



SUR 2.3 - Surveys - Transfer of Part of Land

Land Titles & Surveys - Internal Procedure Manual

Table of Contents

A. Background	1
B. Policy and Procedure	1
General Information	1
General Submission Requirements	1
Partial Transfer Type #1 – Subdivision	1
Partial Transfer Type #2 – To Patent Land to Only a Portion of a Quarter Section or River Lot	2
Partial Transfer Type #3 – Subdivision and Consolidation	2
Partial Transfer Type #4 – Transferring a Designated Site “Area” on a Previously Registered Plan	2
Partial Transfer Type #5 – Separation of Railway Portions	2
Partial Transfer Type #6 – Transfer of Part of Common Property (TFCP)	2
Partial Transfer Type #7 – Land for Irrigation Districts	3
C. Fees	3
D. Forms	3
E. Statutes and Case References	3
Applicable Legislated Acts	3
Land Titles Procedure Manuals	4
References	4

A. Background

A Certificate of Title can be transferred in full or in part under the authority of Section 64 of the Land Titles Act ([1](#)).

This procedure focuses on a transfer in part as required for common ownership and tenancy requirements, in which a registered owner of land intends to transfer only a portion of his parcel for any of the purposes enumerated below.

A Transfer of Part of Land is used to facilitate title creation for the parcel that will be part of, or designated as, a lot within a plan to be registered, before the plan itself is registered. This cancels a title as to part, creates a title for the new owner for that portion, and issues a remainder title for the original parcel. New LINC numbers are assigned to all new parcels created.

B. Policy and Procedure

General Information

Partial Transfers are usually submitted with a Plan of Subdivision, except in the case of Railways, Right of Ways or Site Plans, where the plans were registered prior, and the transfer refers to the previously registered Plan of Survey.

Transferring part of a parcel constitutes a subdivision. However, the subdivision approval provided with the Plan of Subdivision is sufficient to satisfy Part 17 of the Municipal Government Act.

When an exemption for subdivision approval is to be applied, the transfer document must state the subdivision exemption e.g. for sites, etc.

General Submission Requirements

The following requirements must be complied with for a Transfer of Part of Land registration submission:

1. Documentation Registration Request
 - a. Completed via SPIN2
 - b. Document Type – Transfer of Land - Part
 - c. Rights Type - Surface
 - d. Land IDs – Linc Number, Short Legal or Title Number
2. Transfer of Part of Land
 - a. In general, partial transfers must comply with the requirements outlined in [TRF-1](#).
3. Required fees as per the Tariff of Fees

Additional requirements may apply depending on the type of partial transfer.

Partial Transfer Type #1 – Subdivision

- Used when a new lot is created and titled directly to the new owner's name.
- When a parcel is subdivided as to part and the new owner wants a title to the new lot in their name upon plan registration, a partial transfer can be registered to the new owner. The new owner consents to the registration of the new plan.
- Transferring part of a parcel is generally considered a subdivision. In most cases subdivision approval provided with the associated plan is sufficient to satisfy the requirement.
- All applicable requirements outlined in [SUR-2](#) apply.

- Suggested legal description wording for the portion to be transferred:
*All that portion of the quarter section or Registered Plan, Block, Lot
lying within the limits of the New Plan _____, Block, Lot*

Partial Transfer Type #2 – To Patent Land to Only a Portion of a Quarter Section or River Lot

- Though not necessarily a subdivision, issuing a title to non-patent land for only a portion of a quarter section as shown on a plan takes the same format as already patented land.
- Letters Patent is required. (2)
- Suggested legal description wording for the portion to be patented:
*All that portion of the non-patented quarter section lying
within the limits of the New Plan _____, Block, Lot*

Partial Transfer Type #3 – Subdivision and Consolidation

- Used to establish common ownership and tenancy as required during the creation of a new parcel.
- Consolidating part of one parcel belonging to one owner with another parcel belonging to the transferee.
- Suggested legal description wording for the portion to be transferred:
*All that portion of the current legal description of parent title
lying within the limits of the New Plan _____, Block, Lot*

Partial Transfer Type #4 – Transferring a Designated Site “Area” on a Previously Registered Plan

- Transferring a portion which has been designated as a site or meter station shown as a designated area (ex. Area A) on a previously registered Right of Way/Railway/Miscellaneous Plan.
- Suggested legal description wording for the portion to be transferred:
All that portion of the quarter section (ATS) shown as Area “_” on Plan #_____

Partial Transfer Type #5 – Separation of Railway Portions

- Separating a portion shown on a previously registered Railway Plan from the Railway parent title.
- Subdivision approval is NOT required when the Railway Company owns the Railway title and they are separating a quarter section out and transferring it to the owner of said quarter section for the purpose of consolidating it with the quarter section title, provided that the transfer and consolidation are submitted with the separation.
- Subdivision approval is NOT required when the Railway Company owns the Railway title, and the separation is accompanied by an affidavit from an officer or director of the Railway Company stating that the lands are being subdivided solely for the purpose of the construction or operation of a railway and that there is no intention to sell either the new or residue parcel created by the subdivision.
- All other instances require subdivision approval.
- Suggested legal description wording for the portion to be transferred:
*All that portion of Registered Railway Plan,
Meridian __, Range __, Township __ within Quarter Section __
lying within the limits of New Plan _____, Block, Lot*

Partial Transfer Type #6 – Transfer of Part of Common Property (TFCP)

- Transferring a portion of common property within a registered condominium plan pursuant to S.49, Condominium Property Act. (3)

- All applicable requirements outlined in [CDE-1](#) apply.
- Certificate of Corporation ([Form 4](#)) is required.
- Suggested legal description wording for the portion to be transferred:
*All that portion of Common Property on Condominium Plan # _____
lying within the limits of New Plan _____, Block, Lot*

Partial Transfer Type #7 – Land for Irrigation Districts

- The partial transfer and the plan are typically submitted together.
- However, partial transfers may be submitted on their own form an Irrigation District to transfer out of an existing irrigation title, or by a Registered Owner to the Irrigation District for an existing registered plan.
- The Irrigation Districts are not exempt from any existing instruments or caveats on the affected title. Registered interests carry forward to affected areas being transferred.
- Subdivision Approval is not required. ([4](#))
- Suggested legal description wording for the portion to be transferred:
*All that portion of the current legal description of parent title
lying within the limits of the New Plan _____, Block, Lot*

C. Fees

- [Tariff item 3](#) – is charged for the transfer.
- [Tariff item 12](#) and [Tariff item 13](#) – Title Related fee.
- Land Titles Act, S. 64.1 – Levy Fee

D. Forms

- [Form 4](#) – Certificate of Corporation ([Link](#))
- [Form 8](#) – Transfer of Land ([Link](#))

E. Statutes and Case References

Applicable Legislated Acts

- Condominium Property Act
- Land Titles Act
- Municipal Government Act
- Tariff of Fees Regulation, Land Titles Act ([Tariff](#))

Land Titles Procedure Manuals

- [CDE-1](#) – Instruments Registered pursuant to the Condominium Property Act ([Manual](#))
- [TRF-1](#) – Transfers ([Manual](#))
- [SUR-2](#) – Surveys – Examination of Subdivision Plans ([Manual](#))

References

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

Reference #	Reference
1	s. 64
2	s. 66
3	s. 49, Condominium Property Act, R.S.A. 2000, c. C-22
4	s. 3, Planning Exemption Regulation, Alberta Regulation 223/2000