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For more information concerning the history of these regulations, please see the ***Table of Regulations***.

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CHAPTER C-16

CONDOMINIUM ACT

REGULATIONS

Made by the Lieutenant Governor in Council under the *Condominium Act* R.S.P.E.I. 1988, Cap. C-16

GENERAL

1. In these regulations — Definitions

(a) "Act" means the *Condominium Act* R.S.P.E.I. 1988, Cap. C-16; — Act

(b) "Condominium Corporations Index" means the Condominium Corporations Index kept under subsection 5(1) of the Act; — Condominium Corporations Index

(c) "condominium property" means property, as defined in clause 1(1)(o) of the Act, to which the Act applies; — condominium property

(d) "Condominium Register" means the Condominium Register kept under subsection 5(2) of the Act; — Condominium Register

(e) revoked by EC252/09; — Examiner

(f) "hanging line" means an unclosed traverse in the form of a branch emanating from a main traverse or triangulation; — hanging line

(g) "imperial measurements" means measurements in feet and decimals of a foot; — imperial measurements

(h) "Level 1" means the plan delineating the surface of the ground or the projection thereof and showing the relationship of the structures to parcel limits; — Level 1

(i) "metric measurements" means measurements in metres and decimals of a metre; — metric measurements

(j) "monument" means a bar, post, stake, peg, or any other object, thing or device used to mark or delineate a boundary of surveyed lands; — monument

(k) "Registrar" means the Registrar of Deeds in whose registry division the property is situate; — Registrar

(l) "structural plan" means, for the purposes of clause 4(1)(b) of the Act, a copy of the structural drawing prepared for the project; — structural plan

subdivision unit

(m) "subdivision unit" means any area of land delineated by a survey and includes

(i) a city lot, town lot or village lot, block, gore, reserve, common, mining location and mining lease, or

(ii) a lot, block, part or other surveyed unit of land shown on a plan registered or filed under the *Registry Act* R.S.P.E.I. 1988, Cap. R-10. (EC10/78; 252/09)

PART I
REGISTRATION AND RECORDING

Receipt of declaration and description

2. (1) A declaration and description shall not be submitted for registration under the Act unless

(a) the declaration is executed or consented to by every person whose execution or consent is required by section 3 of the Act;

(b) the declaration or consent is accompanied by such proof as to the execution by every such owner and person as is required by or under the *Registry Act*, in the case of a deed, with respect to each owner, and in the case of a release, with respect to each person having a registered claim; and

(c) the description has been prepared by a registered land surveyor.

Items

(2) The description referred to in clause 1(c) shall contain the items set out in subsection 4(1) of the Act, or in the case of vacant land condominiums, the items set out in subsection 62(1).

Requirement for approval

(3) For greater certainty, nothing in the Act or these regulations exempts any person from a requirement to obtain approval

(i) under the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 or its regulations, or

(ii) under an official plan approved under the *Planning Act* or the bylaws implementing an official plan,

in respect of a property to which the Act applies. (EC10/78; 276/80; 252/09)

Index

3. The Condominium Corporations Index shall be in Form 1. (EC10/78)

Duties of Registrar

4. (1) Where a declaration and description are received for registration, the Registrar shall

(a) endorse on the declaration and description the year, month, day of the month and hour of the day 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 to the description an identification which shall be comprised of a component under column 2 of Schedule A and the

words "Condominium Plan No." together with the number assigned as part of the name of the corporation under subclause (e)(ii);

(d) record in the Condominium Corporations Index such particulars with reference thereto as are indicated by the headings of the columns in Form 1; and

(e) assign a name to the corporation as required by subsection 10(2) of the Act, which name shall be comprised of the component in column 2 of Schedule A set opposite the name of the registry division, followed by

(i) the words "Condominium Corporation", and

(ii) the abbreviation "NO.", together with a number which shall be the next available consecutive number in the column headed "Consecutive Number" in the Condominium Corporations Index.

Change of name

(2) No change shall be made in the name of a condominium corporation after the name is assigned under clause (1)(e). (EC10/78)

Condominium Register

5. (1) The Registrars of Deeds for the registration districts mentioned in Schedule A shall keep one or more separate books of registry, which books shall constitute the Condominium Register for such registry district.

Idem

(2) The books constituting the Condominium Register shall be numbered separately using the prefix "CR" (e.g. CR-1). (EC10/78)

6. (1) When a declaration and description are received, the Registrar of Deeds shall

(a) assign to the declaration and the description the next available numbers and make the appropriate entry, showing the declarant named in the declaration as grantor and the corporation as grantee; and

(b) enter the declaration in one of the books of the Condominium Register in accordance with section 14 of the *Registry Act*, and the description shall be entered therein.

Registerable instruments

(2) A Registrar of Deeds shall not register in the Condominium Register any instrument other than those mentioned in subsection (1), section 9 or subsection 15(2).

Sale

(3) A conveyance of the kind mentioned in section 24 of the Act shall be indexed in the manner prescribed by the *Registry Act*.

Indexing

(4) A notice of termination or order of termination shall be indexed showing the corporation as grantor and each of the owners as grantees. (EC10/78)

Form of consent

7. A consent of a party having a registered encumbrance under clause 3(1)(b) of the Act shall be in Form 2. (EC10/78)

Amendment of declaration

8. (1) An amendment to a declaration under subsection 3(3) of the Act shall be in Form 3 and shall be accompanied by a declaration of an authorized officer of the corporation in Form 4.

Amendment of description

(2) Where an amendment to a declaration requires an amendment to the registered description, the amendment to the declaration shall not be registered unless an amendment to the description is registered at the same time. (EC10/78)

Change of address

9. A resolution under subsection 3(5) of the Act shall be in Form 5 and shall be recorded in the Condominium Register. (EC10/78)

Certificate *re bylaws*

10. A certificate referred to in subsection 13(3) of the Act shall be in Form 6. (EC10/78)

Easement

11. (1) In this section, "easement" means an easement, right of way, right or license in the nature of an easement, *profit a prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law.

Record of easement

(2) An easement affecting the common elements or a part of the common elements, but not affecting a unit, shall be recorded in the general index maintained by the Registrar under the *Registry Act*. (EC10/78)

Description of unit

12. (1) The description of a unit and common interest in an instrument received for registration shall be comprised of the unit number, the level number or letter and the identification of the condominium plan, and the description of the unit shall include a reference to the registry office in which the plan is registered, and may include a reference to the appurtenant common interest with or without a specification of the percentage stated in the declaration.

Idem

(2) An encumbrance to which subsection 7(8) of the Act applies, a transfer or deed of the property and a release or discharge affecting all units and common elements under subsection 24(2) of the Act, a notice of termination under section 23 or 25 of the Act, an order under section 26 of the Act and any other instrument purporting to affect the title of all units and common elements comprising a condominium property may describe the property as "all the units and common elements comprising the property included in" followed by the identification of the plan and a reference to the registry office in which the plan is registered. (EC10/78)

13. (1) Where land is to be added to the common elements, a transfer or deed may be made by the vendor to the corporation as a transferee or grantee and if the transfer or deed includes a dedication by the board in Form 7, the land becomes, upon registration of the transfer or deed, a part of the common elements. Addition to common elements

(2) A deed or transfer under subsection (1) shall be recorded only in the general index. (EC10/78) Recording

14. A release of a portion of an encumbrance under subsection 7(10) of the Act shall be in a form, having regard to the nature of the encumbrance, sufficient for registration under the *Registry Act*, and shall describe the land in accordance with section 12. (EC10/78) Release

15. (1) A notice of termination under section 23 of the Act shall be in Form 8. Notice of termination

(2) Where a notice of termination in Form 8 is received for registration, it shall be recorded in the general index and in the Condominium Register. Recording

(3) A notice in Form 8 may be registered notwithstanding that it is not received within the ten-day period prescribed by subsection 23(1) or (2) of the Act. Notice out of time

(4) In indexing a notice in Form 8, it shall be sufficient to describe the co-owners in the tenancy in common arising on the registration of the notice as "all the former unit owners as tenants in common". (EC10/78) Indexing

16. Where the instruments mentioned in subsection 24(2) of the Act are tendered for registration, the Registrar shall not receive the transfer or deed for registration unless Receipt of instrument of termination by sale

(a) it appears to be executed by all the owners;

(b) it is accompanied by a release or discharge that appears to be executed by all persons having registered claims against the units and common elements created after the registration of the declaration and description;

(c) the transfer or deed and every release or discharge is accompanied by such proof as to the execution by every such owner and person as is required by or under the *Registry Act*, in the case of a transfer or deed, with respect to the owners, and in the case of a release with respect to the persons having registered claims; and

(d) the transfer or deed is accompanied by a certificate signed by the authorized officers of and under the seal of the corporation stating that the sale was authorized by a vote of the owners who at the time of the vote owned 80 per cent of the common elements or such

greater percentage of the common elements as is specified in the declaration. (EC10/78)

Notice of termination without sale

17. (1) A notice of termination under subsection 25(2) of the Act shall be in Form 9.

(2) A registrar shall not receive a notice of termination in Form 9 for registration unless

(a) it appears to be executed by all the owners and all the persons having registered claims against the units and common elements created after the registration of the declaration and description; and

(b) it is accompanied by such proof as to the execution by every such owner or person as is required by or under the *Registry Act* in the case of a transfer or deed, with respect to the owners, and in the case of a release, with respect to the persons having registered claims.

Registration

(3) A notice of termination in Form 9 may be registered under the *Registry Act* notwithstanding that it does not contain the *pro tanto* releases of dower in accordance with that form.

Indexing

(4) In indexing a notice in Form 9, it shall be sufficient to describe the executing parties as being the corporation, described by its full name, and the owners and claimants as "all the owners and registered claimants", and to describe the co-owners in the tenancy in common arising on the registration of the notice as "all the former unit owners as tenants in common". (EC10/78)

Termination by order of Supreme Court

18. (1) Where an order is made under section 26 of the Act terminating the government of the property by the Act, the order is inoperative in that respect until it is registered.

Receipt of order

(2) Where an order of termination is tendered for registration, the Registrar shall not receive the order for registration unless the conditions, if any, as to its registration as are contained in the order have been complied with, or until proof thereof is furnished to the Registrar. (EC10/78)

Notice of lien

19. (1) A notice of lien under subsection 16(5) of the Act shall be in Form 10.

Certificate of lien

(2) A certificate under subsection 16(6) of the Act shall be in Form 11.

Discharge

(3) A discharge of a lien under subsection 16(9) of the Act shall be in Form 12. (EC10/78)

Rate of interest on trust money

20. The rate of interest under subsections 32(2) and (3) of the Act on money held in trust under subsection 32(1) of the Act shall be the same

as the rate used by the chartered banks in calculating interest on true savings accounts. (EC10/78)

Insured

21. (1) In this section, "insured" means a purchaser under an agreement of purchase and sale of a proposed condominium unit who has paid money to which section 32 of the Act applies to a declarant and his successors and assigns.

Prescribed security

(2) A policy that insures against loss of any money paid by an insured to a declarant to which section 32 of the Act applies and to loss of any interest payable by a declarant to an insured under that section and that is in accordance with this section is prescribed security for the purposes of clause 32(1)(b) of the Act.

Premiums

(3) The premiums payable in respect of a policy shall be paid by the declarant.

Effective date

(4) A policy shall take effect when it has been executed by the insured and by or on behalf of the insurer and the declarant.

Obligations of insurer

(5) The obligations of an insurer to an insured under a policy shall not be affected by

(a) failure of the declarant to pay any premiums owing under the policy;

(b) failure of the declarant to notify the insurer of the receipt of money to which section 32 of the Act applies from the insured; or

(c) breach of any term or condition of the policy.

Termination of insurer's liability

(6) An insurer shall remain liable under a policy until

(a) a deed or transfer of the unit acceptable for registration is delivered to the insured;

(b) the declarant pays to the insured all money to which section 32 of the Act applies and all interest payable by the declarant to the insured under that section; or

(c) the insurer pays the insured the amount of the loss.

Rate of interest

(7) Where an insurer is required to make a payment under a policy, interest at the rate prescribed under section 20 shall be paid to the insured to the date of payment of the loss. (EC10/78)

Fees

22. (1) Subject to subsection (2), the fees prescribed under the *Registry Act* are payable to the Registrars.

Idem

(2) The fees set out in Schedule B are payable to the Registrars. (EC10/78)

PART II
SURVEYS AND PLANS

GENERAL

Surveys

23. Where a surveyor makes a survey and plan for the purposes of the Act, he shall make the survey and plan in accordance with these regulations and the *Land Survey Act*. (EC10/78)

Classification of properties

24. For the purposes of these regulations, properties are classified as follows:

Class A - Properties each of which is divided into units by vertical planes

Class B - Properties each of which is divided into units by horizontal or horizontal and vertical planes

Class C - Properties each of which is divided into units by planes that are neither horizontal nor vertical or by surfaces that are not planes. (EC10/78)

Application

25. (1) Sections 26 to 54 apply to Class A properties.

Idem

(2) Sections 26 to 56 apply to Class B properties.

Idem

(3) Plans to Class C properties shall be prepared in such manner as the surveyor making a survey and plan for the purposes of the Act considers most suitable to secure accuracy.

Idem

(4) Sections 26 to 56 do not apply to structural plans. (EC10/78; 252/09)

Duties of surveyor

26. (1) Before undertaking a survey, a surveyor shall refer to all documentary evidence related to the land under survey and the land adjoining the land under survey.

Applicable laws

(2) The requirements of all statutes and regulations that affect the boundaries of the land shown on a plan shall be ascertained and complied with before the plan is submitted for registration. (EC10/78; 252/09)

Lost monuments

27. (1) Where a monument no longer exists, all evidence concerning its original position shall be considered in the re-establishment thereof.

Placement of monuments

(2) Where a monument is placed on an existing boundary, the monument shall be placed on the boundary at a point that shall be established from evidence of the boundary line on both sides of the monument so placed. (EC10/78)

Sections 28 to 30 revoked by EC252/09. (EC10/78; 252/09)

MONUMENTATION

Exterior angles

31. (1) Every exterior angle of a condominium property shall be defined in the survey by

(a) a concrete monument;

(b) a rock bar;

(c) a rock post; or

(d) such other monuments as are specified by the regulations made pursuant to the *Land Surveyors Act* R.S.P.E.I. 1988, Cap. L-3.

Boundaries

(2) Points in the exterior boundaries of a condominium property at intervals not greater than

(a) 1000 feet, where imperial measurements are used; or

(b) 300 metres, where metric measurements are used,

shall be defined in the survey in accordance with subsection (1).

Walls, ceilings, etc.

(3) Walls, floors, ceilings or other physical features may be adopted as the monuments that control the boundaries of condominium units, if a statement to that effect is printed on the plan or diagram of the unit that is registered.

Other monuments

(4) Except as provided in subsections (1), (3) and (5), other subdivision unit angles or corners and every angle on the condominium plan established to make a closed survey circuit shall be defined by

(a) a rock cross;

(b) a cut cross;

(c) a rock post; or

(d) such other monuments as are specified by the regulations made pursuant to the *Land Surveyors Act.*

Measurements

(5) Where subsection (3) is not applied, and where monumentation in accordance with subsection (4) is impracticable, boundaries shall be witnessed by measurements to monuments as defined in clause 1(i).

Variation of monumentation

(6) Revoked by EC252/09. (EC10/78; 252/09)

Standards of Survey for Level 1

Measurement of boundaries

32. (1) All boundaries of the land being surveyed shall be measured directly or shall be determined by closed traverse or triangulation and shall be tied to existing coordinate control monumentation.

Hanging lines

(2) Hanging lines shall be verified by two independent measurements of angle and distance and shall be tied to existing coordinate control monumentation. (EC10/78)

Error of closure, imperial

33. (1) Where imperial measurements are used, the error of closure in respect of the perimeter of each subdivision unit shall not exceed

(a) for the first 100 feet of perimeter, an error of 0.10 feet;

(b) for the next 1000 feet of perimeter, an error of 0.02 feet per 100 feet;

(c) for each succeeding 100 feet of perimeter, up to a total perimeter of 1,900 feet, an error of 0.01 feet; and

(d) for a total perimeter of more than 1900 feet, an error of one in 5000.

Error of closure, metric

(2) Where metric measurements are used, the error of closure in respect of the perimeter of each subdivision unit shall not exceed

(a) for the first 30 metres of perimeter, an error of 30 millimetres;

(b) for the next 300 metres of perimeter, an error of 6 millimetres per 30 metres;

(c) for each succeeding 30 metres of perimeter, up to a total perimeter of 600 metres, an error of 3 millimetres; and

(d) for a total perimeter of more than 600 metres, an error of one in 5000.

Application to hanging lines

(3) The errors of closure prescribed in subsections (1) and (2) apply to hanging lines. (EC10/78)

Natural boundaries

34. The position of a natural boundary that forms a boundary of the land being surveyed or that governs the position of that boundary shall be determined by

(a) periodic offsets at such intervals as the complexity of the natural boundary demands and to such extent as will enable relocation of the natural boundary, such offset measures to be

(i) of not greater length than 250 feet and at not greater intervals than 200 feet along a controlled traverse where imperial measurements are used, or

(ii) of not greater length than 80 metres and at not greater intervals than 60 metres along a controlled traverse where metric measurements are used;

(b) stadia measurements from stations on a controlled traverse to such points on the natural boundary as are necessary to determine all its irregularities and to enable its relocation, such measurements to be

(i) not more than 1000 feet in length and at not greater intervals than 200 feet along the natural boundary where imperial measurements are used, or

(ii) not more than 300 metres in length and at not greater intervals than 60 metres along the natural boundary where metric measurements are used. (EC10/78)

35. Bearings shall be in terms of Grid Azimuths. (EC10/78) Bearings

36. (1) The monuments controlling the extent of units shall be described fully in the declaration and a brief note describing the monuments shall be endorsed on the plan of each level and, when the scale of the plan of any level is not sufficient to illustrate this clearly, a separate plan of compilation shall be drawn showing the specification and relationship between the boundaries of the units and the monumentation. Description of monuments

(2) The original positions of the monuments referred to in subsection (1) shall be adopted as governing the location of units on any resurvey. (EC10/78) Original position to govern

Standards for Level 1 Plans

37. (1) A plan shall be prepared by a land surveyor in accordance with good surveying practice, and Plans

(a) shall be drawn so that opaque or transparent reproductions may be made by either a wet or dry process without damaging the plan;

(b) shall be drawn to a professional standard for draughtsmanship and be neat and clear and in fit condition for making legible reproductions;

(c) shall be certified on the plan by the surveyor in Form 14;

(d) shall, where any unit is defined by reference to a building, be certified on the plan by the surveyor in Form 15;

(e) shall show Form 16 in the upper right-hand corner;

(f) revoked by EC252/09;

(g) shall show in the upper right-hand corner below Form 16 the following notation:

"Declaration and registered as No. ";and

(h) shall be endorsed by each owner in Form 17.

(2) There shall be endorsed on the plan of each level a sheet number and the total number of sheets. Numbering

(3) The only handwriting to appear on the plan shall be the signatures of those persons required to sign the plan, and under each signature shall be legibly printed the name of the person signing. (EC10/78; 252/09) Signatures

38. A plan shall be drawn to a scale or scales sufficient for clarity of all particulars on the plan. (EC10/78) Scales

39. (1) All distances on a plan of survey shall be shown either in imperial or metric measurements. Measurement of distances

Note of mode of measurement

(2) Where distances on a plan of survey are shown in metric measurements only, the following shall be included in bold printing in a conspicuous position on the plan:

METRIC MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES

and where this note appears, no further metric designation shall accompany any measurement shown on the plan. (EC10/78)

Origin of bearings

40. (1) The origin of the bearings shall be stated on the plan in note form.

Secondary bearings

(2) Bearings may be derived from a line of known true bearing if survey evidence of such line exists on the ground in its original position and is shown on the plan. (EC10/78)

Limits of existing units

41. There shall be shown on a plan clearly and accurately by broken lines sufficient information to enable the identification of

(a) the limits of pre-existing subdivision units or limits defined by descriptions of land, registered under the *Registry Act*, included within the land surveyed and the land adjoining the land being surveyed; and

(b) the identifying numbers, letters or words of the land referred to in clause (a). (EC10/78)

Units and common elements

42. The limits of units and common elements shall be shown on the plan by solid lines of a consistent weight and the lines shall be heavier than the lines referred to in section 41. (EC10/78)

Adjoining land

43. The adjoining limits of land adjacent to the land being surveyed shall be shown on the plan. (EC10/78)

Plan to show monuments found

44. (1) A plan shall show the position and form of all survey monuments and other evidence found, conflicting or otherwise.

Idem

(2) Monuments and other evidence found shall be distinguished by the abbreviation “Fd.”. (EC10/78)

True measurements

45. (1) The measurements of distance and directions obtained by the surveyor in the course of a survey on the ground shall be reduced to true measurements and shall be shown on the plan.

Differences

(2) Where a measurement of distance or direction differs from that shown in a deed or other conveyance or plan registered under the *Registry Act*, the measurement shall be followed by

(a) the abbreviation “Meas.”;

(b) the corresponding measurement on the registered plan or in the deed or conveyance; and

(c) "Plan (No.)", or "Deed (No.)",

or as the case may be. (EC10/78)

Details of plan

46. (1) A plan shall show

(a) the bearing and length of each straight line forming any surveyed limit or part of any surveyed limit, except that, in the case of a tier of units that is shown by dimensions to be a series of parallelograms, the direction of each of the side lines of the units may be indicated by the bearings at both ends of the tier;

(b) the radius, arc length, chord length and chord bearing of each curved line forming any surveyed limit or part of any surveyed limit;

(c) the perpendicular or radial widths of every street, land, public passage, unit or common element of which the limits are parallel or concentric;

(d) the straight line distances and bearings between the points of street intersections on the same side of the street and, where all or part of an intersection is on a curve, the radius, arc length, chord length and bearing of the curved portion; and

(e) the location of the radial centre of an arc that forms the end of a cul-de-sac, clearly defined with reference to the street or streets approaching the cul-de-sac.

Idem

(2) Where the arc of a simple curve joins a line that is not tangent to the curve, the junction of curve shall be shown as "not tangential".

Idem

(3) Where space does not permit the showing of the chord length and bearing in their normal position in respect of the curve, they may be shown in schedule form on the plan. (EC10/78)

Idem

47. (1) Subject to subsection (2), there shall be shown on a plan all roads, streets, lanes, railway lands, rivers, canals, streams, lakes, ponds and marshes lying within or abutting upon the surveyed land.

Topographical information

(2) Topographical information that does not relate to the definition of limits of subdivision units, units or common elements shall not be shown on a plan.

Natural boundaries

(3) Natural boundaries shall be accurately plotted on a plan.

Particulars of traverse lines

(4) Where traverse lines are shown from which natural boundaries have been defined on the ground, complete particulars shall be shown on a plan, including

(a) bearings, distances and lengths of offsets and the angles that they make with respective traverse lines;

(b) bearings and distances of stadia measurements;

(c) information relevant to any other method by which a natural boundary is determined; and

(d) information relating to the boundaries and ties with other surveys and land boundaries.

Idem

(5) The particulars required by subsection (4) shall be shown along the appropriate course on the plan, but where it is not practicable to show such particulars they may be shown in a schedule if they are identified and related to the appropriate course on the plan. (EC10/78)

Designation of units

48. Every part of a property that is not a common element shall be designated on the plan by the word "Unit" followed by a number, and the numbers shall follow consecutively and there shall not be more than one "Unit" designated on each level sheet by the same number and, where a specification is required of parts of the common elements that are to be used by the owners of one or more units but not by all of the owners, these exclusive use portions may be designated on a separate plan by numbers or letters or by numbers and letters. (EC10/78)

Easements

49. An easement or right of way existing at the time of the survey shall be shown on the plan. (EC10/78)

Inclusion of all units

50. Every plan shall bear a title showing the designation of every subdivision unit the whole or a portion of which is included within the area to which the plan applies. (EC10/78)

Scale and name of surveyor

51. (1) Each plan shall show under the title the scale to which the plan is drawn, the name of the surveyor or survey organization or firm and the year in which the survey was completed.

Scale bars

(2) Where the scale shown on a plan of survey is a ratio, a scale bar clearly identified as representing either feet or metres shall be included on the plan. (EC10/78)

North point

52. A grid north point accurately plotted shall be placed in a conspicuous position on each plan. (EC10/78)

Endorsement of particulars

53. Upon the registration of a plan, the Registrar shall endorse on the plan the particulars of registration in Form 15. (EC10/78)

Duplicates

54. (1) At the time of filing a plan, there shall be delivered to the Registrar three duplicates of the plan and the Registrar shall endorse the particulars of registration of the plan on the duplicates.

Idem

(2) A duplicate plan shall be a mechanically reproduced copy of the plan of which it is the duplicate.

(3) The lands shown on the duplicate plans to be retained by the Registrar shall be coloured a light shade of pink to designate units and yellow to designate the common elements. (EC10/78; 252/09) Colours

Standards for Plans Other than Level 1

55. Section 37 except clause (c) of subsection (1), and sections 38, 42, 48, 53 and 54 apply to plans of levels other than Level 1. (EC10/78) Other levels

56. Plans of levels other than Level 1 shall be designated by the word "Level", plans of levels above Level 1 shall be numbered consecutively beginning with the number "2" and plans of levels below Level 1 shall be lettered alphabetically beginning with the letter "A", and Indication of level

(a) may be compiled from information obtained from the structural plans and the plan of Level 1; and

(b) a section or perspective drawing, sufficiently accurate to portray the vertical relationship of all levels, shall be drawn on each sheet. (EC10/78)

PART III
AMENDMENTS TO DESCRIPTIONS

57. (1) Section 2 and Part II apply *mutatis mutandis* to amendments to descriptions. Application

(2) Amendments of those portions of a registered description referred to in clauses 4(1)(a), (b), (c), (d) and (f) of the Act may be made by registering new portions in substitution for such portions, provided that an amendment to the registered declaration that relates to the amendments to the description is registered at the same time. Registration of amendments

(3) Registered amendments to a description shall for all purposes be substituted for the portions of the description so amended. *Idem*

(4) The amendments to a description shall be integrated with the description, but shall be clearly marked to show *Idem*

(a) that they are amendments; and

(b) the date of their registration. (EC10/78)

PART IV
VACANT LAND CONDOMINIUM CORPORATIONS

58. This Part applies to vacant land condominiums that comprise vacant land units in whole or in part. (EC431/97) Application

59. In this Part "vacant land unit" means a unit defined by delineation of its horizontal boundaries without reference to any building, the Vacant land unit, definition

boundaries of which shall be deemed to extend vertically upward and downward without limit. (EC431/97)

Registration

60. (1) A declarant may register a declaration and description that create a corporation in which one or more units are vacant land units at the time of registration.

Vacant land condominium corporation

(2) The type of corporation created by the registration of a declaration and description under subsection (1) shall be known as a vacant land condominium corporation.

Application of Act

(3) Subject to this Part, the Act and Parts I to III of these regulations apply, with the necessary modifications, to a vacant land condominium corporation. (EC431/97)

Contents of declaration

61. (1) If a vacant land unit is to include a building or structure to be constructed after the registration of the declaration and description, the declaration shall contain restrictions or conditions, if any, with respect to

(a) the size, location, construction standards, quality of materials and appearance of the building or structure;

(b) architectural standards and construction design standards of the building or structure;

(c) the time of commencement and completion of construction of the building or structure; and

(d) the minimum maintenance requirements for the building or structure.

(2) The declaration in respect of a vacant land condominium corporation shall include a statement specifying the method of valuation to be used to determine the proportionate share of ownership of each unit owner in the property or part thereof in the event the property or part thereof ceases to be governed by the Act. (EC431/97)

Contents of description

62. (1) A description of a vacant land condominium corporation shall contain

(a) a plan of survey showing the perimeter of the horizontal surface of the land, the perimeter of the buildings and structures on the common elements and the boundaries of each vacant land unit;

(b) architectural plans of the buildings and structures included or to be included in the common elements and, if there are any, structural plans of them;

(c) a certificate of an architect that the buildings, if any, included in the common elements have been constructed substantially in accordance with the architectural plans and, if there are structural plans, a certificate of an engineer that the buildings have been constructed substantially in accordance with the structural plans; and

(d) a description of all interests appurtenant to the land that are included in the property.

Idem

(2) Subsection 4(1) of the Act does not apply to vacant land condominium corporations. (EC431/97)

Status of buildings in corporation

63. (1) The buildings and structures located on a vacant land unit or on the common elements of a vacant land condominium corporation, whether or not the buildings and structures have been constructed at the time of the registration of the declaration and description, are real property and form part of the vacant land unit or common elements respectively.

Insurance

(2) A vacant land condominium corporation is exempt from the obligation to obtain and maintain the insurance provided for in subsection 18(1) of the Act for buildings and structures located on a vacant land unit except to the extent that the buildings or structures may form part of the common elements.

Owner to insure unit

(3) The owner of a vacant land unit shall obtain and maintain all risk insurance for damage to the unit that, but for subsection (2), the vacant land condominium corporation would have had to obtain with respect to the unit. (EC431/97)

Bylaws

64. (1) In addition to the power to make bylaws under section 13 of the Act, the board of a vacant land condominium corporation may, subject to section 13 of the Act, make bylaws,

(a) specifying minimum maintenance requirements for a vacant land unit or a building or structure located on a vacant land unit; or

(b) imposing conditions and restrictions with respect to the use and occupation of a vacant land unit or a building or structure located on a vacant land unit. (EC431/97)

Repair and maintenance

65. (1) Subsections 21(2), (3), (4), (5), (6) and (7) of the Act do not apply to a vacant land condominium corporation.

Common elements

(2) A vacant land condominium corporation shall maintain the common elements and repair them after damage.

Units

(3) The owner of a vacant land unit in a vacant land condominium corporation shall maintain the owner's unit and repair it after damage.

Work done for owner

(4) If an owner of a vacant land unit in a vacant land condominium corporation fails to maintain the owner's unit within a reasonable time or to repair it within a reasonable time after damage, the vacant land condominium corporation may maintain or repair the unit.

Cost of work

(5) An owner shall be deemed to have consented to the repairs or maintenance carried out by the vacant land condominium corporation and the cost of the work shall be added to that owner's contribution to the common expenses. (EC431/97)

Substantial damage

66. (1) If the board of a vacant land condominium corporation determines under section 22 of the Act that substantial damage has occurred and the owners vote for repair under that section, the owner of a vacant land unit that has suffered damage may elect,

(a) not to repair the damage; or

(b) to replace the damaged building with a different building, subject to the Act, this section, the declaration and the bylaws.

Owner's duty

(2) An owner of a vacant land unit who elects not to repair the damage shall, as closely as is reasonably possible, restore the land on which the building was located to the state that the land was in immediately before the construction of the damaged building.

Restoration done by corporation

(3) If the owner of the vacant land unit does not do the restoration within a reasonable time, the vacant land condominium corporation may complete the necessary restoration.

Cost of restoration

(4) The owner shall be deemed to have consented to the restoration done by the vacant land condominium corporation, and the cost of the restoration shall be added to that owner's contribution to the common expenses. (EC431/97)

Termination

67. (1) Clause 23(3)(b), subsection 24(4) and clause 25(3)(b) of the Act do not apply to a vacant land condominium corporation.

Ownership

(2) Upon the registration of a notice of termination as provided for in the Act, the owners are tenants in common of the land described in the plan and any interests appurtenant thereto in proportion to the value of each unit and the appurtenant common interest determined in accordance with the manner described in the declaration for determining the value in the event that the property ceases to be governed by the Act.

Share of proceeds of sale

(3) Upon the sale of the property or any part of the common elements in accordance with the provisions of section 24 of the Act, the owners share the proceeds of the sale in proportion to the value of each unit and the appurtenant common interest determined in accordance with the manner described in the declaration for determining the value in the event the property ceases to be governed by the Act, subject to the right of any owner to dissent in accordance with subsection 24(5) of the Act. (EC431/97)

SCHEDULE A

COLUMN 1 Registry Division	COLUMN 2 Component of Name of Corporation and Plan
1. Kings	1. King
2. Prince	2. Prince
3. Queens	3. Queens

SCHEDULE B

The following are the fees payable to the Registrar of Deeds:

(1) For registration of a declaration and description $75.00

(2) For registration of any other document to be registered in the Condominium Register..... $75.00

(3) For certifying a copy of any document filed..... $25.00

(EC628/10)

FORM 1
CONDOMINIUM ACT

CONDOMINIUM CORPORATIONS INDEX

(Name of Registry Division)

Registration No. of Declaration	Date of Registration	Name and Address of Corporation	Location
		Consecutive Number (Name) Condominium Corporation No. Address for Service etc.	

FORM 2
CONDOMINIUM ACT

CONSENT UNDER CLAUSE 3(1)(b) OF THE ACT

..... having a registered encumbrance within the meaning of clause 3(1)(b) of the *Condominium Act* registered as Number in the Office of the Registrar of Deeds for County, hereby consents to the registration of this declaration pursuant to the *Condominium Act* against the land or interests appurtenant to the land described in the description.

Dated at .....this .....day of ....., 20.....

Witness: ……...……..…….…….
(Commissioner of Oaths/Affidavits)

……...……...…….…..
(Owner)

……...……...…….…..
(Owner)

(EC628/10)

FORM 3
CONDOMINIUM ACT

AMENDMENT TO DECLARATION

Pursuant to a bylaw registered as number ..... in the office of the Register of Deeds for.....County ....., Condominium Corporation Number .....hereby amends its declaration registered as number ..... in the said Registry Office as follows:

The names of all owners and all persons having registered encumbrances against the units and common interests on the date the bylaw was registered are set out in Schedule A hereto.

The consents of all owners and all persons having registered encumbrances against the units and common interests are included in Schedule B hereto.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at.....this .....day of ....., 20.....

Witness: ……..……..…….…….
(Commissioner of Oaths/Affidavits)

……..……..……..
(Authorized Officer)

……..……..……..
(Authorized Officer)

(seal)

(EC628/10)

SCHEDULE A

The following are names of all owners and all persons having registered encumbrances against the units and common interests of ..... Condominium Corporation Number .....on the .....day of ....., 20.....
(Note: Names are to be listed according to unit and level numbers in consecutive numerical order.)

SCHEDULE B
CONSENT TO AMENDMENT

..... being the registered owner of or having a registered encumbrance against Unit (Number) Level (Number) of (identification of condominium plan) registered in the office of the Registrar of Deeds for ..... County, hereby consent to the amendment to the declaration of the Corporation set out in the bylaw of the Corporation registered as Number..... in the said Registry Office.

Dated at ..... this.....day of ....., 20.....

Witness: ……..……..…….…….
(Commissioner of Oaths/Affidavits)

……...……...…….…..
(Owner)

(EC628/10)

FORM 4
CONDOMINIUM ACT
DECLARATION

I, ... declare as follows:
I am the ..... of ..... Condominium Corporation Number .....

A bylaw authorizing the attached amendment to the declaration of the Corporation was registered as Number.....in the Office of the Registrar of Deeds for ..... County.

The names of all owners and all persons having registered encumbrances against the units and common interests on the date the bylaw was registered are set out in Schedule A to the amendment.

The consents of all owners and all persons having registered encumbrances against the units and common interests are included in Schedule B to the amendment.

The persons whose consents are included in Schedule B are the persons whose names are set out in Schedule A, subject to the following exceptions:

Dated at ..... this ..... day of ....., 20.....

Witness: ……...……..…….…….
(Commissioner of Oaths/Affidavits)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

(EC628/10)

FORM 5
CONDOMINIUM ACT

CHANGE OF ADDRESS FOR SERVICE
UNDER SUBSECTION 3(5) OF THE ACT

Take notice that..... Condominium Corporation No. ..... as by resolution duly passed by the Board of Directors on the.....day of..... 20 ..... changed its address for service to:
.....
.....

Dated at ..... this..... day of .....,20.....

Signed: ....
Secretary of other authorized officer

FORM 6
CONDOMINIUM ACT

CERTIFICATE

.... Condominium Corporation Number ..... hereby certifies that the bylaw Number ..... attached hereto was made in accordance with the *Condominium Act*, being Chapter 6 of the Statutes of Prince Edward Island, 1977, and any amendments thereto, the Declaration and the Bylaws of the Corporation, and that the said Bylaw Number has not been amended and is in full force and effect.

Dated at ..... this ..... day of ....., 20.....

..... Condominium Corporation Number.....
By ....
Secretary

FORM 7
CONDOMINIUM ACT

DEDICATION OF ADDITIONAL LAND TO COMMON ELEMENTS

The Board of the hereinbefore mentioned .... Condominium Corporation No. ..... hereby dedicates the hereinbefore described land as an addition to the common elements of ..... Condominium Plan No. .....

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this .....day of.....,20 .....

Witness: ……...……..…….…….
(Commissioner of Oaths/Affidavits)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

(Seal)

(EC628/10)

FORM 8
CONDOMINIUM ACT

NOTICE OF TERMINATION
UNDER SECTION 23 OF THE ACT

.....
(Name of Condominium Corporation)

Hereby gives notice under subsection..... of section 23 of the *Condominium Act* that

1. The Board of Directors of the Corporation did on the.....day of .....,20 ..... determine that substantial damage to 25 percent (or such greater percentage as is specified in the declaration) of the building occurred on the ..... day of ....., 20.....
Where notice is under subsection 23(1) of the Act, add:
.....
2. On a vote, on the …….day of …….., 20…. the owners who at that time owned 80 percent (or such greater percentage as is specified in the declaration) of the common elements did not vote for repair.

OR

Where notice is under subsection 23(2) of the Act, add:
.....

3. There was no vote under subsection 22(2) of the Act within sixty days after the determination.

4. This notice is given in respect of the property included in..... Condominium Plan No..... registered in the office of the Registrar of Deeds for ..... County.
5. Upon registration of this notice, subsection 23(3) of the *Condominium Act* applies.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this .....day of ....., 20.....

Witness: ……..……..…….
(Commissioner of Oaths/Affidavits)

……..……..……..
(Authorized Officer)

……..……..……..
(Authorized Officer)

……..……..……..
(Authorized Officer)

(Seal)

(EC628/10)

FORM 9
CONDOMINIUM ACT

NOTICE OF TERMINATION UNDER SUBSECTION 25(2) OF THE ACT

We .....and the undersigned being all the
(Name of Condominium Corporation)
members of the Corporation and all the persons having registered claims against the property created after the registration of the declaration and description, Hereby give notice under subsection 25(2) of the *Condominium Act* that, by a vote on the .....day of ....., 20....., the owners who at that time owned 80 percent (or such greater percentage as is specified in the declaration) of the common elements authorized the termination of the government by the *Condominium Act* of the property included in (identification of Condominium Plan) registered in the office of the Registrar of Deeds for ..... County

And that all the persons having registered claims, as aforesaid, having consented, upon the registration of this notice, subsection 25(3) of the *Condominium Act* applies.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at..... this ..... day of ....., 20.....

Witness: ……...……..…….…….
(Commissioner of Oaths/Affidavits)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

(Seal)

OWNERS

(Witness) . . . . . .
(signature of the individual)
(Name as Registered in Print)
RE: Unit (NO.) Level (NO.)

(seal) (signatures of officers of corporate owner)
(Name of Corporate Owner in Print)
RE: Unit (NO.) Level (NO.) etc.

REGISTERED CLAIMANTS

(Witness) . . . . . .
(signature of the individual)
(Name as Registered in Print)
RE: Unit (NO.) Level (NO.)
(Or RE: All Units and Common Elements

(seal) (signatures of officers of corporate claimant
(Name of Corporate Claimant in Print)
RE: Unit (NO.) Level (NO.)
(or RE: All Units and Common Elements)

(EC628/10)

FORM 10
CONDOMINIUM ACT

NOTICE OF LIEN UNDER SUBSECTION 16(5) OF THE ACT

.....
(Name of Condominium Corporation)

Hereby gives notice that it has a lien under the *Condominium Act* against Unit (NO.) Level (NO.) of (identification of Condominium Plan), registered in the office of the Registrar of Deeds for ..... County, and the common interest appurtenant thereto for unpaid common expenses for the amount of $ .....at the date hereof and for such further amounts as are hereafter not paid when they become due.

Upon payment of the amount outstanding at any time and upon demand, the Corporation will give the owner a discharge of the lien in the prescribed form.

The lien does not secure payments of common expenses which became due more than three months before the date of registration of this notice.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this ..... day of ....., 20.....

Witness: ……...……..……..…….
(Commissioner of Oaths/Affidavits)

……...……...……..…..
(Authorized Officer)

……...……...……..…..
(Authorized Officer)

……...……...……..…..
(Authorized Officer)

(Seal)

(EC628/10)

FORM 11
CONDOMINIUM ACT

CERTIFICATE UNDER SUBSECTION 16(6) OF THE ACT

....
(Name of Condominium Corporation)

HEREBY CERTIFIES THAT, as of the date hereof,

1. The owner of Unit (No.) Level (no.) of (identification of Condominium Plan), registered in the office of the Registrar of Deeds for ..... County, is not in default in the payment of common expenses.

or

The owner ..... is in default in the payment of common expenses in the amount of $ .....

2. The amount of $ ..... in common expenses stands to the credit of the said owner in the Corporation's records (if applicable).

3. A payment on account of common expenses of $..... is due on (next due date) for the period (date ..... to date .....)
4. The Corporation is not presently considering any increase in the common expenses.

or

The Corporation anticipates an increase of approximately percent in the common expenses as a result of (here give particulars of any known forthcoming increase and the reason for it).

and

5. The Corporation has no knowledge of any circumstances that may result in an increase in the common expenses. (Where applicable add: except {here give particulars of any potential increase and the reason for it}.)

(NOTE: Such other information may be included in the certificate as the Corporation considers appropriate.)

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this ..... day of ....., 20.....

Witness: ……..……..…….
(Commissioner of Oaths/Affidavits)

……..……..……..
(Authorized Officer)

……..……..……..
(Authorized Officer)

……..……..……..
(Authorized Officer)

(EC628/10) (Seal)

FORM 12
CONDOMINIUM ACT

DISCHARGE OF LIEN UNDER SUBSECTION 16(9) OF THE ACT

.....
(Name of Condominium Corporation)

having received payment of the amount mentioned in the notice of lien registered as No. ..... in respect to Unit (No.) Level (No.) of (identification of Condominium Plan) registered in the office of the Registrar of Deeds for ..... County, pursuant to subsection 16(9) of the *Condominium Act*, hereby discharge the said Unit from the said lien.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at..... this ..... day of ....., 20.....

Witness: ……...……..…….…….
(Commissioner of Oaths/Affidavits)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

……...……...…….…..
(Authorized Officer)

(Seal)

(EC628/10)

FORM 13
CONDOMINIUM ACT

Revoked by EC252/09

FORM 14
CONDOMINIUM ACT

SURVEYOR'S CERTIFICATE

I hereby certify that:

1. This survey and plan are correct and in accordance with the *Condominium Act* and *Land Survey Act* R.S.P.E.I. 1988, Cap. L-2.1.
2. This plan includes all items set out in subsection 4(1) of the Act, or in the case of vacant land condominiums, all items set out in subsection 62(1) of the regulations.
3. I was present and did personally supervise the survey represented by this plan.
4. This plan contains a true copy of the field notes of survey.
5. The survey was completed on the ..... day of ....., 20.....

....
(date) (signature)

.....
(name in print)
Prince Edward Island Land Surveyor

(EC252/09)

FORM 15
CONDOMINIUM ACT

SURVEYOR'S CERTIFICATE

I hereby certify that the building(s) shown on this plan is (are) in existence and that the units designated on this plan substantially represent the units within the structure(s).

....
.....
(name in print)
Prince Edward Island Land Surveyor

FORM 16
CONDOMINIUM ACT

CERTIFICATE OF REGISTRATION

..... Condominium Plan No. ..... Level (or Levels)..... to.....
Unit (or Units) ..... to.....
Registered in the office of the Register of Deeds for..... County at ..... o'clock on the ..... day of ....., 20.....

.....
(signature)
Registrar

FORM 17
CONDOMINIUM ACT

OWNER'S CERTIFICATE

This is to certify that the property included in this plan has been laid out into units and common elements in accordance with my(our) instructions.

Dated at ..... this..... day of ....., 20.....

.....
(signature)
.....
(name in print)

FORM 18
CONDOMINIUM ACT

Revoked by EC252/09