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e-Laws



Condominium Act, 1998
Loi de 1998 sur les condominiums

ONTARIO REGULATION 49/01

DESCRIPTION AND REGISTRATION

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This Regulation is made in English only.

[SKIP TABLE OF CONTENTS](#)

CONTENTS

[PART I](#)

DESCRIPTION

[Definitions and General](#)

- [1.](#) Definitions
- [2.](#) Contents of description

[Plans of Survey](#)

- [3.](#) General requirements
- [4.](#) Perimeter plan of survey
- [5.](#) Diagrams and boundaries of units
- [6.](#) Monumentation
- [7.](#) Designation of levels
- [8.](#) Designation of units
- [9.](#) Application of O. Reg. 42/96
- [10.](#) Appurtenant and subject interests
- [11.](#) Forms on sheets

Architectural and Structural Plans

- 12. Interpretation
- 13. Architectural plans
- 14. Structural plans
- 15. Copies

Procedure for Registering the Description

- 16. Submission to the examiner
- 17. Submission to the land registrar
- 18. Amendment to registered description

Amendment to Description Creating a Phase

- 19. Contents of amendment
- 20. Appurtenant and servient interests
- 21. Forms on sheets
- 22. Procedure for registering amendment

PART II

REGISTRATION AND RECORDING

Definitions and Interpretation

- 24. Definitions
- 25. Condominium Register

Declaration and Description

- 26. Interpretation
- 27. Land registrar's duties before recording
- 28. Land registrar's recording duties
- 29. Extension of Land Titles Act

Other Instruments

- 30. Index for additional units
- 31. Automated system
- 32. Additional parcels of tied land
- 33. Non-automated system
- 34. Terminations

Forms

- 35. Amendments
- 36. Notice of change of address
- 37. Proof of enrolment, new home
- 38. By-laws
- 39. Money held in trust
- 40. Lease or renewal
- 41. Notice of lien
- 42. Status certificate
- 43. Common elements condominium corporations
- 44. Leasehold condominium corporations

Description of Land

- 45. Description of land
- 46. Discharge of pre-existing encumbrance

Termination

- 47. Notice of termination

48.	Deed for sale
49.	Expropriation
50.	Court order
51.	New parcel register or abstract index

PART I DESCRIPTION

Definitions and General

Definitions

1. In this Part,

“amalgamation” means an amalgamation under Part VII of the Act and “amalgamate” has a corresponding meaning;

“architectural plans” means the architectural plans mentioned in,

(a) clause 8 (1) (b) of the Act, in the case of a corporation that is not a vacant land condominium corporation, or

(b) clause 157 (1) (b) of the Act, in the case of a vacant land condominium corporation;

“cut cross”, “iron bar”, “rock bar”, “rock post”, “short standard iron bar” and “standard iron bar” have the same meaning as in subsection 1 (1) of Ontario Regulation 525/91 (Monuments) made under the *Surveyors Act*;

“examiner” means the examiner of surveys appointed under the *Land Titles Act*;

“exclusive use portion” means a part of the common elements that is to be used by,

(a) the owners of one or more designated units, but not all the owners, in the case of a corporation that is not a common elements condominium corporation, or

(b) the owners of one or more common interests in the corporation, but not all the owners, in the case of common elements condominium corporation;

“exclusive use portions survey” means the part of the plans of survey that shows the exclusive use portions;

“land registrar” means the land registrar in whose registry or land titles division, as the case may be, the property is situated;

“perimeter plan of survey” means the plan of survey described in,

(a) clause 8 (1) (a) of the Act, in the case of a corporation that is not a vacant land condominium corporation, or

(b) clause 157 (1) (a) of the Act, in the case of a vacant land condominium corporation;

“phase” means the additional units and common elements in a phased condominium corporation that are created in accordance with Part XI of the Act upon the registration of an amendment to both the declaration and description;

“plans of survey” means the description except for the architectural plans and the structural plans;

“registered” means registered under the *Registry Act* or the *Land Titles Act*;

“structural plans” means the structural plans mentioned in,

(a) clause 8 (1) (b) of the Act, in the case of a corporation that is not a vacant land condominium corporation, or

(b) clause 157 (1) (b) of the Act, in the case of a vacant land condominium corporation;

“surveyor” means an Ontario land surveyor licensed under the *Surveyors Act*. O. Reg. 49/01, s. 1.

Contents of description

2. (1) A description, other than an amendment to a description, shall consist of,

(a) Part I consisting of the perimeter plan of survey and, except in the case of a vacant land condominium corporation, the separate sheets of the plans of survey that designate the units, if any;

(b) Part II consisting of the exclusive use portions survey, if the property includes exclusive use portions;

(c) Part III consisting of the architectural plans, if any;

(d) Part IV consisting of the structural plans, if any; and

(e) as many other parts as the surveyor preparing the plans of survey considers appropriate. O. Reg. 49/01, s. 2 (1).

(2) The first sheet in the description, other than an amendment to the description, shall be the perimeter plan of survey and shall include an index that shows, for each part of the description,

(a) the number of the part;

(b) the number of sheets in the part or, if the part does not contain any sheets, the indication “NIL” or “RIEN”; and

(c) a brief explanation of the contents of the part. O. Reg. 49/01, s. 2 (2).

(3) The sheets in each part of the description, other than an amendment to the description, shall be numbered consecutively beginning with the number “1”. O. Reg. 49/01, s. 2 (3).

(4) Each sheet in the description, other than an amendment to the description, shall indicate,

(a) the number of the sheet and the total number of sheets in the part in which it is located;

(b) the part in which it is located; and

(c) if the sheet is in the plans of survey, the total number of parts in the description. O. Reg. 49/01, s. 2 (4).

(5) If the sheet shows the certificate of registration signed by the land registrar and described in clause 11 (1) (a), the information described in clauses (4) (a), (b) and (c) shall be in a location adjacent to the certificate. O. Reg. 49/01, s. 2 (5).

(6) In the case of a phased condominium corporation and sheets of the plans of survey, the information described in clauses (4) (a), (b) and (c) shall be placed in the column labelled “Sheet/Part” or “Feuille/partie” in one of the following tables:

Sheet/Part	Date
Feuille/partie	Date

O. Reg. 49/01, s. 2 (6).

(7) The table shall contain the number of blank rows following the entry described in subsection (6) that corresponds to the number of phases that the declarant is entitled to create in the corporation. O. Reg. 49/01, s. 2 (7).

Plans of Survey

General requirements

3. Plans of survey shall be prepared from a current survey as described in subsection 1 (2) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act* and shall be in accordance with this Regulation. O. Reg. 49/01, s. 3.

Perimeter plan of survey

4. (1) If a description is being registered to effect an amalgamation and the properties of the amalgamating corporations are not contiguous, each sheet of the perimeter plan of survey in the description shall include a key plan illustrating the locations of the properties of the amalgamating corporations in relation to one another. O. Reg. 49/01, s. 4 (1).

(2) In addition to the requirements of clause 8 (1) (a) of the Act, the perimeter plan of survey in the case of a common elements condominium corporation shall show the perimeter of the structures on the common elements. O. Reg. 49/01, s. 4 (2).

Diagrams and boundaries of units

5. (1) Subsections (2) to (6) do not apply to a vacant land condominium corporation. O. Reg. 49/01, s. 5 (1).

(2) The diagrams of the units as described in clause 8 (1) (d) of the Act shall be shown on,

(a) the perimeter plan of survey, except in the case of a phased condominium corporation;

(b) the separate sheets of the plans of survey that designate the units; or

(c) the perimeter plan of survey, except in the case of a phased condominium corporation, and the separate sheets of the plans of survey that designate the units. O. Reg. 49/01, s. 5 (2).

(3) The sheets of the plans of survey that designate the units shall refer to Schedule C to the declaration. O. Reg. 49/01, s. 5 (3).

(4) The specification of the boundaries of each unit as described in clause 8 (1) (c) of the Act shall be shown on plan views and cross sections but no plan view or cross section is required for more than one unit with identical boundaries to other units. O. Reg. 49/01, s. 5 (4).

(5) The plan views and cross sections shall be shown on the sheets of the plans of survey that designate the units or, if it is impractical to do so, on a separate sheet of the plans of survey. O. Reg. 49/01, s. 5 (5).

(6) If the plan views and cross sections are shown on a separate sheet of the plans of survey, the sheets of the plans of survey that designate the units shall include a cross-reference to the separate sheet. O. Reg. 49/01, s. 5 (6).

(7) Except with respect to units in a vacant land condominium corporation, section or perspective drawings, sufficiently accurate to portray the vertical relationship of all levels, shall be drawn on each sheet of the plans of survey that designates the units or that shows the exclusive use portions. O. Reg. 49/01, s. 5 (7).

Monumentation

6. (1) In this section,

“monument” includes a monument mentioned in Ontario Regulation 525/91 (Monuments) made under the *Surveyors Act* and any other thing, device or object used to mark or witness a boundary of surveyed land. O. Reg. 49/01, s. 6 (1).

(2) Every exterior angle of the property shall be defined by a standard iron bar, a short standard iron bar, a rock bar, a rock post or a cut cross. O. Reg. 49/01, s. 6 (2).

(3) Walls, floors, ceilings or other physical features shall be adopted as the monuments that control the boundaries of exclusive use portions if the boundaries are located within the building or within six metres from a building situated on the property. O. Reg. 49/01, s. 6 (3).

(4) In the case of a corporation that is not a vacant land condominium corporation, subject to subsections (5) and (6), walls, floors, ceilings or other physical features shall be adopted as the monuments that control the boundaries of units if the boundaries are located within the building or within six metres from a building situated on the property. O. Reg. 49/01, s. 6 (4).

(5) If, under subsection 6 (2) of Ontario Regulation 48/01 (General) made under the Act, the lowermost floor of a building does not have to be in place at the time of registration of the description and if it is not in place at that time, the lower limit of units on the lowermost floor shall be defined by a horizontal plane defined by measurement and referenced to existing physical features of the property. O. Reg. 49/01, s. 6 (5).

(6) If, under subsection 6 (3) of Ontario Regulation 48/01 (General) made under the Act, the walls between units or between units and the common elements of a building do not have to be in place at the time of registration of the description and if they are not in place at that time, the boundaries of units shall be defined by cut crosses or a vertical plane defined by measurement and referenced to existing physical features of the property. O. Reg. 49/01, s. 6 (6).

(7) Except in a vacant land condominium corporation, an angle in the boundary of a unit that is not defined by a monument mentioned in subsection (4), (5) or (6) shall be defined by an iron bar, a rock post or a cut cross. O. Reg. 49/01, s. 6 (7).

(8) In a vacant land condominium corporation,

(a) at least one-quarter of the total number of corners and angles in the boundaries of the property and the units shall be defined by a standard iron bar, a rock bar or a rock post;

(b) the corners and angles in the boundaries of the property and the units not defined by a monument mentioned in clause (a) shall be defined by an iron bar or a cut cross; and

(c) monuments shall be planted at points not more than 150 metres apart. O. Reg. 49/01, s. 6 (8).

(9) An angle in the boundary of an exclusive use portion that is not defined by a monument mentioned in subsection (3) shall be defined by an iron bar, a rock post or a cut cross. O. Reg. 49/01, s. 6 (9).

(10) Despite subsections (7), (8) and (9), monumentation of exclusive use portions or units intended for parking purposes under those subsections may be limited to the angles in the exterior boundaries of tiers of those portions or units, as the case may be. O. Reg. 49/01, s. 6 (10).

(11) Subject to this section, Ontario Regulation 525/91 (Monuments) made under the *Surveyors Act*, except sections 5 to 9, applies to properties. O. Reg. 49/01, s. 6 (11).

Designation of levels

7. (1) In the plans of survey, the levels of the property on or above ground level shall be numbered consecutively, in ascending order, beginning with the number “1” and the levels of the property below ground level shall be lettered consecutively, in descending order and in alphabetic sequence, beginning with the letter “A”. O. Reg. 49/01, s. 7 (1).

(2) The plan of survey of each level of the property shall be on a separate sheet of the plans of survey that is designated by the word “Level” or “Niveau” followed by the number or letter of the level, except that the same sheet may include the plan of survey of two or more levels if it is possible to do so while complying with the requirements for registration of the description. O. Reg. 49/01, s. 7 (2).

Designation of units

8. (1) In the plans of survey, every unit of the property shall be designated by the word “UNIT” or the words “PARTIE PRIVATIVE” followed by a number. O. Reg. 49/01, s. 8 (1).

(2) The units shall be numbered consecutively beginning with the number “1” on each level but there shall not be more than one unit designated on each level by the same number. O. Reg. 49/01, s. 8 (2).

(3) The exclusive use portions shall be designated by numbers or letters or by numbers and letters. O. Reg. 49/01, s. 8 (3).

(4) Subsection (3) does not apply to exclusive use portions, to which the sole access is directly from the units whose owners are entitled to use the portions, if they are clearly shown by light lines of uniform width, which may be broken, on the plans of survey. O. Reg. 49/01, s. 8 (4).

(5) Subject to subsection (4), the limits of units, common elements and exclusive use portions shall be shown on the plans of survey by solid lines that are significantly heavier than the lines described in section 17 of Ontario Regulation 42/96 (Performance Standards for the Practice of Cadastral Surveying) made under the *Surveyors Act*. O. Reg. 49/01, s. 8 (5).

Application of O. Reg. 42/96

9. (1) Sections 3 to 8, clauses 13 (1) (a) to (f), subsection 13 (3) and sections 15 to 28 of Ontario Regulation 42/96 (Performance Standards for the Practice of Cadastral Surveying) made under the *Surveyors Act* do not apply to the diagrams of the units as described in clause 8 (1) (d) of the Act or to the exclusive use portions survey. O. Reg. 49/01, s. 9 (1).

(2) Despite subsection (1), clauses 13 (1) (b) and (c), subsection 13 (3) and sections 15, 16 and 21 of Ontario Regulation 42/96 (Performance Standards for the Practice of Cadastral Surveying) made under the *Surveyors Act* apply to the diagrams of the units as described in clause 8 (1) (d) of the Act or to the exclusive use portions survey if the boundaries of the units or exclusive use portions, as the case may be, are located six metres or more from a building situated on the property. O. Reg. 49/01, s. 9 (2).

Appurtenant and subject interests

10. (1) All interests that are appurtenant to the property, or that will be upon the registration of the declaration and description, shall be shown on the perimeter plan of survey in light, broken or unbroken, lines of uniform width and shall be labelled unless they are,

(a) described as a subdivision unit as defined in subsection 1 (1) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act*; or

(b) described in an instrument registered with the approval of the examiner of surveys. O. Reg. 49/01, s. 10 (1).

(2) All easements and similar interests to which the property is subject, or will be upon the registration of the declaration and description, shall be shown on the perimeter plan of survey in light, broken or unbroken, lines of uniform width and shall be labelled. O. Reg. 49/01, s. 10 (2).

(3) Easements that will merge in law upon the registration of the declaration and description, as set out in the solicitor's statement in Schedule A to the declaration, do not have to be shown on the perimeter plan of survey. O. Reg. 49/01, s. 10 (3).

Forms on sheets

11. (1) Each sheet of the plans of survey, except for the sheets of the exclusive use portions survey, shall show,

(a) in the upper right corner, the certificate of registration signed by the land registrar in the form that is required by Ontario Regulation 48/01 (General) made under the Act;

(b) immediately below the certificate of registration, the form that section 12 of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act* requires for the approval of the examiner, if that approval is required;

(c) immediately below the certificate of registration, or the form that section 12 of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act* requires for the approval of the examiner, if that approval is required, the certificate signed by a surveyor in the form that is required by Ontario Regulation 48/01 (General) made under the Act,

(i) stating that the survey and plan are correct and in accordance with the Act, the *Surveys Act*, the *Surveyors Act* and the *Land Titles Act* (or the *Registry Act*, as the case may be) and the regulations made under them,

(ii) stating the date on which the survey was completed,

(iii) except in the case of a vacant land condominium corporation, if the sheet designates units, stating that the diagrams of the units on the plan are substantially accurate as required by clause 8 (1) (f) of the Act, and

(iv) if the plan is of Crown land and was prepared under the instructions of the Surveyor General of Ontario, stating that the plan and the field notes were prepared from an actual survey performed under the surveyor's personal supervision and that the surveyor was present on the site during the progress of the survey;

(d) immediately below the certificate mentioned in clause (c), the notation "Declaration registered as Number" if the registered declaration is in English or "Déclaration enregistrée sous le numéro" if the registered declaration is in French;

(e) except in the case of a description that is being registered to effect an amalgamation, the certificate by the declarant in the form that is required by Ontario Regulation 48/01 (General) made under the Act stating that the property included in the plans of survey has been laid out into,

(i) units and common elements in accordance with the declarant's instructions, except in the case of a common elements condominium corporation, or

(ii) common elements in accordance with the declarant's instructions, in the case of a common elements condominium corporation; and

(f) in the case of a description that is being registered to effect an amalgamation, the certificate in the form that is required by Ontario Regulation 48/01 (General) made under the Act signed by the persons authorized to sign on behalf of the amalgamating corporations and stating that the property included in the plans of survey has been laid out into units and common elements in accordance with the instructions of the corporations. O. Reg. 49/01, s. 11 (1); O. Reg. 443/11, s. 1 (1, 2).

(2) Each sheet of the perimeter plan of survey shall show immediately below the notation described in clause (1) (d), the form that subsection 9 (5) of Ontario Regulation 48/01 (General) made under the Act requires for a description of all interests that are appurtenant to the property and all easements or similar interests to which the property is subject. O. Reg. 443/11, s. 1 (3).

(3) Each sheet of the exclusive use portions survey shall show,

(a) the identification of the condominium plan in accordance with subsection 27 (2) except for the number assigned as part of the name of the corporation under subsection 27 (3); and

(b) the certificate signed by a surveyor in the form that is required by Ontario Regulation 48/01 (General) made under the Act stating that the sheet of that survey accurately shows the extent and location of the portions. O. Reg. 49/01, s. 11 (3).

Architectural and Structural Plans

Interpretation

12. In sections 13 and 14, drawings are current to a certain date if they incorporate or include change orders, change directives, supplemental instructions and all other changes of which the person who prepared the drawings knows as of that certain date. O. Reg. 49/01, s. 12.

Architectural plans

13. (1) In the case of a corporation that is not a common elements condominium corporation or a vacant land condominium corporation, the architectural plans shall be,

(a) copies of the architectural drawings of the buildings on the property prepared by a person who holds a certificate of practice as defined in the *Architects Act* that are current to the date of registration; or

(b) drawings that, as of the date of registration, contain sufficient information to enable the buildings to be constructed and that show all changes made to the date of registration, if copies of the architectural drawings described in clause (a) are unavailable or inadequate for the purposes of construction or if the building code made under the *Building Code Act, 1992* or its successor does not require those drawings for the buildings. O. Reg. 49/01, s. 13 (1).

(2) In the case of a common elements condominium corporation or a vacant land condominium corporation, the architectural plans shall be,

(a) copies of the architectural drawings of the buildings and structures included in the common elements prepared by a person who holds a certificate of practice as defined in the *Architects Act* that are current to the date of registration; or

(b) drawings that, as of the date of registration, contain sufficient information to enable the buildings and the structures included in the common elements to be constructed and that show all changes made to the date of registration, if copies of the architectural drawings described in clause (a) are unavailable or inadequate for the purposes of construction or if the building code made under the *Building Code Act, 1992* or its successor does not require those drawings for the buildings and structures. O. Reg. 49/01, s. 13 (2).

(3) Each sheet of the architectural plans shall show the identification of the condominium plan in accordance with subsection 27 (2) except for the number assigned as part of the name of the corporation under subsection 27 (3). O. Reg. 49/01, s. 13 (3).

Structural plans

14. (1) In the case of a corporation that is not a common elements condominium corporation or a vacant land condominium corporation, the structural plans shall be copies of the structural engineering drawings of the buildings on the property prepared by a person who holds a certificate of authorization as defined in the *Professional Engineers Act* that are current to the date of registration. O. Reg. 49/01, s. 14 (1).

(2) In the case of a common elements condominium corporation or a vacant land condominium corporation, the structural plans shall be copies of the structural engineering drawings of the buildings and structures included in the common elements prepared by a person who holds a certificate of authorization as defined in the *Professional Engineers Act* that are current to the date of registration. O. Reg. 49/01, s. 14 (2).

(3) Each sheet of the structural plans shall show the identification of the condominium plan in accordance with subsection 27 (2) except for the number assigned as part of the name of the corporation under subsection 27 (3). O. Reg. 49/01, s. 14 (3).

Copies

15. The architectural and structural plans shall not include any notes, words or symbols that indicate that the right to make or distribute copies is in any way restricted. O. Reg. 49/01, s. 15.

Procedure for Registering the Description

Submission to the examiner

16. (1) In addition to the requirements of subsection 6 (6) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act*, if the description is submitted to the examiner for approval, a copy of the proposed declaration shall be submitted and the examiner may require one set of paper prints of the architectural plans and one set of paper prints of the structural plans, if any, to be submitted. O. Reg. 49/01, s. 16 (1).

(2) In the case of a corporation that is not a vacant land condominium corporation, if the examiner requires a description to be submitted for approval, the examiner is not required to approve the items specified in clause 8 (1) (b), clause 8 (1) (f) if applicable, and clauses 8 (1) (g) and (h) of the Act that are included in a complete submission but the examiner is required to approve the items specified in clause 8 (1) (a) and, if applicable, clauses 8 (1) (c) and (d) of the Act. O. Reg. 49/01, s. 16 (2).

(3) In the case of a vacant land condominium corporation, if the examiner requires a description to be submitted for approval, the examiner is not required to approve the items specified in

clauses 157 (1) (b), (d) and (e) of the Act that are included in a complete submission but the examiner is required to approve the item specified in clause 157 (1) (a) of the Act. O. Reg. 49/01, s. 16 (3).

Submission to the land registrar

17. (1) In addition to the requirements of clauses 7 (2) (b) and (c) and subsection 7 (3) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act*, the person registering the description shall deliver to the land registrar,

- (a) the original plans of survey and three paper prints of them signed by the surveyor;
 - (b) the one or two paper prints of the plans of survey that are signed by the surveyor and required by subsection 51 (60) of the *Planning Act*;
 - (c) one set of paper prints of the architectural plans, if any; and
 - (d) one set of paper prints of the structural plans, if any. O. Reg. 49/01, s. 17 (1).
- (2) Upon registering the description, the land registrar shall,
- (a) fill in the date of registration of the description in the column labelled “Date” in the table described in subsection 2 (6), if any, that appears on each sheet of the plans of survey;
 - (b) complete the certificate of registration mentioned in clause 11 (1) (a) on the plans of survey and fill in the particulars of registration of the description on the paper prints of the plans of survey;
 - (c) fill in the registration number of the declaration in the notation described in clause 11 (1) (d) on the plans of survey and the paper prints of them;
 - (d) fill in the identification of the condominium plan in accordance with subsection 27 (2) on,
 - (i) each sheet of the exclusive use portions survey and the paper prints of it,
 - (ii) each sheet of the paper prints of the architectural plans, if any, and
 - (iii) each sheet of the paper prints of the structural plans, if any;
 - (e) retain the original plans of survey, one paper print of them and the paper prints of the architectural plans and the structural plans, if any;
 - (f) transmit one paper print of the plans of survey to the Ontario Property Assessment Corporation;

(g) transmit the one or two paper prints of the plans of survey that are described in subsection 51 (60) of the *Planning Act* to the approval authority within the meaning of that subsection;

(h) transmit the paper print of the plans of survey submitted under subsection 7 (3) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act* to the Association of Ontario Land Surveyors; and

(i) if the registrant has delivered to the land registrar additional copies of the plans of survey at the time of registration, fill in the particulars of registration on them and return them to the registrant. O. Reg. 49/01, s. 17 (2).

Amendment to registered description

18. In addition to the requirements of subsection 17 (2), upon registering an amendment to a registered description, other than an amendment creating a phase, the land registrar shall,

(a) mark the original portion of the description that is superseded by the amendment to show that an amendment has been registered in substitution for it;

(b) retain in the land registry office and make available for inspection when required the original portion of the description that is superseded by the amendment;

(c) integrate the amendment with the description but mark the amendment clearly to show the fact that it is an amendment and the date of its registration;

(d) make the entries in the Condominium Register that are required to reflect the registration of the amendment; and

(e) transmit one paper print of the portion of the description, as amended by the amendment, to each of the Ontario Property Assessment Corporation and the approval authority within the meaning of subsection 51 (60) of the *Planning Act*. O. Reg. 49/01, s. 18.

Amendment to Description Creating a Phase

Contents of amendment

19. (1) An amendment to a description creating a phase shall consist of,

(a) the perimeter plan of survey of the land included in the phase;

(b) separate sheets of the plans of survey that designate the units included in the phase;

(c) the exclusive use portions survey for the land included in the phase, if the land includes exclusive use portions;

(d) architectural plans, if any, of the buildings included in the phase, shown as the next available part in the description and prepared in accordance with sections 13 and 15; and

(e) structural plans, if any, of the buildings included in the phase, shown as the next available part in the description and prepared in accordance with sections 14 and 15. O. Reg. 49/01, s. 19 (1).

(2) The perimeter plan of survey of the land included in the phase shall not show any units and shall include a key plan illustrating the location of the phase in relation to the existing property. O. Reg. 49/01, s. 19 (2).

(3) The first sheet of the perimeter plan of survey of the land included in the phase shall include an index that shows the information described in clauses 2 (2) (a), (b) and (c) for each part included in the description as amended by the amendment. O. Reg. 49/01, s. 19 (3).

(4) The sheets in the perimeter plan of survey of the land included in the phase shall be numbered consecutively beginning with the next consecutive number after the end of the perimeter plan of survey contained in the description for the existing property. O. Reg. 49/01, s. 19 (4).

(5) The separate sheets of the plans of survey that designate the units included in the phase shall be numbered consecutively beginning with the next consecutive number after the end of the separate sheets of the plans of survey that designate the units included in the existing property, taking into account the integration described in clause 22 (1) (a). O. Reg. 49/01, s. 19 (5).

(6) The sheets in the exclusive use portions survey for the land included in the phase shall be numbered consecutively beginning with the next consecutive number after the end of the exclusive use portions survey contained in the description for the existing property. O. Reg. 49/01, s. 19 (6).

(7) Each sheet that the amendment to the description creating a phase will add to the plans of survey shall,

(a) include one of the tables in the form set out in subsection 2 (6) which shall be in a location adjacent to the certificate of registration signed by the land registrar and described in clause 11 (1) (a) if the sheet shows the certificate; and

(b) indicate, in the column labelled “Sheet/Part” or “Feuille/partie” in the table,

(i) the number of the sheet and the total number of sheets in the part of the description to which it is to be added, and

(ii) the part in which the sheet is located and the total number of parts in the description. O. Reg. 49/01, s. 19 (7).

(8) The table shall contain the number of blank rows following the entry described in clause (7) (b) that corresponds to the number of phases that the declarant is entitled to create in the corporation after the current phase. O. Reg. 49/01, s. 19 (8).

Appurtenant and servient interests

20. (1) Section 10 does not apply to the perimeter plan of survey of the land included in the phase. O. Reg. 49/01, s. 20 (1).

(2) All interests that are appurtenant to the land included in a phase, or that will be upon the registration of the amendments to the declaration and description creating the phase, shall be shown on the perimeter plan of survey of the land included in the phase in light, broken or unbroken, lines of uniform width and shall be labelled unless they are,

(a) described as a subdivision unit as defined in subsection 1 (1) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act*; or

(b) described in an instrument registered with the approval of the examiner of surveys. O. Reg. 49/01, s. 20 (2).

(3) All easements and similar interests to which the land included in a phase is subject, or will be upon the registration of the amendments to the declaration and description creating the phase, shall be shown on the perimeter plan of survey of the land included in the phase in light, broken or unbroken, lines of uniform width and shall be labelled. O. Reg. 49/01, s. 20 (3).

(4) Easements that will merge in law upon the registration of the amendments to the declaration and description creating a phase, as set out in the solicitor's statement in the amendment to Schedule A to the declaration, do not have to be shown on the perimeter plan of survey of the land included in the phase. O. Reg. 49/01, s. 20 (4).

Forms on sheets

21. (1) Clauses 11 (1) (a), (b), (c) and (d) apply to each sheet that the amendment to the description creating a phase will add to that part of the plans of survey, other than the exclusive use portions survey, but clauses 11 (1) (e) and (f) and subsection 11 (2) do not apply to those sheets. O. Reg. 49/01, s. 21 (1).

(2) In addition to the requirements of subsection 11 (1), each sheet that the amendment to the description creating a phase will add to that part of the plans of survey, other than the exclusive use portions survey, shall show the certificate by the declarant in the form that is required by Ontario Regulation 48/01 (General) made under the Act stating that the property included in the phase shown in the amendment to the plans of survey has been laid out into units and common elements in accordance with the declarant's instructions. O. Reg. 49/01, s. 21 (2).

(3) In addition to the requirements of subsection 11 (1), each sheet that the amendment to the description creating a phase will add to the perimeter plan of survey shall show, immediately

below the notation described in clause 11 (1) (d), the form that subsection 9 (5) of Ontario Regulation 48/01 (General) made under the Act requires for a description of all interests that are appurtenant to the land included in the phase and all easements or similar interests to which the land is subject. O. Reg. 443/11, s. 2.

(4) Subsection 11 (3) applies to each sheet that the amendment to the description creating a phase will add to the exclusive use portions survey. O. Reg. 49/01, s. 21 (4).

Procedure for registering amendment

22. (1) Upon registration of an amendment to a description creating a phase, the surveyor for the declarant shall attend at the land registry office and, under the supervision of the land registrar or the examiner of surveys,

(a) integrate the sheets of the amendment into the description so that,

(i) the sheets of the perimeter plan of survey of the land included in the phase follow immediately after the end of the perimeter plan of survey contained in the description before the registration of the amendment,

(ii) the separate sheets of the plans of survey that designate the units included in the phase follow immediately after the end of the separate sheets of the plans of survey that designate the units included in the property before the registration of the amendment, and

(iii) the sheets of the exclusive use portions survey for the land included in the phase follow immediately after the end of the exclusive use portions survey contained in the description before the registration of the amendment;

(b) amend the numbering of the sheets and the parts in the description to reflect the integration described in clause (a);

(c) cross off the most recent index described in subsection 2 (2) included in the description and insert a reference to the sheet of the perimeter plan of survey on which the updated index appears;

(d) cross off the most recent row included in the table described in subsection 2 (6) that appears on each sheet of the plans of survey, except for the sheets of the amendment, but ensure that row still remains legible; and

(e) indicate in the column labelled “Sheet/Part” or “Feuille/partie” in the next available row in each of the tables described in clause (d),

(i) the number of the sheet and the total number of sheets in the part of the description in which the table appears, and

(ii) the part in which the sheet is located and the total number of parts in the description. O. Reg. 49/01, s. 22 (1).

(2) In addition to the requirements of subsection 17 (2), upon registering an amendment to a description creating a phase, the land registrar shall,

(a) fill in the date of registration of the amendment in the column labelled “Date” in the table described in subsection 2 (6) that appears on each sheet of the plans of survey after the changes described in clause (1) (e) have been made; and

(b) make the entries in the Condominium Register that are required to reflect the registration of the amendment. O. Reg. 49/01, s. 22 (2).

23. Revoked: O. Reg. 49/01, s. 23 (2).

PART II REGISTRATION AND RECORDING

Definitions and Interpretation

Definitions

24. (1) In this Part,

“amalgamation” means an amalgamation under Part VII of the Act and “amalgamate” has a corresponding meaning;

“Common Elements and General Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Common Elements and General Index;

“Condominium Corporations Index” means the Condominium Corporations Index mentioned in subsection 3 (3) of the Act;

“Condominium Register” means the Condominium Register mentioned in subsection 3 (4) of the Act;

“Constitution Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Constitution Index;

“easement” means an easement, right of way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include any of those that arise by operation of law;

“land registrar” means the land registrar in whose registry or land titles division, as the case may be, the property is situated;

“parcel of tied land” means a parcel of land described in clause 139 (1) (a) of the Act in the case of a common elements condominium corporation and to which a common interest of an owner in the corporation attaches under clause 139 (2) (a) of the Act;

“Property Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Property Parcel Register if the *Land Titles Act* applies to the property and the Property Abstract Index if the *Registry Act* applies to the property;

“standard condominium corporation” means a freehold condominium corporation that is not a common elements condominium corporation or a vacant land condominium corporation;

“unit” includes the common interest appurtenant to the unit;

“Unit Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Unit Register or the Parcel Register if the *Land Titles Act* applies to the property and the Unit Index if the *Registry Act* applies to the property. O. Reg. 49/01, s. 24 (1).

(2) For the purposes of this Part, the records of a property are automated if the system of automated information recording and retrieval and property mapping described in section 15 of the *Land Registration Reform Act* is available for the records with respect to the property in the appropriate land registry office. O. Reg. 49/01, s. 24 (2).

Condominium Register

25. For the purposes of the *Land Titles Act* and the *Registry Act*, the Condominium Register shall be deemed to be a register or an abstract index, respectively, for the parcel of land that comprises the property. O. Reg. 49/01, s. 25.

Declaration and Description

Interpretation

26. In sections 27, 28 and 29, a declaration or a description does not include an amendment to a declaration or a description. O. Reg. 49/01, s. 26.

Land registrar’s duties before recording

27. (1) If a declaration and description are received for registration, the land registrar shall,

(a) endorse on the declaration and description the day, hour and minute of receipt, which shall be the same for both the declaration and the description;

(b) assign to the declaration a registration number in the series of numbers used for instruments dealing with land;

(c) assign an identification to the description in accordance with subsection (2);

(d) assign a name to the corporation in accordance with subsection (3); and

(e) record in the Condominium Corporations Index the particulars with reference to the registrations that the Director of Titles specifies. O. Reg. 49/01, s. 27 (1).

(2) The identification that the land registrar assigns to the description shall consist of,

(a) if the declaration and description are in English, the following items in the following order:

1. The name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division.

2. The applicable words in English specified in subsection (4) for the type of corporation involved.

3. The words "Condominium Plan No."

4. The number assigned as part of the name of the corporation under paragraph 4 of clause (3) (a); or

(b) if the declaration and description are in French and are capable of being registered in that language, the following items in the following order:

1. The words "Plan d'association condominiale".

2. The applicable words in French specified in subsection (4) for the type of corporation involved.

3. The number assigned as part of the name of the corporation under paragraph 3 of clause (3) (b).

4. The word "de" and the name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division. O. Reg. 49/01, s. 27 (2).

(3) The name that the land registrar assigns to the corporation shall consist of,

(a) if the declaration and description are in English, the following items in the following order:

1. The name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division.

2. The applicable words in English specified in subsection (4) for the type of corporation involved.

3. The words “Condominium Corporation No.”.

4. The next available consecutive number; or

(b) if the declaration and description are in French and are capable of being registered in that language, the following items in the following order:

1. The words “Association condominiaie”.

2. The applicable words in French specified in subsection (4) for the type of corporation involved.

3. The next available consecutive number.

4. The word “de” and the name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division. O. Reg. 49/01, s. 27 (3).

(4) The words mentioned in subsections (2) and (3) for the type of corporation involved are,

(a) the word “Standard” or “ordinaire” in the case of a standard condominium corporation;

(b) the words “Common Elements” or “de parties communes” in the case of a common elements condominium corporation;

(c) the words “Vacant Land” or “de terrain nu” in the case of a vacant land condominium corporation; and

(d) the word “Leasehold” or “de propriété à bail” in the case of a leasehold condominium corporation. O. Reg. 49/01, s. 27 (4).

(5) Subject to this Regulation, no person may change the name of a corporation after the land registrar assigns it. O. Reg. 49/01, s. 27 (5).

(6) Amalgamating corporations shall continue after an amalgamation as the amalgamated corporation with the name that the land registrar assigns under this section. O. Reg. 49/01, s. 27 (6).

Land registrar’s recording duties

28. (1) If a land registrar receives, for registration under the *Land Titles Act*, a declaration and description for a freehold condominium corporation and if the records of the property are not automated, the land registrar shall,

(a) record the declaration and description in,

(i) the existing parcel register for the land that includes the property, except if the declaration and description are being registered to effect an amalgamation, or

(ii) the Constitution Index, the Common Elements and General Index, and the Property Index for each of the amalgamating corporations, if the declaration and description are being registered to effect an amalgamation;

(b) re-enter the property in the Property Index which, if the declaration and description are being registered to effect an amalgamation, is the Property Index for the amalgamated corporation;

(c) record the declaration and description in the Constitution Index;

(d) record, in the Common Elements and General Index and in order of registration,

(i) all instruments affecting the property, including the declaration and description, except if the declaration and description are being registered to effect an amalgamation, or

(ii) all instruments registered in the Common Elements and General Index for each of the amalgamating corporations, if the declaration and description are being registered to effect an amalgamation;

(e) subject to subsection (4), establish a Unit Index for each unit, if any, included in the property;

(f) if the declaration and description are being registered to effect an amalgamation, re-enter, in the Unit Index for each unit included in the property of the amalgamated corporation and in order of registration, all instruments recorded against the corresponding unit of the amalgamating corporations; and

(g) if the declaration and description are for a common elements condominium corporation, record, in the parcel register for each parcel of tied land, the notice and the copy of the certificate described in clause 139 (2) (b) of the Act that are Schedules I and J respectively to the declaration. O. Reg. 49/01, s. 28 (1).

(2) If a land registrar receives, for registration under the *Land Titles Act*, a declaration and description for a leasehold condominium corporation and if the records of the property are not automated, the land registrar shall,

(a) record the declaration and description in the leasehold parcel register for the property;

(b) record, in the Property Index and in the Common Elements and General Index and in order of registration, all instruments affecting the leasehold estate in the property, including the declaration and description;

(c) record the declaration and description in the Constitution Index; and

(d) establish a Unit Index for each unit included in the property. O. Reg. 49/01, s. 28 (2).

(3) If a land registrar receives, for registration under the *Registry Act*, a declaration and description and if the records of the property are not automated, the land registrar shall,

(a) record the declaration and description in,

(i) the existing abstract index for the land that includes the property, except if the declaration and description are being registered to effect an amalgamation, or

(ii) the Constitution Index, the Common Elements and General Index, and the Property Index for each of the amalgamating corporations, if the declaration and description are being registered to effect an amalgamation;

(b) prepare a Property Index for the property;

(c) if the declaration and description are not being registered to effect an amalgamation, record in the Property Index,

(i) the certificate of title under the *Certification of Titles Act*, making a general reference to the exceptions, limitations, qualifications and reservations in Schedule B to the certificate,

(ii) the instruments mentioned in Schedule C to the certificate,

(iii) all instruments registered after the effective date of the certificate and before the date of registration of the declaration and description, and

(iv) the declaration and description;

(d) if the declaration and description are being registered to effect an amalgamation, record in the Property Index a reference to the Property Indexes of each of the amalgamating corporations;

(e) record the declaration and description in the Constitution Index;

(f) record the declaration and description in the Common Elements and General Index;

(g) subject to subsection (4), establish a Unit Index for each unit, if any, included in the property; and

(h) if the declaration and description are for a common elements condominium corporation, record, in the abstract index of each parcel of tied land, the notice and the copy of the certificate described in clause 139 (2) (b) of the Act that are Schedules I and J respectively to the declaration. O. Reg. 49/01, s. 28 (3).

(4) If the declaration and description are being registered to effect an amalgamation, the Unit Index that the land registrar establishes under clause (1) (e) or (3) (g) shall be in accordance with the list of all units in the amalgamated corporation that is set out in Schedule C to the declaration. O. Reg. 49/01, s. 28 (4).

(5) If a land registrar receives, for registration, a declaration and description that are not being registered to effect an amalgamation and if the records of the property are automated, the land registrar shall,

(a) record the declaration and description in,

(i) the existing parcel register for the land that includes the property, if the declaration and description are for a freehold condominium corporation, or

(ii) the existing leasehold parcel register for the land that includes the property, if the declaration and description are for a leasehold condominium corporation;

(b) establish a Unit Index for each unit included in the property;

(c) re-enter the property in the Unit Index for each unit included in the property; and

(d) record the declaration and description in the Unit Index for each unit included in the property. O. Reg. 49/01, s. 28 (5).

(6) If a land registrar receives, for registration, a declaration and description that are being registered to effect an amalgamation and if the records of the property are automated, the land registrar shall,

(a) record the declaration and description in the Unit Index for each unit included in the amalgamating corporations;

(b) establish a Unit Index for each unit included in the property in accordance with the list of all units in the amalgamated corporation that is set out in Schedule C to the declaration; and

(c) re-enter, in the Unit Index for the corresponding units of the amalgamated corporation and in order of registration, all instruments affecting the units of the amalgamating corporations, including the declaration and description. O. Reg. 49/01, s. 28 (6).

(7) If a land registrar receives a declaration and description for a common elements condominium corporation for registration and if the records of the property are automated, the land registrar shall,

(a) record the declaration and description in the existing parcel register for the land that includes the property;

(b) establish a new parcel register for the property;

(c) re-enter the property in the new parcel register; and

(d) record, in the parcel register for each parcel of tied land, the declaration, the description, the notice described in subclause 139 (2) (b) (i) of the Act that is Schedule I to the declaration and

the copy of the certificate described in subclause 139 (2) (b) (ii) of the Act that is Schedule J to the declaration. O. Reg. 49/01, s. 28 (7).

Extension of *Land Titles Act*

29. (1) If a declaration and description are registered in an area to which the *Land Titles Act* does not apply, if the application of that Act is subsequently extended to the area and if the land registry office for the land titles division is combined with the land registry office for the registry division,

(a) the land registrar shall establish a new Condominium Register when the first declaration and description are registered in the land registry office for the land titles division; and

(b) the Condominium Corporations Index previously established shall be continued. O. Reg. 49/01, s. 29 (1).

(2) If a declaration and description are registered in an area to which the *Land Titles Act* does not apply, the application of that Act is subsequently extended to the area and the land registry office for the land titles division is not combined with the land registry office for the registry division, the land registrar shall not make any further entry in the Condominium Corporations Index in the land registry office for the registry division unless it relates to a declaration and description previously registered under the *Registry Act*. O. Reg. 49/01, s. 29 (2).

Other Instruments

Index for additional units

30. If a land registrar receives, for registration, an amendment to a declaration and a description that purports to add any units to the property, the land registrar shall,

(a) establish a Unit Index for each unit included in the amendment; and

(b) if the records of the property are automated, record in each Unit Index established under clause (a) all instruments affecting the unit. O. Reg. 49/01, s. 30.

Automated system

31. (1) Subject to section 34, if a land registrar receives an instrument for registration after the registration of the declaration and description of a corporation that is not a common elements condominium corporation and if the records of the property are automated, the land registrar shall record the instrument,

(a) in the Unit Index for each unit included in the property that it purports to affect; and

(b) in the Unit Index for each unit included in the property, if it purports to affect all or part of the common elements. O. Reg. 49/01, s. 31 (1).

(2) Subject to section 34, if a land registrar receives for registration an instrument that purports to affect all or part of the property of a common elements condominium corporation and if the records of the property are automated, the land registrar shall record the instrument in the parcel register for the property. O. Reg. 49/01, s. 31 (2).

(3) An instrument to which subsection (1) or (2) applies includes an amendment to a declaration or a description, but not a declaration, a description or an amendment to a declaration and a description that purports to add any parcels of tied land to the property. O. Reg. 49/01, s. 31 (3).

(4) If a land registrar receives for registration,

(a) an instrument that purports to be one of the following in respect of a common elements condominium corporation: a certificate of lien described in subsection 85 (2) of the Act in respect of unpaid common expenses, a partial or complete discharge of that certificate or a partial discharge of an encumbrance; and

(b) the records of the property are automated,

the land registrar shall record the instrument in the parcel register for the parcel of tied land. O. Reg. 49/01, s. 31 (4).

Additional parcels of tied land

32. If a land registrar receives, for registration, an amendment to a declaration and a description that purports to add any parcels of tied land to the property, the land registrar shall record the amendment,

(a) in the parcel register for each additional parcel of tied land to which the *Land Titles Act* applies;

(b) in the abstract index for each additional parcel of tied land to which the *Registry Act* applies;

(c) in the parcel register for the land that includes the property if the records of the property are automated; and

(d) in the Constitution Index and the Common Elements and General Index if the records of the property are not automated. O. Reg. 49/01, s. 32.

Non-automated system

33. (1) Subject to subsection (2) and section 34, if a land registrar receives an instrument, other than a by-law or an amendment to a declaration or description, for registration after the registration of the declaration and description and if the records of the property are not automated, the land registrar shall record the instrument in,

(a) the Common Elements and General Index if it purports to affect,

(i) all or part of the common elements included in the property and all of the following: the units or, in the case of a common elements condominium corporation, the parcels of tied land, or

(ii) all or part of the common elements included in the property, but no units or parcels of tied land;

(b) the Common Elements and General Index and the Unit Index for each unit included in the property that it purports to affect, if it purports to affect all or part of the common elements included in the property and some, but not all, of the units;

(c) the Common Elements and General Index and the parcel register or the abstract index, as the case may be, for each parcel of tied land that it purports to affect, if it purports to affect all or part of the common elements included in the property and some, but not all, of the parcels of tied land in the case of a common elements condominium corporation;

(d) the Unit Index for each unit included in the property that it purports to affect, if it purports to affect no specific part of the common elements included in the property and one or more units, but not all of the units; or

(e) the parcel register or the abstract index, as the case may be, for each parcel of tied land that it purports to affect, if it purports to affect no specific part of the common elements included in the property and one or more, but not all of the parcels of tied land in the case of a common elements condominium corporation. O. Reg. 49/01, s. 33 (1).

(2) A land registrar shall record an instrument in the Common Elements and General Index and the Property Index if,

(a) the land registrar receives it for registration after the registration of the declaration and description;

(b) it is,

(i) a complete discharge of an encumbrance recorded in the Property Index,

(ii) an application for a caution under the *Land Titles Act*, or

(iii) a deed or other instrument by which ownership of the property is changed and that is received for registration before the registration of a deed of any unit included in the property;

(c) it purports to affect all common elements included in the property and all of the following: the units or, in the case of a common elements condominium corporation, the parcels of tied land; and

(d) the records of the property are not automated. O. Reg. 49/01, s. 33 (2).

(3) If a land registrar receives, for registration, an instrument that is a by-law or an amendment to the declaration and description, other than an amendment that purports to add parcels of tied land to the property, and if the records of the property are not automated, the land registrar shall record the instrument in the Constitution Index and in,

(a) the Unit Index for each unit mentioned in the instrument if it purports to affect one or more, but not all the units included in the property;

(b) the parcel register or the abstract index, as the case may be, for each parcel of tied land that it purports to affect, if it purports to affect one or more, but not all of the parcels of tied land in the case of a common elements condominium corporation; and

(c) the Common Elements and General Index, if it purports to affect part but not all of the common elements included in the property. O. Reg. 49/01, s. 33 (3).

Terminations

34. Despite sections 31 and 33, if a notice of termination mentioned in section 122 or 123 of the Act, a deed for a sale under section 124 of the Act, a plan of expropriation for an expropriation described in section 126 of the Act or an order for termination mentioned in section 128 of the Act purports to affect all units and common elements included in the property and is received for registration after the registration of the declaration and description, sections 47 to 51 apply to it. O. Reg. 49/01, s. 34.

Forms

Amendments

35. The certificate described in subsection 107 (6) of the Act that is required to be included in an amendment to the declaration or the description under section 107 of the Act shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 35; O. Reg. 443/11, s. 3.

Notice of change of address

36. (1) A notice changing the address for service or the mailing address of a corporation under section 108 of the Act shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 36 (1); O. Reg. 443/11, s. 4.

(2) The land registrar shall record the notice in the Condominium Corporations Index and, in addition, if the records of the property are automated,

(a) in the Unit Index for each unit of the corporation, in the case of a corporation that is not a common elements condominium corporation; and

(b) in the parcel register for the property, in the case of a common elements condominium corporation. O. Reg. 49/01, s. 36 (2).

Proof of enrolment, new home

37. The proof mentioned in subclause 43 (5) (f) (i) of the Act that the units and common elements have been enrolled in the Plan within the meaning of the *Ontario New Home Warranties Plan Act* in accordance with the regulations made under that Act shall be in the form that the Minister responsible for the administration of that subclause specifies, signed by the Registrar under that Act or a Deputy Registrar appointed under that Act. O. Reg. 49/01, s. 37; O. Reg. 443/11, s. 5.

By-laws

38. (1) A land registrar shall not receive the certified copy of a by-law mentioned in subsection 56 (9) of the Act for registration unless the certificate of the officer of the corporation is in the required form and states that,

(a) the copy is a true copy of the by-law;

(b) the by-law was made in accordance with the Act;

(c) the owners of a majority of the units of the corporation have voted in favour of confirming the by-law; and

(d) if the by-law is a joint by-law made under section 59 of the Act, it is not effective until the corporations that made it have each registered a copy of it in accordance with subsection 56 (9) of the Act. O. Reg. 49/01, s. 38 (1).

(2) Despite subsection 18 (1) of the *Registry Act*, a by-law of a corporation shall not be entered in the by-law index under that subsection. O. Reg. 49/01, s. 38 (2).

Money held in trust

39. The evidence of compliance mentioned in subsection 81 (6) of the Act with respect to money held in trust under section 81 of the Act shall be a statement that is,

(a) signed by the declarant's solicitor, a partner in the partnership of solicitors that is the declarant's solicitor, a solicitor employed by the partnership of solicitors that is the declarant's solicitor or a trustee of a prescribed class; and

(b) in the form that the Minister responsible for the administration of that section specifies. O. Reg. 443/11, s. 6.

Lease or renewal

40. (1) The summary mentioned in clause 83 (1) (b) of the Act in respect of a lease or a renewal of a lease of a unit shall be signed by the owner of the unit and shall be in the form that is

entitled “Summary of Lease or Renewal” and dated September 1, 2011, as it appears on the Government of Ontario website. O. Reg. 443/11, s. 6.

(2) The summary mentioned in clause 83 (1) (b) of the Act in respect of a lease or a renewal of a lease of a common interest in a common elements condominium corporation shall be signed by the owner of the common interest and shall be in the form described in subsection (1). O. Reg. 443/11, s. 6.

Notice of lien

41. (1) A certificate of lien mentioned in subsection 85 (2) of the Act shall be in the form that is entitled “Certificate of Lien” and dated September 1, 2011, as it appears on the Government of Ontario website. O. Reg. 443/11, s. 6.

(2) A discharge of a certificate of lien mentioned in subsection 85 (7) of the Act shall be in the form that is entitled “Discharge of Certificate of Lien” and dated September 1, 2011, as it appears on the Government of Ontario website. O. Reg. 443/11, s. 6.

Status certificate

42. (1) A certificate mentioned in clause 120 (3) (c) of the Act as to the status for each amalgamating corporation shall be in the form that is entitled “Status Certificate in Amalgamation” and dated September 1, 2011, as it appears on the Government of Ontario website. O. Reg. 443/11, s. 7.

(2) The certificate shall be dated no earlier than the 14th day before the date that the board gives the owners the notice of meeting described in subsection 120 (3) of the Act. O. Reg. 49/01, s. 42 (2).

Common elements condominium corporations

43. (1) A certificate described in clause 139 (1) (b) of the Act by an owner in a common elements condominium corporation shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 43 (1); O. Reg. 443/11, s. 8 (1).

(2) A notice described in subclause 139 (2) (b) (i) of the Act stating that the common interest of an owner in the corporation attaches to the owner’s parcel of tied land shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 43 (2); O. Reg. 443/11, s. 8 (2).

Leasehold condominium corporations

44. (1) A notice described in subsection 174 (7) of the Act stating that the leasehold interests in the units in a leasehold condominium corporation have been renewed shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 44 (1); O. Reg. 443/11, s. 9 (1).

(2) A notice described in subsection 174 (7) of the Act stating that the leasehold interests in the units in a leasehold condominium corporation have not been renewed shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 44 (2); O. Reg. 443/11, s. 9 (2).

Description of Land

Description of land

45. (1) The description of a unit in an instrument received for registration shall consist of,

(a) the unit number;

(b) the number or letter of the level of the unit;

(c) the identification of the condominium plan specified in subsection 27 (2);

(d) a reference to the name of the municipality in which the property is located at the time of execution of the instrument; and

(e) the unit's property identifier if the records of the property are automated. O. Reg. 49/01, s. 45 (1).

(2) An instrument that purports to affect the title of a common interest attached to a parcel of tied land in the case of a common elements condominium corporation shall describe the parcel in accordance with the requirements of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act*, together with,

(a) the words "together with an appurtenant common interest in" if the instrument is in English and is acceptable for registration, or the words "ainsi que l'intérêt commun qui se rattache à la parcelle et qui est relié à l'" if the instrument is in French and is acceptable for registration;

(b) the name assigned to the corporation under subsection 27 (3); and

(c) a reference to the name of the municipality in which the property is located at the time of execution of the instrument. O. Reg. 49/01, s. 45 (2).

(3) An instrument that purports to affect the title of all units and common elements included in the property may describe the property as follows in the following order:

1. The words "all the units and common elements in" if the instrument is in English and is acceptable for registration, or the words "toutes les parties privatives et parties communes du" if the instrument is in French and is acceptable for registration.

2. The identification of the condominium plan specified in subsection 27 (2).

3. A reference to the name of the municipality in which the property is located at the time of execution of the instrument.

4. The property identifiers of all the units, if the records of the property are automated. O. Reg. 49/01, s. 45 (3).

(4) An instrument that purports to affect the title of the common elements included in the property, but no units, may describe the land affected as follows in the following order:

1. The words “all the common elements in” if the instrument is in English and is acceptable for registration, or the words “toutes les parties communes du” if the instrument is in French and is acceptable for registration.

2. The identification of the condominium plan specified in subsection 27 (2).

3. A reference to the name of the municipality in which the property is located at the time of execution of the instrument.

4. The property identifiers of,

i. all the units, if the corporation is not a common elements condominium corporation and the records of the property are automated, or

ii. the condominium plan, if the corporation is a common elements condominium corporation and the records of the property are automated. O. Reg. 49/01, s. 45 (4).

(5) An instrument that purports to affect the title of part of the common elements included in the property, but no units, may, with the approval of the examiner of surveys, describe the land affected by reference to physical features or the extent of levels illustrated on the plans of survey included in the registered description for the property. O. Reg. 49/01, s. 45 (5).

Discharge of pre-existing encumbrance

46. A discharge of a portion of an encumbrance under subsection 14 (2) of the Act shall be in a form, having regard to the nature of the encumbrance, sufficient for registration under the *Land Titles Act* or the *Registry Act*, as the case may be, and shall describe the land in accordance with section 45. O. Reg. 49/01, s. 46.

Termination

Notice of termination

47. (1) A notice of termination mentioned in section 122 of the Act shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 47 (1); O. Reg. 443/11, s. 10 (1).

(2) A notice of termination mentioned in section 123 of the Act shall be in the form that the Director of Titles specifies. O. Reg. 49/01, s. 47 (2); O. Reg. 443/11, s. 10 (2).

(3) A land registrar shall not receive for registration a notice of termination in the form described in subsection (1) or (2) unless,

(a) it is executed by the authorized officers of the corporation; and

(b) for each owner that is an individual,

(i) the notice is accompanied by a consent to the termination given by the owner's spouse within the meaning of subsection 21 (1) of the *Family Law Act*,

(ii) a court order described in clause 21 (1) (c) of the *Family Law Act* is attached to the notice, together with a statement or affidavit of a solicitor that the court order is in full force and effect and has not been stayed, or

(iii) the notice is accompanied by one of the statements described in subsection 21 (3) of the *Family Law Act* made by the individual or the individual's attorney under subsection 21 (4) of that Act. O. Reg. 49/01, s. 47 (3); O. Reg. 443/11, s. 10 (3).

(4) A land registrar who receives for registration a notice of termination in the form described in subsection (1) or (2) shall record it in,

(a) the Unit Index for each unit included in the property, if the records of the property are automated;

(b) the parcel register for the property and the parcel register for each parcel of tied land, if the records of the property are automated and the corporation is a common elements condominium corporation;

(c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated;

(d) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and

(e) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property. O. Reg. 49/01, s. 47 (4); O. Reg. 443/11, s. 10 (3).

(5) In recording a notice of termination in the form described in subsection (1) or (2), the land registrar shall describe the executing parties as,

- (a) the corporation, described by the name assigned to it under subsection 27 (3);
- (b) in the case of a freehold condominium corporation, all the owners as tenants in common, described as,
 - (i) “all the former owners as tenants in common” if the notice is in English, or
 - (ii) “tous les anciens propriétaires comme tenants communs” if the notice is in French; and
- (c) in the case of a leasehold condominium corporation, all the former owners of the leasehold interests in the units, described as,
 - (i) “all the former owners” if the notice is in English, or
 - (ii) “tous les anciens propriétaires” if the notice is in French. O. Reg. 49/01, s. 47 (5); O. Reg. 443/11, s. 10 (3).
- (6) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor’s interest in the property under section 175 of the Act. O. Reg. 49/01, s. 47 (6).

Deed for sale

48. (1) A land registrar shall not receive for registration a deed for a sale of the property or a part of the common elements under section 124 of the Act unless,

- (a) it is executed by the authorized officers of the corporation;
- (b) except in the case of a deed for part of the common elements that are for the use of all the owners, for each owner that is an individual and that voted in favour of the sale,
 - (i) the deed is accompanied by a consent given by the owner’s spouse within the meaning of subsection 21 (1) of the *Family Law Act*,
 - (ii) a court order described in clause 21 (1) (c) of the *Family Law Act* is attached to the deed, together with a statement or affidavit of a solicitor that the court order is in full force and effect and has not been stayed, or
 - (iii) the deed is accompanied by one of the statements described in subsection 21 (3) of the *Family Law Act* made by the individual or the individual’s attorney under subsection 21 (4) of that Act;
- (c) it is accompanied by the certificate described in subsection 124 (3) of the Act; and

(d) in the case of a leasehold condominium corporation, it contains a statement by the authorized officers of the corporation that the lessor has consented to and executed the agreement of purchase and sale for the land described in the deed. O. Reg. 49/01, s. 48 (1).

(2) The certificate described in subsection 124 (3) of the Act shall be in the form that the Minister responsible for the administration of that subsection specifies. O. Reg. 49/01, s. 48 (2); O. Reg. 443/11, s. 11.

(3) A land registrar who receives for registration a deed for a sale of the property or a part of the common elements under section 124 of the Act shall record it in,

(a) the Unit Index for each unit included in the property, if the records of the property are automated;

(b) the following places if the records of the property are automated and the corporation is a common elements condominium corporation:

1. The parcel register for the property.

2. The parcel register for each parcel of tied land, if the deed is for a sale of the property;

(c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated and the land being sold is all of the property;

(d) the Common Elements and General Index, if the records of the property are not automated and the land being sold is a part of the common elements;

(e) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and

(f) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property. O. Reg. 49/01, s. 48 (3).

(4) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act. O. Reg. 49/01, s. 48 (4).

Expropriation

49. (1) A land registrar who receives for registration a plan of expropriation for an expropriation under section 126 of the Act shall record it in,

(a) the Unit Index for each unit included in the property, if the records of the property are automated;

(b) the following places if the records of the property are automated and the corporation is a common elements condominium corporation;

1. The parcel register for the property.

2. The parcel register for each parcel of tied land, if the land being expropriated is all of the property;

(c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated and the land being expropriated is all of the property;

(d) the Common Elements and General Index and the Unit Index for each unit or part of a unit being expropriated, if the records of the property are not automated and the land being expropriated is part, but not all, of the common elements;

(e) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and

(f) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property. O. Reg. 49/01, s. 49 (1).

(2) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act. O. Reg. 49/01, s. 49 (2).

Court order

50. (1) An order made by a court under section 128 or 173 of the Act terminating the government of the property by the Act does not take effect with respect to the property until it is registered. O. Reg. 49/01, s. 50 (1).

(2) If an order mentioned in subsection (1) contains conditions, a land registrar shall not receive the order for registration unless there is attached to the order a statement or affidavit made by the solicitor for the registrant, stating that the conditions contained in the order have been complied with. O. Reg. 49/01, s. 50 (2).

(3) A land registrar who receives for registration an order mentioned in subsection (1) shall record it in,

(a) the Unit Index for each unit included in the property, if the records of the property are automated;

(b) the parcel register for the property and the parcel register for each parcel of tied land, if the records of the property are automated and the corporation is a common elements condominium corporation;

(c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated;

(d) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and

(e) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property. O. Reg. 49/01, s. 50 (3).

(4) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act and in accordance with the order mentioned in subsection (1). O. Reg. 49/01, s. 50 (4).

New parcel register or abstract index

51. (1) A land registrar who receives for registration a notice of termination mentioned in section 122 or 123 of the Act in respect of a freehold condominium corporation, a deed for a sale of the property of a freehold condominium corporation under section 124 of the Act, a plan of expropriation for an expropriation of the property of any corporation under section 126 of the Act or an order for termination mentioned in section 128 of the Act in respect of a freehold condominium corporation, shall open,

(a) a new parcel register for the land included in the property, if the land is registered under the *Land Titles Act*; or

(b) a new abstract index under subsection 83 (3) of the *Registry Act* for the land included in the property, if the land is registered under that Act. O. Reg. 49/01, s. 51 (1).

(2) A land registrar who receives for registration a deed for a sale of part of the common elements of a freehold condominium corporation under section 124 of the Act or a plan of expropriation for an expropriation of part of the common elements of any corporation under section 126 of the Act, shall open,

(a) a new parcel register for the part, if the part is registered under the *Land Titles Act*; or

(b) a new abstract index for the part under subsection 83 (3) of the *Registry Act*, if the part is registered under that Act. O. Reg. 49/01, s. 51 (2).

(3) The new parcel register shall describe the affected land by using a description that,

(a) contains the description of the land as it was described in,

(i) Schedule A to the declaration, except in the case of land included in the property of an amalgamated corporation, or

(ii) Schedule A to each of the declarations described in subsection (4), in the case of land included in the property of an amalgamated corporation;

(b) takes into account all changes from the legal description in Schedule A to the declaration made since the registration of the declaration, except in the case of land included in the property of an amalgamated corporation; and

(c) takes into account all changes from the legal description in Schedule A to the declarations described in subsection (4) that were made after the registration of each of those declarations and before the termination, in the case of land included in the property of an amalgamated corporation. O. Reg. 49/01, s. 51 (3).

(4) The declarations mentioned in subclause (3) (a) (ii) and clause (3) (c) are,

(a) the declaration of each of the amalgamating corporations that was not itself an amalgamated corporation, as that declaration existed immediately before the amalgamation; and

(b) the declaration of each corporation that was not itself an amalgamated corporation and that was a predecessor of one of the amalgamating corporations that was an amalgamated corporation, as that declaration existed immediately before the amalgamation. O. Reg. 49/01, s. 51 (4).

(5) The land registrar shall record in the new parcel register,

(a) all claims that apply to the land in accordance with section 127 or 175 of the Act, as the case may be;

(b) all claims that apply to the land in accordance with the order for termination mentioned in section 128 of the Act; and

(c) the notice of termination, deed for a sale, plan of expropriation or order for termination, as the case may be. O. Reg. 49/01, s. 51 (5).

(6) The new parcel register shall describe the owners of the land as a result of the registration,

- (a) by name as tenants in common, followed by an indication of the proportion of their interest, in the case of a notice of termination mentioned in section 122 or 123 of the Act;
 - (b) by name, in the case of a deed for a sale under section 124 of the Act;
 - (c) by name of the expropriating authority, in the case of a plan of expropriation under section 126 of the Act; or
 - (d) by the method that the land registrar considers most suitable, having regard to the order, in the case of an order for termination mentioned in section 128 of the Act. O. Reg. 49/01, s. 51 (6).
- (7) Upon opening the new abstract index for the land, the land registrar shall,
- (a) take into account all additions to or sale of part of the common elements;
 - (b) record in the abstract index the notice of termination, deed for a sale, plan of expropriation or order for termination, as the case may be; and
 - (c) note in the abstract index the fact that land was previously subject to the *Condominium Act, 1998* and the identification of the condominium plan. O. Reg. 49/01, s. 51 (7).

52. Revoked: O. Reg. 49/01, s. 52 (2).

53. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 49/01, s. 53.

FORMS 1-15 Revoked: O. Reg. 443/11, s. 12.

[Back to top](#)