominium plan, roads, reserves and public utility lots required by the Municipal Government Act must also be identified and delineated.

3. **Unit Numbering** - Units are to be boldly numbered consecutively commencing with unit 1 and terminating with a unit number to correspond to the total number of units in the plan. (6)

4. **Unit Factors** - The unit factor for each unit is to be a whole number. The unit factors assigned to all units within the condominium plan must total 10,000. (7)

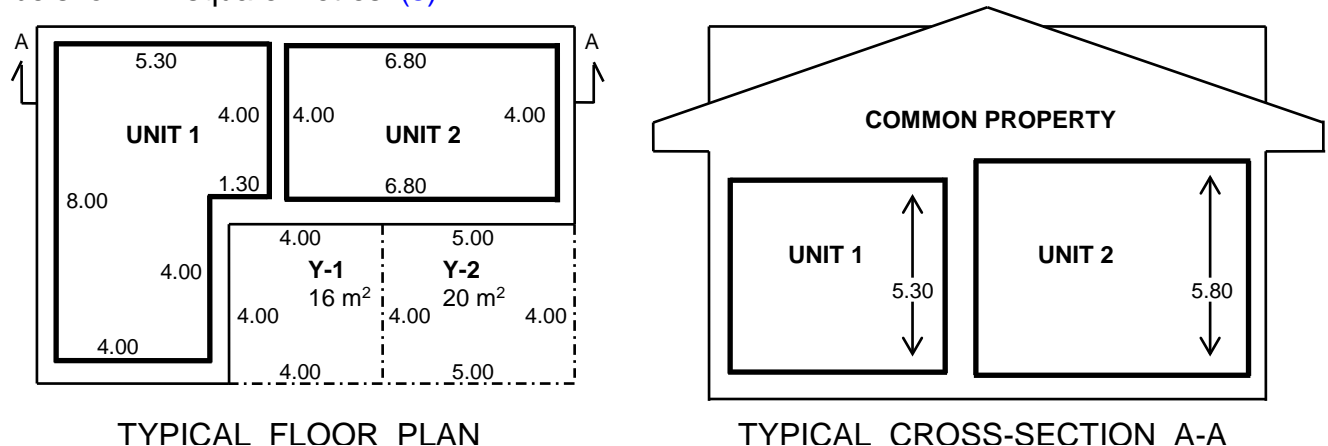
4.1 **Illustration of Units** - Floor plans and sufficient cross sections must be shown to accurately illustrate the units.

5. **Unit Boundaries** - Section 9(1) of the Act stipulates what constitutes the boundaries of a unit. If these unit boundaries are unacceptable, there must be a statement in the legend which clearly defines the unit boundaries being used. In all cases, the unit boundaries in a building must be defined in the legend by reference to the floor, wall and ceiling. Unit boundaries of a building should be shown on the plan in a line weight which is 2 or 3 times darker than the normal weight used on the plan. See diagram in item 8. for an example.

6. **Unit Dimensions** - All unit dimensions are to be shown along the unit boundaries. See the diagram in item 8. for an example of unit dimensions.

7. **Common Property** - The common property must be distinguished from the units in the body of the plan. See the diagram in item 8. for an example. The legend may also contain additional statements specifying areas that are common property. It is established policy to accept a plan without any common property.

8. **Exclusive Possession Areas** - Areas of common property may be designated as exclusive possession areas for use in connection with units pursuant to section 50 of the Act. Each area must be identified, shown on the plan with broken lines and the area must be shown in square metres. (8)



## 9. Condominium Parking Stalls

### BACKGROUND

Condominium units may be re-divided into 2 or more units after the registration of an initial condominium plan. (8.1) However, it is not possible to create new common property on the re-division of a unit outside of the phased development process set out in the *Condominium Property Regulation*. (8.2) Newly created units become part of the pre-existing condominium corporation. (8.3)

Municipal land use bylaws sometimes require that a development provide parking spaces for visitors and persons with disabilities. However, where parking spaces meant for visitors and persons with disabilities have been contained in titled units, they have not necessarily become the property of the condominium corporation. It has been possible that the units remain held by the owner of the re-divided unit, or sold privately, and were not available for use as parking stalls for visitors and persons with disabilities. As a result, some condominium developments have been left with insufficient parking spaces for visitors, persons with disabilities or both.

### REGISTRATION PROCEDURE

Amendments to section 8 and 10 of the *Condominium Property Act* create new parking space requirements for condominium plans that show buildings containing units on and after April 1, 2018. (8.4) These requirements are dependent on the requirements of the municipal authority, which should be reviewed prior to surveying. These instructions are in addition to the general requirements for condominium plan registration outlined in (SUR-1).

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

The code used for registration at Land Titles is: CONP

#### 9.1 Registration Procedure –New Condominium Plan

Effective April 1, 2018, condominium plans which show buildings containing units must show parking spaces for visitors and persons with disabilities that meet the requirements, if any, established by the municipal authority. (8.5)

- Visitor parking spaces or parking spaces for persons with disabilities, within common property, must be illustrated with dashed line work and fully dimensioned (8.6).
- Parking spaces within common property (8.7) are to be clearly labelled as:
  - visitor parking (or VP if there is not enough room on the plan), or

- parking for persons with disabilities (or PPD if there is not enough room on the plan), or
- parking for visitors or persons with disabilities (PVPD if there is not enough room on the plan)
- Where abbreviations are used to label these parking spaces they must be defined in the legend of the plan.

## **9.2 Registration Procedure – Re-division of Existing Condominium Plan**

When a condominium plan of re-division under section 20 of the Act that shows a building containing units is prepared, parking spaces for visitors or for persons with disabilities if any, must each be contained within a separate unit. (8.8) Subdivision approval exemptions apply only for units created within a building. (8.9)

- A parking space shown as a unit on the re-division is to be clearly labelled, below the assigned unit number on the next line as
  - visitor parking (or VP if there is not enough room on the plan),
  - parking for persons with disabilities (or PPD if there is not enough room on the plan), or
  - parking for visitors or persons with disabilities (PVPD if there is not enough room on the plan).
- Where abbreviations are used to label these parking spaces they must be defined in the legend of the plan.
- A condominium plan of re-division that creates parking units located outside the confines of a building must be accompanied by subdivision approval ([SURVEY FORM 4](#)).
- Parking units created outside the confines of a building must be monumented as a bare land unit. (8.10)
- A condominium plan for a building that contains units must also be accompanied by a certificate from the municipal authority ([SURVEY- FORM 8](#)) stating the number of parking spaces for visitors and persons with disabilities, if any, meets municipal requirements. (8.11)

**9.3 Pre-April 1, 2018 Registrations** – Prior to April 1, 2018, a survey of a condominium plan may show parking spaces for visitors and persons with disabilities, and a municipality authority’s certificate may show a condominium plan meets post-April 1, 2018 requirements.

Land Titles may accept a condominium plan that is compliant with the new requirements for registration before they come into effect. The advance notice period allows developers, surveyors, and municipalities time to prepare condominium plans and municipal authority certificates to meet the new requirements that are effective April 1, 2018.

**9.4 Parking Space Ownership** – The title to units labelled as parking spaces for visitors and persons with disabilities must be transferred to the condominium corporation following registration of the plan of redivision. (8.12)

10. **Qualifications or Restrictions Respecting the Use of Land** - Where, with respect to units included in a condominium plan, there are qualifications or restrictions respecting the use of a unit that are not prohibited under the law, those qualifications or restrictions may be endorsed on the plan. For example certain units may only be used for parking.

11. **Legend** - The legend is to explain, among other items, the boundaries of the units, unit measurements, building locations and dimensions. An example of a typical legend is as follows:

- Area affected by the registration of this plan shown outlined thus \_\_\_\_\_
- Statutory iron posts found shown thus \_\_\_\_\_
- Statutory iron posts placed shown thus \_\_\_\_\_
- All distances are in metres and decimals thereof
- Bearings are grid and are derived from registered plan \_\_\_\_\_
- The boundary of any unit is as stipulated in section 9(1) of the Condominium Property Act and illustrated thus \_\_\_\_\_
- The boundary of any unit is governed by the monuments placed pursuant to the Surveys Act, or
- The boundary of any unit is the undecorated interior surface of the floor, wall or ceiling or where the walls does not exist, the vertical plane as defined by the distances shown and illustrated thus \_\_\_\_\_
- All unit dimensions and floor areas are measured along unit boundaries
- All building location dimensions and exterior building dimensions are to the exterior of the concrete foundation walls as shown on the site plan
- All building location dimensions are perpendicular to the property lines unless otherwise shown
- Exclusive possession areas are common property and delineated thus \_\_\_\_\_

- Balconies and patios designated B-1, etc. and P-1, etc. respectively are exclusive possession areas that may be leased to the owner of a unit pursuant to section 50 of the Condominium Property Act.

12. **Schedule** - A schedule as set out by the Registrar is to be on sheet 1 of the plan and is to contain in a tabulated form the unit numbers, unit factors, the basis for determining the unit factor and unit area in square metres. (9)

Example layout of unit factor table:

<b>SCHEDULE OF AREAS AND UNIT FACTORS</b>		
<b>UNIT</b>	<b>UNIT FACTOR</b>	<b>APPROX. AREA IN sq.m.</b>
<b>Total</b>		
The Unit Factors were distributed as follows:		

13. **Approvals Required for Building and Bare Land Condominium Plans** - All condominium plans must be accompanied by the following approvals before they may be registered in a Land Titles Office. (10) Items 13 and 14 should be referred to for the additional approvals required for a building and bare land condominium respectively.

a) **Owners and Encumbrances** - The signatures required for a condominium plan are the same as those required for a subdivision plan, see (11) SUR-2 (item A. 13.).

b) **Subdivision Approval** - Subdivision approval is required (SURVEY-FORM 4) except for a building condominium plan where the surface boundaries of the parcel on which the building is located correspond to the boundaries of a parcel as defined in the Part 17 of the Municipal Government Act, (12) and each building located on the parcel that contains a unit, contains 2 or more units. (13)

14. **Additional Approvals Required for a Building Condominium Plan**

a) If the surveyor's affidavit (FORM A) is used on the condominium plan, then the certificate shown in item b) is not required. If the affidavit is not used, a certificate of a land surveyor complying with section 10(1)(a) of the Act is required in addition to the certificates described in items b) and c).

b) A certificate of:

(i) a registered architect, visiting project architect or architects corporation, or a joint firm or an architects and engineering firm, as defined in the Architects Act,

- (ii) a land surveyor registered or the holder of a permit under the Land Surveyors Act (Alberta),
  - (iii) a professional engineer registered or licensed under the Engineering, Geological and Geophysical Professionals Act, or
  - (iv) a holder of a permit issued under the Engineering, Geological and Geophysical Professions Act authorizing the holder to engage in the practice of engineering,
    - 1) stating that the units shown in the plan are the same as the existing units, and
    - 2) whether or not there are any post tensioned cables located anywhere on or within that building or the property on which that building is located ([FORM B](#)).
- c) A certificate of approval ([10](#)) ([SURVEY-FORM 8](#)) of the proposed division of the building by the Municipal Authority or by a person designated by the Municipal Authority.

**15. Additional Approvals Required for a Bare Land Condominium Plan** - The surveyor's certificate ([FORM A](#)) is required.

**16. Address for Service of the Condominium Corporation** - The complete address for service of a condominium corporation must be set out on the first page of the condominium plan. ([14](#))

**17. Additional Plan Sheet** - The additional plan sheet to the condominium plan is prepared at the time of the registration of the plan. To obtain a copy of the additional plan sheet, it must specifically be requested when searching the condominium plan.

The following information is to be drafted on the plan:

Note:

For any endorsement, registration memorandum, notification or other entry that is to be made on the plan, please see the Condominium Additional Sheet (CS) which is added to this plan pursuant to the Condominium Property Regulation.

**18.** Within 28 days of the registration of the condominium plan, a copy of the registered plan is to be mailed to the local authority of the municipality in which the parcel is located. ([15](#))

**19. Registered Owner Information** - The name of the registered owner(s) must be drafted on the plan.

**20. Subdivision Authority Information** - If subdivision approval is required then the following is to be drafted on the plan:

Name of the Subdivision Authority  
File No.

21. **Post Tensioned Cables Statement for a Building Condominium** - The following is to be drafted on the plan:

This plan is accompanied by a certificate regarding post tensioned cables and signed by

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(Name of Engineer / Architect / Alberta Land Surveyor and capacity)

stating there are post tensioned cables located on or within the building or the property on which the building is located.

**or**

stating there are no post tensioned cables located anywhere on or within the building or the property on which the building is located.

## **B. REDIVISION OF UNIT**

Any owner may, with the approval of the local authority, re-divide his unit by registering a condominium plan. The general requirements apply to a redivision of unit with all necessary modifications except as provided below. (16)

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

The code used for registration at Land Titles is: REDI

1. **Heading** - The plan must bear a heading stating: "Condominium Plan (or Bare Land Condominium Plan) of redivision of unit \_\_\_\_\_, Condominium Plan \_\_\_\_\_"
2. **Site Survey and Location of Buildings** - In the case of a unit in a building, the site survey information may be copied from the previous condominium plan.
3. **Floor Plan and Cross-Section** - In the case of a unit in a building, the condominium plan must show enough information to clearly identify the subdivided unit in relation to the other units.
4. **Unit Numbering** - The new units are to be identified starting with a number following the last number on the original plan, or if one exists, on the last redivision plan.
5. **Unit Factors** - The unit factors of the new units must equal the unit factor of the old unit.
6. **Address for Service of the Condominium Corporation** - The corporation's address is not required on the plan because the owners of units in a condominium plan of redivision are not a corporation, but are, as of the date of registration of the condominium plan of redivision, members of the corporation formed on registration of the original condominium plan. (17)



7. **Endorsements on Original Plan** - An endorsement is made on the original plan and the additional sheet indicating that the unit has been re-divided. (18)
8. **Common Property** - No common property can be generated by a redivision of a unit.
9. **Post Tensioned Cables Statement** - In the case of a redivision of a unit in a building, post tensioned cables statement is not required.
10. **Additional Plan Sheet Information** - The following information is to be drafted on the plan:

NOTE:

For any endorsement, registration memorandum, notification or other entry that is to be made on the plan, please see the Condominium Additional Sheet (CS) which has been added to plan: (insert original condominium plan # being re-divided) pursuant to the Condominium Property Regulation.

### C. PHASED DEVELOPMENT - INITIAL PHASE

1. **Phased Development Disclosure Statement** - The first phase must be accompanied by a Phased Development Disclosure Statement (PDDS) together with (CDE-1 - FORM 9). The PDDS must comply with digital imaging requirements (i.e. all information must be legible and the page size must be no more than 8.5 inches by 14 inches). For examination purposes it is not necessary to ensure that the disclosure statement contains the items as listed in section 35(1) of the Condominium Property Regulation. The usual attestation requirements must be complied with.

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

The code used for registration at Land Titles is: CONP

2. **Endorsement On Additional Sheet** - The PDDS will be registered on the condominium additional sheet using document type INST and the following will be added to the particulars:

"PHASED DEVELOPMENT DISCLOSURE STATEMENT"

3. **Heading** - The plan must bear a heading stating "Condominium plan showing phased development of \_\_\_\_\_". Each sheet of the plan is to be endorsed in the upper right hand corner with the words "Phase 1 Sheet \_\_\_\_\_ of \_\_\_\_\_".
4. **Amendment of PDDS** - The PDDS may be amended by registering a copy of (19) (CDE-1 - FORM 10).
5. **Unit Numbering** - The units which are not included in the initial stage must be numbered as A, B, C, etc.

6. **Assignment of Unit Factors on Phased Condominium Plans** - Unit factors for the first and for all future phases must be assigned upon registration of the initial plan and the phased development disclosure statement. The unit factors assigned to the units intended to be phased in subsequent plans must be sufficient on their own to be re-allocated to the new units created by the subsequent phase(s). Unit factors assigned to the already completed units cannot be included, amended or altered upon the registration of subsequent phases. (20)

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

7. **Easement And Utility Right Of Way** - Any easement or utility right of way, which does not affect the unit, must be dropped from the affected titles and endorsed on the additional sheet using document type REEI. (21) [Tariff Item 13](#) is charged for each endorsement.

#### **D. PHASED DEVELOPMENT - SECOND AND SUBSEQUENT PHASES**

1. **FORM 11** - The second and subsequent phases must be accompanied by ([CDE-1 - Form 11](#)). The usual attestation requirements must be complied with.

2. **Heading** - The plan must bear a heading stating "Condominium plan showing phased development of unit \_\_\_\_". Each sheet of the plan is to be endorsed in the upper right hand corner with the words "Phase \_\_\_\_ Sheet \_\_\_\_ of \_\_\_\_".

3. **Common Property** - Unlike a redivision plan, additional common property may be created on subsequent phases. (22)

4. **Unit Factors** - The combined unit factors of all the new units must equal the unit factor of the unit to be phased.

5. **Easement And Utility Right Of Way** - Any easement or utility right of way, which does not affect the unit, must be dropped from the affected titles and endorsed on the additional sheet using document type REEI. (21)

6. **Amendment of Condominium Plan to Include Subsequent Phases** - The plan is to be registered using document type COPP. The registration of the plan will **not** generate a new plan number; the new titles will be created using the plan number of the initial phase. The condominium plan is amended by adding to it the plan(s) for the subsequent phases.

7. **Time Limit For Registering Last Phase** - For examination purposes, it is not necessary to determine if the last phase is registered within six years or within the time provided for in the Phased Development Disclosure Statement.

8. **Removal Of Unused Land From The Condominium Plan** - If the developer elects not to or fails to proceed with the subsequent phases, the developer, the corporation or an interested party may apply to the court and obtain a judge's order to remove the unused land from the condominium plan. A plan of survey is required to delineate the land to be removed from the condominium plan.

9. **Registration Stamp** - The following registration stamp is to be drafted on the plan:

Plan No. (of initial phase)

Phase \_\_\_\_\_ registered on \_\_\_\_\_

as instrument number \_\_\_\_\_

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A.D. Registrar

## **E. AMALGAMATION OF CONDOMINIUM PLANS**

1. **Heading** - The plan must bear a heading stating "Amalgamation of condominium plans \_\_\_\_\_". Each sheet of the plan is to be endorsed in the upper right hand corner with the words "Sheet \_\_\_\_\_ of \_\_\_\_\_".

2. **Adjacent Condominium Plans** - Only condominium plans that are adjacent may be consolidated. (23)

3. **Plan Requirements** - The plan must show the following: (24)

a) numbering and location of the units in relation to each other and common property.

b) a table setting out:

(i) the old unit numbers and the new unit numbers,

(ii) the unit factors,

(iii) the floor and ground areas of the units, and

(iv) the method by which the unit factors were calculated

c) the address for service of the amalgamated corporation.

d) the name of the person who prepared the plan. Typically a plan will be prepared by an Alberta Land Surveyor, although a plan prepared by any person will be acceptable provided it complies with all the requirements.

4. **Certification of Condominium Corporations** - The plan must be accompanied by (FORM C).

5. **Certification by the Person Who Prepared the Plan** - The plan must be accompanied by (FORM D).

6. **Unit Numbering** - Each condominium plan is to be assigned a separate letter with the plan registered first assigned the letter "A". If some of the units are shown on redivision plan(s), then those plan(s) in ascending order are assigned the next

consecutive letter(s). Each of the other plans registered in ascending order is assigned respectively the next consecutive letter(s). Each unit contained in each condominium plan is to retain the number assigned to it but with the letter assigned to the plan. (25)

7. **Easement Or Utility Right Of Way** - Any easement or utility right of way carried forward on all the units at the time of registration of the condominium plans and which affects common property must also be endorsed on all the units from the other condominium plans using document type REEI. [Tariff Item 13](#) is charged for each endorsement.

8. **Condominium Additional Sheet** - All instruments from the old condominium additional sheets except notice of change of by-laws and notice of change of directors is to be carried forward on the new condominium additional sheet.

9. **By-law** - The new by-law is registered on the new condominium additional sheet.

10. **Old Condominium Plans** - Copies of the old condominium plan are added to the new amalgamated plan. The Land Titles registration stamp, sheet number, additional sheet information and unit factors will be crossed out on the old plan.

#### 11. **Notation To Be Placed On The Old Condominium Plan**

a) on the copies of all of the old plan sheets, the following information is added on the plans:

PLAN	SHEET	OF
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PLAN A, B, etc.
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NOTE: ALL UNITS ON THIS PLAN ARE SUFFIXED WITH THE LETTER "A", "B", etc.
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b) on old plans, the following note will be added on the plan:

"AMALGAMATED INTO PLAN \_\_\_\_\_"

## F. **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.

## STATUTE AND CASE REFERENCES

Statute references are to the Condominium Property Act, R.S.A. 2000, c. C-22 unless otherwise indicated.

1. s. 3
2. s. 25

3. s. 28
4. s. 32
5. s. 8(1)(a); s. 8, Condominium Property Regulation, Alberta Regulation 168/2000
6. s. 5, Condominium Property Regulation
7. s. 6, Condominium Property Regulation
8. s. 8(2)
- 8.1. s. 20(1).
- 8.2. *Condominium Property Regulation, Alta Reg 168/2000, Part 3.*
- 8.3. s. 20(4).
- 8.4. *Condominium Property Amendment Act, 2014 SA 2014, OC 315/2017.*
- 8.5. s. 10(1)(b)(ii)(B).
- 8.6. s. 8(1)(l.1).
- 8.7. s. 8(1)(l.1)(i).
- 8.8. s. 8(1)(l.1)(ii).
- 8.9. s. 2(2).
- 8.10. s. 8(1)(f).
- 8.11. s. 10(1)(b)(ii)(B)&(C).
- 8.12. s. 20(9).
9. s. 7, Condominium Property Regulation
10. s. 10(1)
11. see procedure on Surveys - Examination of Subdivision Plans [SUR-2](#)
12. "parcel of land" is defined in s. 616(s) of the Municipal Government Act, R.S.A. 2000, c. M-26: "the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office"
13. s. 2(2)
14. s. 8(1)(m)
15. s. 8(3)
16. s. 20
17. s. 20(4)
18. s. 9, Condominium Property Regulation
19. s. 35(5), Condominium Property Regulation
20. s. 39, Condominium Property Regulation
21. s. 45, Condominium Property Regulation
22. s. 19
23. s. 47, Condominium Property Regulation; "adjacent parcel" is defined in s. 46(a) of the Condominium Property Regulation as 2 or more parcels that are adjoining or are separated only by
  - (i) a highway as defined in the *Highway Traffic Act* or the successor to that Act,
  - (ii) a right of way for a pipeline,
  - (iii) a right of way for a public utility as defined in section 1 of the *Municipal Government Act*,
  - (iv) a right of way for a railway, or
  - (v) 2 or more highways and rights of way referred to in subclauses (i) to (iv).
24. s. 51, Condominium Property Regulation
25. s. 5, Condominium Property Regulation