



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.

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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 Corporate Registry. Condominium unit owners are similar to 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.

Recent amendments to *The Condominium Property Act, 1993* and its Regulations move towards the facilitation of multi-use condominium developments by creating options for: (1) governance by sectors within a condominium corporation (2) titled common property areas referred to as a “services unit;” and (3) titled parking units while enhancing current consumer protection requirements.

At the time of implementation of parking units under the 2010 amendments, titled parking was a phased approach whereby "parking units" were only allowed to be created on submission of the initial condominium plan and not on a redivision plan. Effective March 6th, 2012 parking units may now be created on redivision plans from common property(sec 14 plan amendment or by new plan under sec 25). As of June 16th, 2014, condominium developments may now convert previously designated parking spaces into titled parking units provided that all existing designated residential parking spaces in the development are converted to titled units. Also, as of June 16th, 2014 a single designation(redesignation) may be done through interest amendments on title and no longer requires a plan amendment or new plan. Parking space allocations will be recorded by interests on title. Note that visitor and handicap parking spaces will remain common property.

Condominium Types

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

- Building (regular) Condominium
- Bare Land Condominium
- Agricultural Condominium
- Phased Condominium

Building Condominium

A building (regular) 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.

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 in accordance with *The Condominium Property Act, 1993*. 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. Approval is required from the condominium corporation where new common property or service units are created.

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 requirements below are in addition to Saskatchewan CAD File & Georeferencing Specifications and Drafting Requirements for the Preparation of Plans

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**
- **BY: Name of Surveyor**
- **DATE: Month or range of months and year or range of years**
- **SCALE: Scale of the plan**

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:

- 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)

- 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.
- 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.
- 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 Property Act, 1993*, or a combination thereof.
- Visitor parking spaces shown on the plan are non-exclusive use common property and are designated V1, V2 etc.
- All areas not designated with a unit number are common property.
- 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 Property Act, 1993*.

NOTE: *In some circumstances parking spaces are required to be assigned to residential units; however no assignment of the parking will be reflected on the condominium plan. The assignment must be addressed at the time of title issuance. Parking units are linked with residential units on title upon application to issue titles.*

NOTE: *On all initial condominium plan submissions after October 1, 2012 the type of parking being utilized for each residential unit must be clarified within the legend.*

Sample:

- *Units 1 thru 10 utilize parking spaces under 11(1)(a) of The Condominium Property Act, 1993*
- *Units 11 thru 20 utilize parking units under 11(1)(b) of The Condominium Property Act, 1993*
- *Units 21 thru 135 have a parking area or garage included as part of the unit under 11(2)(c) of The Condominium Property Act, 1993*

NOTE: *Under sec. 8 of “Controllers Instructions” of The Land Surveys Regulations:*

“For any new condominium plan submitted to ISC for approval, all exterior condominium parking units may, at the developers discretion use reduced

monumentation.”

At a minimum reduced monumentation is required to define the limits of exterior condominium parking units:

- *At the beginning and end of each block / bank of titled parking units,*
- *At any jog or deflection in a block / bank of titled parking units,*
- *At any other locations that may be needed to ensure clarity of the block / bank of parking units.*
 - *Maximum of 10 parking units on any block / bank between monuments.*

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 conversions leave a minimum blank space of 7cm 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, and approximate calculated area 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.

NOTE: It is important to ensure that all parties are referencing the unit numbering system as reflected on the plan submitted for approval.

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.

NOTE: Suite number and/or civic address are not to be included on the plan

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

NOTE: Amendments to The Condominium Property Regulations, 2001 move towards the assignment of parking allocations at time of title issuance. No assignment of parking will exist on the plan. If spaces are to be designated, interest registration application(s) must accompany title set up applications in the same packet. If parking units are part of the development, titles to parking units must accompany the first application to issue titles with each unit title linked to a residential title.

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). Clarification Appendix "D".
- 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 Clerk of Local Authority (Municipality).
- Subdivision Approval in accordance with *The Planning and Development Act, 2007*. (This includes the plan of proposed condominium endorsed by the Planning Authority).
- Address for Service of the Condominium Corporation.

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 Clerk 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 for 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 Corporate Registry 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:

- Descriptive Plan Type II text plan;
- Form JJ (which contains the Notice of Termination of Condominium Status);
- Certified copy of the Unanimous Resolution or Court Order.

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 may affect or create common property or may affect or create a Services Unit. A redivision also requires the approval of a condominium corporation in the prescribed form where new common property or services units are created.

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:

- Measure the new Unit boundaries being created;
- Obtain Local Authority's Approval (Building, Bare Land, Agricultural or Phased);
- Obtain Approval in accordance with *The Planning and Development Act, 2007* (Bare land only);
- Prepare a Condominium Plan for redivision (Plan amendment); and
- 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:

- Surveyor's Certification;
- Application for Plan Amendment (Section 42 of *The Land Surveys Act, 2000*);
- Local Authority's Approval;
- Condominium Unit Factor Redivision Schedule;
- Developer's Consent (Registered Owners) (except for new plan);
- Modified Form V (excludes columns labeled "Registered Owner" and "Registered Interest") showing old & new units & unit factors (for a new plan). Use of this modified Form V is optional on any submissions to LAND Titles Registry
- Form NN Certificate of Approval (New Services Units or Common

Property)

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 however we recommend using a modified form V. The schedule would identify the old unit number, old unit factor, new unit number, and new unit factor.*

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 Controller Certificate of Approval is issued to the client rather than a TAC. The Controller 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: *Controller 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.*

Amending Instrument, New Plan

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

- New Condominium Plan;
- Surveyor's Certification; (when new survey information acquired)
- Local Authority's Approval; (Municipality's Approval, Form B).
- Subdivision Approval; (*The Planning and Development Act, 2007*, Bare Land)
- Form R or U; (Amending Instrument with Corporation's signature & Seal)
- Modified Form V (excludes columns labeled "Registered Owner" and "Registered Interest") showing old & new units & unit factors (for a new plan). Use of this modified Form V is optional on any submissions to LAND

Titles Registry

- 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, 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.

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:

- Application for Plan Amendment; (Section 42 of *The Land Surveys Act, 2000*)
- Surveyor's Certification (when new survey information acquired);
- Local Authority's Approval;
- Form R, U or W; (Amending Instrument)
- Modified Form V (excludes columns labeled "Registered Owner" and "Registered Interest") showing old & new units & unit factors (for a new plan). Use of this modified Form V is optional on any submissions to LAND Titles
- Form S; (Certificate of Consent)

NOTE: The amended plan may create new units or amend existing units, measurements, parking unit factors, and/or area calculations etc.

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 Controller 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.

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 Controller Certificate of Approval will be issued and not a Transform Approval Certificate (TAC).

NOTE: The Controller 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 Sections 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:

- Plan of Survey; (Subdivision)
- Surveyor's Certification (when new survey information acquired);
- Subdivision Approval;

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: 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. Forms 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:

- Plan of Survey; (Subdivision)
- Surveyor's Certification (when new survey information acquired);
- Subdivision Approval;
- Plan of Survey; (Condominium)
- Surveyor's Certification;
- Local Authorities Approval;
- Subdivision Approval (Bare land);
- Form R; (Amending Instrument)
- Modified Form V (excludes columns labeled "Registered Owner" and "Registered Interest") showing old & new units & unit factors (for a new plan). Use of this modified Form V is optional on any submissions to LAND Titles
- 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. Please contact ISC Surveys for plan submission instructions.

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.*

Conversion of Parking Spaces to Parking Units

An application to convert existing parking spaces into title parking units may be made by submitting a replacement(new) plan or by submitting a plan amendment, subject to the Controller of Survey's approval and in accordance with section 15.2 of *The Condominium Property Regulations, 2001*. All parking spaces currently designated to residential units must be converted into parking units in the condominium development.

In addition to the documentation required for an Amending Instrument, New Plan or for a Amending Instrument, Plan Amendment noted above, a copy of a special resolution of the condominium corporation approving the conversion and/or any other information the Controller deems necessary may be required. If approved, a Transform Approval Certificate (if new plan) or Controller's Certificate of Approval (if plan amendment) may be submitted, along with other required documentation to title processing.

NOTE: *For further instruction on the conversion process, please contact ISC Surveys.*

Exclusive Use Common Property areas

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

NOTE: *Balconies, Patios and Decks may be designated as exclusive use areas on the plan legend.*

NOTE: *Storage areas may be designated as exclusive use area on the plan legend however*

they may not always be adjacent to the unit and should be labelled as S1, S2 etc.

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

A *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.

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

Appendix B – Controller Certificate of Approval



CONTROLLER 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**

_____ **Conversion of Parking Spaces to Units – Section 15.2 *The Condominium Property Act, 1993***

To: _____

Attention: _____

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

This letter constitutes the Controller 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)
- 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)
- NN – Certificate of Approval – New Services Unit or Common Property (section 25.1)

***NOTE:** The above Forms are prescribed in The Condominium Property Regulations, 2001. A copy of forms may be obtained from Saskatchewan's Queen's Printer.*

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).