

# Condominium Guide

**NOTE:**

**This document is a Controller of Surveys Policy manual to be used as a general guideline for the preparation and examination of condominium plans. The document is intended to outline some of the new rules and regulations that have come about as a result of the automated LAND system. Reference should still be made to the various Acts and Regulations pertaining to specific situations which may or may not be included in this document.**

**While every reasonable precaution has been taken in the preparation of this Policy manual, the author and publishers assume no responsibility for errors or omissions or for uses made of the material contained herein and the decision based on such use. Neither the author nor the publishers make any images, warranties or guarantees of any kind, either express or implied and shall not be liable for any indirect, special, incidental, or consequential damages arising out of the use or inability to use the contents of this manual whether the author or publisher has been advised of the use of this publication or not.**

# Table of Contents

Overview.....	1
Condominium Types.....	2
Building Condominium .....	2
Bare Land Condominium.....	2
Grain Condominium for Agricultural Purposes.....	3
Phased Condominium .....	3
Combination Condominium.....	3
Plan Requirements .....	4
Title Block .....	4
Legend.....	4
Site Plan .....	5
Floor Plans, Cross Sections, Sectional Views, etc.....	6
Schedule of Unit Factors (Form C).....	7
Support Documents.....	8
Support Documents for a Building Condominium .....	8
Support Documents for a Bare Land Condominium .....	8
Support Documents for an Agricultural Condominium.....	8
Support Documents for a Phased Condominium.....	8
Condominium Termination.....	9
Redivision of Building or Bare Land Unit(s) .....	10
Redesignation of Exclusive Use Parking Spaces .....	11
Designation of Common Property to Exclusive Use Parking Spaces.....	12
Amending Instrument, New Plan.....	13
Amending Instrument, Plan Amendment .....	14
Subdivision of Common Property .....	15
Combination Subdivision of Unit(s) and Common Property .....	16

Exclusive Use Common Property areas.....	17
Encroachments .....	17
Appendix A – Condominium Cancellation.....	19
Appendix B – Certification of Approval .....	20
Appendix C – Condominium Forms.....	21
Appendix D – Surveyor’s Certification Examples .....	22

## Overview

In a condominium corporation each individual owns their unit and a proportionate share of the common property/services unit and common facilities. Condominium plans allow for fee simple unit titles to be issued, which may be dealt with in the same manner as any title held pursuant to *The Land Titles Act, 2000*.

A condominium corporation is created upon titles being issued to the units of a new condominium plan. The condominium corporation is registered with The Corporations Branch. Condominium unit owners are essentially minority shareholders in a non-profit corporation with bylaws setting out the regulations. The condominium corporation has a board of directors. The members of the board are made up of several of the unit owners, who must be elected.

The recent amendments to *The Condominium Property Act, 1993* (*The Condominium Property Amendment Act, 2009*) and *The Condominium Property Regulations, 2001* (*The Condominium Property Amendment Regulations, 2010*) facilitate multi-use condominium developments. The amendments achieve three main objectives. The first will facilitate condominium governance by creating options for sectors within a condominium corporation. The second will allow the option to title common property areas referred to as a “Services Unit.” The third will allow parking units to be titled, while still ensuring that current consumer protection requirements are maintained.

**Note:** Currently titled parking units can only be created on new condominium plans. Parking Units cannot be created by Re-division, Amending Instrument or by Phase Development. ISC’s intent is to address outstanding titled parking issues, during a second phase of the condo project, which is expected to commence in early 2011. The project will likely implement in phases due to the varying complexities of the changes needed. We anticipate being in a position to implement the creation of parking units on a re-division in the fall of 2011, assuming no further regulatory changes are required and those requirements prioritization continues as understood today.

## Condominium Types

A developer may choose one of the following types of condominium developments or a combination thereof:

- Building Condominium
- Bare Land Condominium
- Agricultural Condominium
- Phased Condominium

### Building Condominium

A building condominium is sometimes referred to as a standard or normal condominium. The buildings are divided into units, common property and/or services units. Typically, this type of condominium will either be a townhouse or apartment style, but not limited to such. The building/s must be built and divided into units to the lockup stage prior to the survey and subsequent legal plan of survey and support documentation being submitted to ISC Surveys. The plan is to be examined and when approved a **Transform Approval Certificate (TAC)** would be issued and forwarded to the client who originally submitted the plan.

The condominium plan may describe the boundaries of the units in relationship to the floors, walls and ceilings. In the case of parking units the boundaries of those units may be in relationship to floors, walls and ceilings *or* by measurements from floors, walls or ceilings that may not necessarily be of the unit *or* monumentation in accordance with *The Land Surveys Act, 2000* and *Regulations* thereof.

Unless otherwise stipulated in the condominium plan the unit boundary includes the doors and windows as part of the unit and the only portion of a floor, wall or ceiling that is part of the unit is the finishing material that is in the interior of the unit, including any lath and plaster, paneling, gypsum board, flooring material, floor covering and any other material that is attached to, laid on, glued to or applied to the floor, wall or ceiling, or applied to a wall located within the unit that is a load-bearing wall. The areas not included within the unit boundary forms a part of the common property or services unit.

### Bare Land Condominium

The land is divided into bare land units, common property and/or services units. The bare land unit is similar to a lot as shown in a subdivision plan. The bare land unit boundaries are defined by monumentation in accordance with *The Land Surveys Act, 2000* and *Regulations* rather than by floors, walls and ceilings as described in a building condominium. Parking unit boundaries are also defined by monumentation in accordance with *The Land Surveys Act, 2000*.

Upon titles being issued to a bare land condominium in the Developer's name (Services Unit in the Condominium Corporation's Name) the developer may transfer the unit/s, regardless if buildings have been developed or not on the units.

A bare land condominium requires approval from the Local Authority being the Municipality in which the Condominium Corporation will exist and approval from the appropriate approving authority in accordance with *The Planning and Development Act, 2007*.

## **Grain Condominium for Agricultural Purposes**

In a grain condominium the existing floors, walls and ceilings define the unit boundaries; however an imaginary line as set out by measurement may define the unit ceilings or floors. The unit owners' grain is not necessarily stored in their own unit. The Condominium Corporation calculates the volume of grain that it would take to occupy the area of that unit.

The Regulations pursuant to *The Condominium Property Act, 1993* provide that some of the Sections of the Act designed for residential condominiums do not apply to grain condominiums. Examples are rules relating to parking, disclosure of information to purchasers, and the holding of meetings of the corporation.

## **Phased Condominium**

Phased condominiums may be used when the developer wishes to develop units in stages. It is normal to use phased development for building condominiums however not limited by condominium type. The first phase is submitted to ISC Surveys for creation of the TAC. The developer is required to provide security to the additional phases and have an interest registered on the unit titles of the original phase.

*The Condominium Property Act 1993* includes rules for the procedure and the time limits the developer must follow in developing the phases to completion. When the next phase has been developed, a new plan by a practicing Saskatchewan Land Surveyor must be submitted as a replacement (Phased) condominium plan, for examination and subsequent TAC.

## **Combination Condominium**

The combination plan may consist of any combination of the condominium types. The combination of having the building and bare land condominium is the most common situation. The appropriate support documents are required for each condominium type that makes up the combination.

## Plan Requirements

The first sheet must include the following:

- Title Block;
- Legend or Notes; and
- Site Plan.

*NOTE: The site plan may also include other situations such as floor plans, elevations, sectional views and Unit Factor Schedule.*

### Title Block

The Title Block should include the following information in the order as shown:

- **Condominium name (Optional)**
- Plan Type: **Plan of Survey**
- Land Layer: **Surface**
- Condominium Type: **Building, Bare Land, Agricultural, Phased or any combination thereof.**
- Reference to: **the legal land description(s) of the subdivision parcel(s) affected.**
- Location:
  - **1/4 Sec – Sec - Twp – Rge - Mer**
  - **Urban Name or Rural Municipality Name & No.**
  - **Saskatchewan**
- Who prepared the plan: **Name of Surveyor**
- Date of survey: **Month or range of months and year or range of years**

*NOTE: The scale of the plan shall be drawn at a 1, 2 & 5 series (1:500, 1:1000, 1:2000, 1:5000) or a scale approved by the Controller of Surveys and placed in the area of the Site Plan, Floor Plans, Cross Sections and / or Section Views.*

### Legend

The legend should identify the following information:

1. Area to be approved is outlined with a heavy dashed line.
2. Measurements are in metres and decimals thereof.
3. The parcel within the line of approval has an extension 0.
4. Measurements indicating the position of the building/s in relation to the outer boundaries of the parcel are taken to the foundation at ground level. (building, agriculture or phased condominium)
5. Unit Boundaries should be clearly defined and be in relation to the floors,

walls and ceilings (building or agriculture condominium). For a bare land condominium, the boundaries are governed by monuments placed pursuant to the provisions of *The Land Surveys Act, 2000* and Regulations. Small iron posts are allowed at unit corners; however the size of the monumentation must be indicated in the legend.

6. If balconies, patios, decks or storage areas are to be exclusive use common property or services unit for the adjoining units, a statement to that effect must be included in the legend.
7. Parking spaces shown on the plan are exclusive/non-exclusive use common property and are designated P1, P2 etc. Parking spaces are in accordance with Section 11(1) (a), 11(2) (a), 11(2) (b) or 11(2) (c) of the Condominium Properties Act 1993, or a combination thereof.
8. Visitor parking spaces shown on the plan are non-exclusive use common property and are designated V1, V2 etc.
9. All areas not designated with a unit number are common property.
10. Parking unit boundaries are defined by floors, walls and ceilings *or* by measurements from floors, walls and ceilings *or* monumented under *The Land Surveys Act, 2000* in accordance with Section 11(1)(b), 11(2)(a), 11(2)(b) or 11(2)(c) of the Condominium Properties Act 1993.

*NOTE: Parking units may be required to be assigned to a residential unit; however no assignment to the parking will exist on the plan. The assignment must be addressed at the time of title issuance.*

## Site Plan

Sheet 1 must always include the Site Plan and adhere to the following guidelines:

- The plan shall not exceed 860 mm in width or 3,000 mm in length.
- An area of at least 20 mm but no more than 40 mm around all edges of the plan must be kept clear of any information.
- If change orders are expected in the future for things such as redivision or parking redesignations leave a minimum blank space of 5cm inside the left hand border of plan.
- A North Arrow must be shown on the Site Plan and the Floor Plans.
- All feature plan limits are to be shown as dashed lines along with the plan number referenced.
- All parcels immediately adjacent to the survey must be shown along with their **Legal Land Description (LLD)** to give a geographical location.
- All surrounding titled parcel boundaries shown must be defined by solid lines and feature plans by dashed lines (except condominium unit boundaries that are not shown).
- For abbreviations, see Section 13(1) and Appendix 2 of *The Land Surveys Regulations*.

- Where sufficient space does not exist on the plan proper to show all information that is required, that information may be shown on an enlargement or detail, drawn to a size that is sufficient to clearly show that information. The enlargement is *not* required to be drawn to scale however it must be drawn proportionately so it is clear as to its survey content. Plans entered with enlargements drawn to scale will be acceptable regardless of the scale used.
- Enlargements (Details) shall be drawn outside the parcel where possible.
- Adjacent street names must be displayed where portions of urban areas are shown.
- Condominium plans, shown for reference information, should be labelled “Condominium Plan No. \_\_\_-\_\_\_” with the underlying subdivision plan number shown in brackets.

E.g.: Condominium Plan No. 99RA05654  
(Plan No. 96R68343)

- The perpendicular width of all adjacent roads, streets and lanes may be shown.
- A notation to reference site plan, floor plan, cross section and/or sectional view must be referenced and the scale to which it is drawn must be shown.
- Measurements from the exterior of the building to the parcel boundary at ground level must be shown. (Building condominium)
- All unit numbers, unit types, approximate calculated area, exclusive use parking spaces and other exclusive use situations must be identified as such in the schedule (Form C).
- On new plans, unit numbers are to be numbered consecutively beginning with Unit 1 and ending with a unit numbered to correspond to the total number of units shown in the plan.

## **Floor Plans, Cross Sections, Sectional Views, etc.**

- All floor plans and their cross sections should be drawn to scale. If there is more than one level to the unit, all levels must be shown and identified as such.
- Vertical dimensions are not necessarily to be shown to the unit boundaries, however preferable.
- In the case where units or buildings are typical to one another, the term “typical” may be used.

**NOTE:** *All units must be identified.*

- Unit boundaries are to be shown with a distinctive line, such as a heavy solid or heavy dashed lines and a note added to the floor plan or on that particular

sheet stating such.

- Measurements are shown along the unit boundaries and a note added to the floor plan or on that particular sheet stating such.
- A North Arrow must be shown on the Site Plan and Floor Plans.
- Each sheet must be clearly marked in the top right hand corner as to the number of the sheets in the plan (Sheet 1 of 3, Sheet 2 of 3, Sheet 3 of 3).

*NOTE: Additional sheets may be added to the plan as required.*

## **Schedule of Unit Factors (Form C)**

This schedule is required to be shown on the plan and contain the following information:

- Unit numbers.
- Unit Types along with reference if they are residential or commercial.
- Unit factors in whole numbers (the total of unit factors for all the units in the plan must equal 10,000).
- Approximate area of each unit in whole numbers (includes parking units).
- Areas for Services units are not required.
- Exclusive use parking and/or storage spaces may also be included on form C
- The schedule may also include other features such as the suit number and/or civic address (these other features are not examined).

*NOTE: Balconies, patios, decks and/or storage spaces cannot be re-assigned.*

*NOTE: A separate schedule must be set out for exclusive use parking if not included in the schedule of unit factors.*

## Support Documents

### Support Documents for a Building Condominium

- Surveyor's Certification.
- Developer's (Registered owner/s) consent. The Developer must sign using a seal or have a witness and supply a witness's affidavit.
- Form B, Certificate of Local Authority (Municipality).
- Address for Service of the Condominium Corporation.

*NOTE: A Building Condominium Plan does not require approval in accordance with The Planning and Development Act, 2007.*

### Support Documents for a Bare Land Condominium

- Surveyor's Certification.
- Developer's (Registered owner/s) Consent. The Developer must sign using a seal or have a witness along with a witness's affidavit.
- Form B, Certificate of Local Authority (Municipality).
- Address for Service of the Condominium Corporation.
- *Subdivision Approval in accordance with The Planning and Development Act, 2007. (This includes the plan of proposed condominium endorsed by the Planning Authority).*

### Support Documents for an Agricultural Condominium

- Surveyor's Certification.
- Developer's (Registered owner/s) Consent. The Developer must sign using a seal or have a witness along with a witness's affidavit.
- Form B, Certificate of Local Authority (Municipality).
- Address for Service of the Condominium Corporation.

*NOTE: An Agricultural Condominium Plan does not require approval in accordance with The Planning and Development Act, 2007.*

### Support Documents for a Phased Condominium

- Surveyor's Certification.
- Developer's (Registered owner/s) Consent. The Developer must sign using a seal or have a witness along with a witness's affidavit.
- Form B, Certificate of Local Authority (Municipality).

- Address of Service of the Condominium Corporation.

*NOTE: A phased building condominium plan does not require approval in accordance with The Planning and Development Act, 2007 however a bare land does.*

---

## Condominium Termination

There are two ways to terminate condominium status:

- Certified copy of Unanimous Resolution; or
- Court Order

When the Condominium Corporation is dissolved, the owners of the units are entitled to the parcel as tenants in common, in shares proportionate to the unit factors of their units.

Upon unanimous resolution or court order made to terminate condominium status, notice must be immediately provided to the Corporations Branch and the Controller of Surveys. A new plan (deemed to be that notice) is required for the purpose of a transform allowing the issuance of a title to a regular parcel rather than to condominium units. The plan may be a *Descriptive Plan Type II* along with a certified copy of Form JJ.

The following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Descriptive Plan Type II text plan;
5. Form JJ (which contains the Notice of Termination of Condominium Status);
6. Certified copy of the Unanimous Resolution.

*NOTE: Use the ISC designed template for Condominium Parcel Cancellation. (See Appendix A).*

*NOTE: Notice of termination of condominium status is in form JJ*

*NOTE: The boundary of the resulting parcel using a Descriptive Plan Type II text plan must be identical to the underlying subdivision parcels as shown on an existing plan filed in the Land Surveys Directory.*

## Redivision of Building or Bare Land Unit(s)

An owner of a condominium unit may re-divide their unit, pursuant to *section 25* of the Condominium Property Act 1993. An example of a redivision is dividing one large unit into two or more smaller ones, or creating one larger unit from two existing units. A redivision requires approval from the local authority and the approving authority pursuant to *The Planning and Development Act, 2007* in the case of a Bare Land condominium. The redivision may be accomplished by either amending the current condominium plan (most common situation) or by a new condominium plan. A redivision Plan Amendment cannot affect or create common property however may affect or create a Services Unit.

When a redivision occurs, only the titles to the units being redivided must be surrendered and titles to the new units set up. The unit factor for the original unit/s being redivided must be apportioned among the new units so that the sum of the unit factors for the new units equal that of the redivided unit/s.

The client is required to employ a Saskatchewan Land Surveyor to prepare a new plan or amend the existing plan of survey. The amendment may replace the condominium plan sheet/s or add a new sheet, showing the new unit boundaries being created. The Surveyor would:

1. Measure the new Unit boundaries being created;
2. Obtain Local Authority's Approval (Building, Bare Land, Agricultural or Phased);
3. Obtain Approval in accordance with *The Planning and Development Act, 2007* (Bare land only);
4. Prepare a Condominium Plan for redivision (Plan amendment); and
5. Submit the redivision plan and support documentation to ISC Surveys for Approval.

The following documentation is required for ISC Surveys when the redivision is accomplished by amending the current condominium plan:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Additional sheets;
5. Surveyor's Certification;
6. Application for Plan Amendment;
7. Local Authority's Approval;
8. Condominium Unit Factor Redivision Schedule;

9. Developer's Consent (Registered Owners) (except for new plan)
10. Modified Form V , showing old & new units & unit factors (for a new plan);

***NOTE:** Community Planning Approval is required for a Bare Land or Combination plan.*

***NOTE:** The Plan of Survey is for the survey information showing the redivision of the unit(s).*

***NOTE:** The Developer is the registered owner at the time the unit title/s is being surrendered.*

***NOTE:** There is no prescribed form for the Unit Factor Redivision Schedule. The schedule would identify the old unit number, old unit factor, old unit exclusive use parking spaces (if any), new unit number, new unit factor and new unit exclusive use parking spaces (if any).*

***NOTE:** The above documentation is submitted to ISC Surveys as a single support document to the plan and not as a new plan submission with support documentation. A Certificate of Approval is issued to the client rather than a TAC. The Certificate of Approval and Unit Factor Redivision Schedule is required to be submitted along with the Packet to ISC Title Processing at the time of title issuance.*

***NOTE:** Certificate of Approval (see Appendix B)*

***NOTE:** The redivision process may also be used for consolidation.*

***NOTE:** If redivision is to be done by a new condominium plan, please contact ISC for instructions.*

---

## **Redesignation of Exclusive Use Parking Spaces**

To redesignate parking spaces pursuant to Section 11(3) of the Act, the following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Application for Plan Amendment (Section 42 of *The Land Surveys Act, 2000*);
5. Copy of Form D; properly executed by the current registered owner and by the first Mortgagee (if applicable) signed and sealed (if an embossed seal is used a Certificate of Notary is required) or signed before a witness and a

Witness's Affidavit and have the Form D executed by the Condominium Corporation (Seal preferable, however not a must).

*NOTE: ISC Surveys approves the Form D by endorsement and sends it to the client by fax.*

*NOTE: The Client applies to ISC Land Registry to register an interest based on the parking redesignation against the unit title the parking space is coming from and another interest on the unit title that it is going to.*

*NOTE: When Land Registry completes the registration of the interests they inform ISC Surveys so that the plan may be amended.*

*NOTE: The current registered owner/s must be the person/s that has executed Form D at the time of Application for Interest Registration being submitted to ISC both Surveys and Title Processing.*

*NOTE: Title parking units are not assigned by the plan; therefore no plan amendment is required when the parking units are being transferred.*

---

## **Designation of Common Property to Exclusive Use Parking Spaces**

The Condominium Corporation by way of a special resolution may designate an area of the common property as exclusive use parking. This amendment requires: an Application for Plan Amendment, a copy of the Special Resolution and the parking spaces must be shown on the condominium plan.

To redesignate parking spaces pursuant to Section 72 of the Act, the following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Application for Plan Amendment (Section 42 of *The Land Surveys Act, 2000*);
5. Certificate of the board which states that the resolution mentioned in subsection 72(1) was properly passed and the certificate is under the seal of the corporation.

*NOTE: The condominium corporation passes a special resolution to permit an owner to*

*exercise exclusive use with respect to one or more areas of the common property.*

**NOTE:** *ISC Surveys endorses and returns the Certificate to the client by fax.*

**NOTE:** *The Client applies to the land Registry to register an interest (S72.1) and attaches the endorsed certificate to the application. The interest is registered on title for unit receiving the exclusive use parking space.*

**NOTE:** *When Land Registry completes the registration of the interest/s they inform ISC Surveys so that the plan may be amended.*

---

## **Amending Instrument, New Plan**

In Accordance with Section 14 of *The Condominium Property Act, 1993 and Regulations*, the following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. New Condominium Plan;
5. Surveyor's Certification; (New survey information)
6. Local Authority's Approval; (Municipality's Approval, Form B)
7. Subdivision Approval; (*The Planning and Development Act, 2007*, Bare Land)
8. Form R or U; (Amending Instrument with Corporation's signature & Seal)
9. Form V; (Schedule)
10. Form S; (Certificate of Consent) (Corporation's signature & Seal).

**NOTE:** *The new plan receives a new plan number.*

**NOTE:** *The new plan may have new or amended units, measurements, parking, unit factors, unit or parking designations and/or area calculations etc.*

**NOTE:** *The plan heading may reference "Amended in accordance with Section 14, of The Condominium Property Act, 1993."*

**NOTE:** *A Transform Approval Certificate (TAC) is issued.*

**NOTE:** *The Form R, V & S must be acceptable to both ISC Surveys and ISC Land Registry prior to the TAC.*

*NOTE: Form R is the amending instrument for other than amalgamation or unit factors.*

*NOTE: Form U is the amending instrument for amalgamation only.*

*NOTE: Form W is the amending instrument for unit factors only.*

*NOTE: The Amending Instrument (new plan) cannot create parking units.*

---

## **Amending Instrument, Plan Amendment**

In Accordance with Section 14 of *The Condominium Property Act, 1993 and Regulations*, The following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Application for Plan Amendment; (Section 42 of *The Land Surveys Act, 2000*)
5. Surveyor's Certification;
6. Local Authority's Approval;
7. Form R, U or W; (Amending Instrument)
8. Form V; (Schedule)
9. Form S; (Certificate of Consent)

*NOTE: The amended plan may create new units or amend existing units, measurements, parking, unit factors, unit or parking designations and/or area calculations etc. The Amending Instrument cannot create parking units.*

*NOTE: The amendment may amend existing sheets, add new sheets and/or remove existing sheets.*

*NOTE: All the above documentation is placed as a single support document to the original condominium plan being amended.*

*NOTE: Forms must be acceptable to Land Registry prior to the Certificate of Approval (See appendix B) being issued.*

*NOTE: If legislation exists for plan amendments other than an amending instrument those processes must be followed rather than using the amending instrument. For an example: if exclusive use parking spaces are to be designated to another unit the legislated process must be used under normal circumstances rather than using the amending instrument.*

***NOTE:** Form R is the amending instrument for other than amalgamation or unit factors.*

***NOTE:** Form U is the amending instrument for amalgamation only.*

***NOTE:** Form W is the amending instrument for unit factors.*

***NOTE:** A Certificate of Approval will be issued and not a Transform Approval Certificate (TAC).*

***NOTE:** The Certificate of Approval (See appendix B) upon completion is submitted to our client informing them that they may proceed with title processing (if applicable).*

---

## **Subdivision of Common Property**

A condominium corporation may, on a unanimous resolution, transfer the common property or any part of it to any person pursuant to Section 70 and 70.1 of the Condominium Property Act 1993.

In order for the condominium corporation to transfer a portion of or all of the common property it must be done by way of the subdivision process.

The following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Plan of Survey; (Subdivision)
5. Surveyor's Certification;
6. Subdivision Approval.

***NOTE:** The subdivision plan may also include other parcels than the area being subdivided. If these other parcels are not generic parcels then additional support documentation may be required.*

***NOTE:** No new condominium plan or amended condominium is required when affecting only common property.*

***NOTE:** When titles are requested to be issued to this new subdivision plan, new titles will also be generated for the units in the source condominium parcel. The reason new condominium unit titles are created is that the parcel number will change as a result of the subdivision plan.*

*NOTE: A subdivision plan is not required in the case of lease on common property or on a services unit. A feature plan may be used to show the location of the intended lease and subsequent interest.*

---

## Combination Subdivision of Unit(s) and Common Property

A condominium corporation may, on a unanimous resolution, transfer the common property or any part of it to any person. Form R, V & S allow the unit/s to be removed from the corporation pursuant to sections 14, 70 and 70.1 of the Condominium Property Act 1993.

In order for the condominium corporation to transfer a portion of or all of the common property or services unit it must be done by way of the subdivision process. In the case where common property and one or more units are within the subdivided area required.

The following documentation is required for ISC Surveys:

1. Plan Processing Packet Cover Page;
2. Plan Processing Request;
3. Begin Attachment Sheet;
4. Plan of Survey; (Subdivision)
5. Surveyor's Certification;
6. Subdivision Approval;
7. Plan of Survey; (Condominium)
8. Surveyor's Certification;
9. Local Authorities Approval;
10. Subdivision Approval (Bare land);
11. Form R; (Amending Instrument)
12. Form V; (Schedule)
13. Form S; (Certificate of Consent)

*NOTE: The subdivision and new condominium plan is submitted ISC Surveys under one request. The reason for this is that the TAC for each of the plans will be linked in our system, therefore must be dealt with at the same time in ISC Title Processing.*

*NOTE: The subdivision plan may also include other parcels than the area being subdivided. If these other parcels are not generic parcels than additional support documentation may be required.*

*NOTE: Amending Instrument (new plan) cannot create parking units.*

## Exclusive Use Common Property areas

- Parking Spaces
- Storage Spaces
- Balconies
- Patios
- Decks

*NOTE: Parking Spaces may be designated as exclusive use area on the plan and assigned to a unit. The relation to the appropriate unit must be set out on a schedule being a part of the plan. Exclusive use parking may be redesignated from one unit to another using the legislation in accordance with Section 11(3) of the Act and the process set out in this guide.*

*NOTE: Balconies, Patios and Decks may be designated as exclusive use areas on the plan and assigned to an adjacent unit, however redesignation to another unit is not allowed.*

*NOTE: Storage areas may be designated as exclusive use areas however may not always be adjacent to the unit and should be designated as S1, S2 etc. The relation to the appropriate unit must be set out on a schedule being a part of the plan.*

*NOTE: Parking units are not exclusive use areas and have titles issued, therefore may be transferred. In some situations these parking units may be linked by title to a residential unit.*

---

## Encroachments

*Permanent encroachment may be defined as a permanent part of the building such as the foundation or supporting structure that encroaches onto a Public Highway or adjacent parcel.*

If the encroachment is onto a Public Highway such as a street or lane, under 10 (1) (c) of the Condominium Property Act 1993, an Encroachment Agreement (Form A) between the Developer, Municipality and The Ministry of Highways and Infrastructure is required. This Form A must be completed and forwarded as a support document along with the Condominium Plan. An encroachment agreement must be registered as an interest at the time titles are being issued to the new condominium plan.

If a *permanent encroachment* affects another lot, block or parcel of land other than a

street or lane the recommended method of dealing with this situation is by way of a subdivision plan or a Descriptive Plan Type I (DPI) lot line re-arrangement. A DP1 may be considered if the lot line re-arrangement is not affecting commercial property and the new lot line is a straight line, otherwise a plan of survey for subdivision is required.

A second option is to have an encroachment agreement drawn up by their lawyer. There is no need to register the agreement at ISC.

# ISC Condominium Guide

---

## Appendix A – Condominium Cancellation

### Descriptive Plan Type II Showing Surface Condominium Parcel Cancellation

**In** <Urban Municipality & Quarter Section, Township, Range & Meridian>

**By** <prepared by>

**Date** <month, day, year>

*Pursuant to:*

*The Condominium Property Act, 1993 and  
Regulations of The Land Surveys Act, 2000*

I <name of applicant>, of the <name of urban municipality>, request the following parcel cancellation and creation as described below. A copy of Form JJ with annexed certified copy of the Unanimous Resolution has been submitted with this plan.

#### SCHEDULE OF PARCELS TO BE CANCELLED AND CREATED

Condominium Plan Number To Be Cancelled	Existing Parcel Number To Be Cancelled	New Parcel LLDs To Be Created

After cancellation of the above parcels, the boundaries of the resulting parcels, are the same as those that constitute the perimeter of <old parcel identifier and Plan no.>.

---

Signature

# ISC Condominium Guide

---

## Appendix B – Certification of Approval



---

### CERTIFICATE OF APPROVAL

Date: \_\_\_\_\_

Request #: \_\_\_\_\_

Condominium Plan #: \_\_\_\_\_

Type of Change:

- A. \_\_\_\_\_ **Redivision – Section 25 *The Condominium Property Act, 1993***
- B. \_\_\_\_\_ **Unit Factor Amendment – Section 15.1 of the Act**
- C. \_\_\_\_\_ **Amendment of Condominium Plan – Section 14 of the Act**
  - \_\_\_\_\_ **Addition of Units**
  - \_\_\_\_\_ **Removal of Units**
  - \_\_\_\_\_ **Change of Size of Unit**

To: \_\_\_\_\_

Attention: \_\_\_\_\_

Please be advised that your application for plan amendment has been examined and approved by this office.

This letter constitutes the Certificate of Approval for the redivision.

Attached hereto is a copy of the approved Redivision Schedule/Unit Factor amendment/Plan Amendment Schedule.

An application may now be made to ISC Land Registry for the issuance of titles pursuant to the request. Once Titles are issued the condominium plan will be amended accordingly.

If you have questions or require further assistance please call 1-866-275-4721.

\_\_\_\_\_  
Controller of Surveys

ISC Surveys

## Appendix C – Condominium Forms

New Plan related Forms along with reference to the Section of the Condominium Regulations

- A - Encroachment Agreement (Section 6)
- B – Certificate of Clerk of Local Authority (Section 7.1)
- C – Schedule of Unit Factor (Section 12)
- D – Parking Space Redesignation (Section 13)
- R – Amending Instrument (Not Amalgamation) (Section 31)
- S – Certificate of Consent (Amendments) (Section 32)
- T – Notice of Court App. (Oppose Plan Amendment) (Section 33)
- U – Amending Instrument (Amalgamation) (Section 35)
- V – Schedule of Units, Service Units & Unit Factors (Section 35)
- W – Amending Instrument Unit Factors (Section 37)
- JJ – Notice of Termination of Condominium status (section 63)

***NOTE:** The above Forms are prescribed in The Condominium Property Amendment Regulations, 2010. A copy of forms may be obtained from Saskatchewan's Queen's Printer.*

# ISC                      Condominium Guide

---

## Appendix D – Surveyor’s Certification Examples

### Building Condominiums

*I (Set out Surveyor’s Name), Saskatchewan Land Surveyor, do hereby certify that the survey represented by this plan was made under my personal supervision; that this plan is correct and true and has been prepared in accordance with The Condominium Property Act, 1993 and was performed between the dates of (set out dates of survey); that the units shown on this plan are the same as those existing; that the building/s as shown on this plan is/are within the external boundaries of (set out parcel/s, plan/s affected); that no encroachments exist onto the said property.*

*Dated at (set out place) in the*

*Province of Saskatchewan this*

*(set out signature of surveyor)*

*(set out month, day, year).*

### Bare Land Condominiums

*I (Set out Surveyor’s Name), Saskatchewan Land Surveyor, do hereby certify that the survey represented by this plan was made under my personal supervision; that the survey on this plan was made in accordance with The Land Survey Act, 2000 and was performed between the date of (set out dates of survey); that this plan is correct and true and has been prepared in accordance with The Condominium Property Act, 1993; that the bare land units are situated within (set out the parcel/s, plan/s being affected); that no encroachments exist onto or off the said property.*

*Dated at (set out place) in the*

*Province of Saskatchewan this*

*(set out signature of surveyor)*

*(set out month, day, year).*