CON 1 – Consolidation of Titles

Land Titles & Surveys - Procedure Manual

Alberta

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Classification: Protected A

A. Background

Registered owners of two or more adjacent parcels of land or interests may consolidate their parcels or interests into one or more Certificate(s) of Title. Registrants should exercise care in requesting consolidations as a future separation may be subject to subdivision approval, especially in the case of parcels in subdivision plans registered before July 1, 1950.

On July 1st, 1950, the first Municipal Government Act was enacted into legislation, thereby enforcing land use development requirements on subdivisions throughout Alberta. Subdivisions which have been registered after this date have undergone all necessary subdivision review requirements, thus it is applicable for future separation of these consolidated titles not to require subdivision approval.

In this section, the focus is on consolidations which can be done by using Form A.

Factors Affecting Consolidation

1. Intention
    a. The owner wants to combine the certificate of titles they own into one or more titles,
    b. The parcels to be consolidated will have structures crossing the property lines.

2. Legal Land Description
    a. Subdivided land may not be consolidated with unsubdivided land using Form A, instead a plan of consolidation will be required to consolidate.
    b. Subdivided land may be consolidated if they are from the same subdivision plan, are contiguous and contained within the same block.(1)

    Subdivided Land – Legal Description identified with Plan, Block, Lot (ex. Plan 121 2324, Block 2, Lot 1)
    Unsubdivided Land – Legal Description identified with Meridian, Range, Township Section, Quarter Section (Ex. Meridian 4, Range 1, Township 1, Section 1, Quarter South West)

3. Ownership
    a. Owner's Names must be identical on all titles to be consolidated,
    b. Land Ownership, Tenancy, and Estate must be identical on all titles

4. Parcels must be Adjacent/Contiguous

5. Adjacent Land – Land that is contiguous if not for a highway, road, river or stream (2)

B. Policy and Procedure

General Information

COTP – Consolidation of Parcels:

1. For legal descriptions with the referenced Survey Plan having been registered pre-July 1st, 1950.
2. Resulting consolidated title will retain the same lots and block Number under the plan, but the title will have only 1 LINC.

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3. For lands in the same quarter section, where one land is an exception on the parent quarter. Consolidation will drop the exception from the title.
4. May be used to consolidate a titled Railway Plan, Right of Way Plan, or a closed road into the parent parcel, if the Plan is an exception on the parent title. Consolidation will drop the exception from the title. Otherwise, a plan is required to do the consolidation.
5. May be used to consolidate parcels with the same short legal descriptions (e.g. E½ and W½ of Lot1)
6. An attempt to re-separate into the individual lots or parcels will require Subdivision Approval.
7. Consolidation is completed via “FORM A” or Plan of Consolidation

COTL – Consolidation of LINCS:

1. For legal descriptions with PLANS registered after July 1st, 1950.
2. Resultant consolidated title will put the different lots into one title with multiple LINCS, each Lot still having its own LINC. The title may be separated back into the different lots without Subdivision Approval.
    a. If the intention is to develop the land where a structure crosses the property lines, a Plan may be needed to consolidate the lots into one parcel.
3. For lands in the same section, consolidation will create a title showing each quarter identified with its own LINC.
4. Consolidation is completed via “FORM A”

COTI – Consolidation of Interests:

1. For owners who have more than one title for undivided shares in a parcel of land (multiple interest titles), the titles can only be consolidated if the registered instruments and caveats are identical on each of the Certificates of Titles being consolidated.
2. Consolidation of interests is completed via “FORM A”

B1: Method #1 - Consolidation via “Form A”

General Information

A **“Form A”** consolidation is completed when the intention is to consolidate two parcels that were subdivided after July 1, 1950, into one title. Note that the new title will consist of multiple lincs and the original legal description of the parent parcels.

A “**Form A”** consolidation requires the following conditions to be satisfied for the parcels being consolidated:

1. Parcels are contiguous,
2. Ownership, tenancy, and estate owned are identical in all titles.
3. The registered owner(s) or an agent acting on behalf of the owner(s) may make application to consolidate. Attestation requirements do not need to be complied with.
4. Legal descriptions on the parcels to be consolidated could be any of the following:
    a. identical plan and if applicable, block numbers.
    b. lands are in the same section.
    c. lands in the same quarter section, where the other parcel is an exception to the main parent title.
    d. titled Railway Plan, Right of Way Plan, or a closed road, consolidated into the title from which it was excepted out of (parent parcel).
    e. Parcels having identical short legal descriptions (e.g. E ½ 1 and W ½ of 1).

General Submission Requirements:

The Following submissions are required for a Consolidation via Form “A”

1. Documentation Registration Request (DRR)
    a. Completed via SPIN2
    b. Provides instructions to Land Titles Staff as to documentation type being registered
    c. Document Type – “Consolidation of Title”
    d. Rights Type – Surface
    e. Land ID – populates pending registration queue for land affected by registration. Linc Number, Short Legal, or Title Number
2. Completed Form A.
    a. Indicates land or interest being consolidated
    b. Describe Legal Description of land to be consolidated(Parent Parcels) and registered owner
    c. Indicate Legal Description of parcel after consolidation.
3. Required fees as described by Tarif of Fees, Land Titles Act.

Exceptions

Corporate Attestation requirements must be complied with (see procedures under AFF-1, AFF-2 and COR-1).

B2. Method # 2 – Consolidation via Plan Cancellation Bylaw (PLCB)

General Information

When the intention is to have the existing Lot Numbers changed to a different Lot Number for the consolidated lots, other than that shown on the registered plan, a Plan Cancellation Bylaw is the recommended method to use.

*Refer to SUR – 9 – Plan Cancellation Bylaw (SUR 9 - Manual).

B3. Methods #3 - Consolidation via Plan of Survey/Descriptive Plan

General Information

1. When the parcels to be consolidated contain different Survey Plans #’s, block numbers or includes streets, closed roads, both subdivided and unsubdivided land; a Plan of Survey or Descriptive Plan may be used for the consolidation.
2. An Alberta Land Surveyor must be consulted to prepare the Plan for consolidation.
3. Consolidation via Plan of Consolidation results in a title being issued to the Lot, Block and Plan# of the registered Plan of Consolidation.

Refer to SUR – 2.2 – Surveys – Examination of Consolidation Plan and Plan of an Existing Parcel (SUR 2.2 - Manual)

Refer to SUR 3 – Surveys – Examination of Descriptive Plans (SUR - 3 - Manual)

A **Plan of Survey / Descriptive Plan** consolidation requires the following conditions to be satisfied for the parcels being consolidated:

1. Ownership and tenancy are identical.
2. Plan and block numbers may not be identical.
3. If roads and lanes are included in the consolidation, Road Closing Bylaws and corresponding Transfers must accompany the Plan at the time of submission.
4. Subdivided Parcels (Plan, Block, Lot) and unsubdivided land (under the quarter section) may be consolidated this way.
5. Future subdivision of the new parcel will require subdivision approval.

General Submission Requirements

1. Documentation Registration Request (DRR)
    a. Completed via SPIN2
    b. Document Type – "Miscellaneous Plan" or "Plan Survey – New Title"
    c. Rights Type – Surface
    d. Land ID – populates pending registration queue for land affected by Registration. Linc Number, Short Legal, or Title Number
2. Plan of Survey
    a. Prepared by an Alberta Land Surveyor
    b. Surveyor Affidavit, Consent to Plan (Registered Owners)
    c. Attestation requirements must be complied with (see procedures under AFF-1, AFF-2 and COR-1).
3. Required fees as described by Tarif of Fees, Land Titles Act.

B4. CASES IN WHICH CONSOLIDATION IS NOT ALLOWED

1. 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 MGA which is situated in a Special Area (3).
2. Condominium Units cannot be consolidated into one title. No more than one unit may be included in one Certificate of Title, and no other land, except the owner's share in the common property may be included in the same Certificate of Title with a Unit.(5)
3. Consolidation of Units is not allowed unless into a new Unit Number, may also include common property See CDE – 1, Sections 58, 59, 60 Condominium Property Regulations

C. Fees

- Tariff of Fees item 11(4) is charged on all consolidations.
- Tariff of Fees item 13 is charged for the cancellation of each title after the first.
- Tariff of Fees item 12 is charged for each additional title issued after the first.

For more information, please see "Land Titles and Surveys common documents fee schedule". (Link)

D. Forms

- Form A – Application for Separation or Consolidation of Titles (FORM)

E. Related and Standard Policy / Related Content

Instruments Registered on Title

1. All registered instruments affecting the former certificate of titles are carried forward to a new title created by the consolidation.
2. Depending on the method of consolidation, instruments which are not identical carry forward onto the affected land only, or as to part of the consolidated parcel.
3. Where an application is made to consolidate adjacent parcels of land and it is indicated on the form that one of the parcels included in the consolidation was
    a. (i) formerly a public road, right of way, drainage ditch, canal or the bed and shore of a body of water
    b. (ii) transferred to or vested in the registered owner to accommodate an encroachment or rights to exclusive possession
    c. (iii) formerly a railway (added September 26, 2024)
4. All encumbrances registered or caveated against the other parcel are deemed to apply to all the land comprised in the consolidated parcel. (4)

F. Statutes and Case References –

Applicable Legislated Acts

- Land Titles Act
- Condominium Property Act
- Condominium Property Regulations
- Special Areas Act
- Municipal Government Act
- Tariff of Fees Regulation, Land Titles Act (Tariff)

Land Title Procedure Manuals

- AFF – 1 – Affidavits of Attestation (Manual)
- AFF – 2 – Affidavits Sworn Outside of Alberta (Manual)
- CDE – 1 – Instruments Registered Pursuant to the Condominium Property Act (Manual)
- COR – 1 – Corporations – Acquisition and Disposition of Interests (Manual)
- SUR - 2.2 – Examination of Consolidation Plan and Plan of Existing Parcel (Manual)
- SUR – 3 – Examination of Descriptive Plans (Manual)
- SUR - 9 - Surveys- Plan Cancellation By-law (Manual)

Land Titles and Surveys Common Documents Fee Schedule (Schedule)

References

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

Reference #	Reference
1	s. 26, Land Titles Act, R.S.A. 2000, c. L-4
2	s.616a (i), Municipal Government Act
3	s. 21, Special Areas Act, R.S.A. 2000, c. S-16
4	s. 75(2), Land Titles Act
5	s. 5(2), Condominium Property Act, R.S.A. 2000, c. C-22