

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE
DIRECTOR OF SURVEYS AND MAPPING
THE REPLY TO THIS LETTER SHOULD BE MARKED
FOR THE ATTENTION OF:



YOUR FILE NO.

Circular Letter No. 251.

OUR FILE NO.

DIRECTOR AND SURVEYOR-GENERAL ☒
FIELD OPERATIONS DIVISION
LEGAL SURVEYS DIVISION
MAP PRODUCTION DIVISION

SURVEYS AND MAPPING BRANCH
DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES
VICTORIA, BRITISH COLUMBIA

October 4, 1974.

CIRCULAR LETTER TO BRITISH COLUMBIA LAND SURVEYORS

Dear Sir:

Re: STRATA TITLES ACT - Regulations

The former regulations being B.C. Reg. 196/66 as amended by B.C. Reg. 47/72 have now been replaced by new Regulations which were effective as of August 1st, 1974.

The STRATA TITLES ACT of 1974 introduced several new concepts including "phased" strata plans and mobile-home parks. The regulations which have been reprinted for insertion in the General Survey Instruction binder, are enclosed for your convenience.

In submitting strata plans for approval to the Superintendent of Insurance, the surveyor should ensure that there are a sufficient number of prints included in the first instance. The quantity will vary depending on the number of taxing authorities in the district concerned. The reason for this request is that when the Superintendent of Insurance approves the plans he will forward them directly to the Registrar concerned and not to the surveyor.

Yours truly,

A. H. Ralfe,
Surveyor-General and Director,
Surveys and Mapping Branch.

INACTIVE

B.C. Reg. 534/74

Filed August 9, 1974

STRATA TITLES ACT

ORDER IN-COUNCIL 2578, APPROVED AND ORDERED AUGUST 1, 1974

Pursuant to the *Strata Titles Act*, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that: the attached regulation be made.

LORNE NICOLSON
Minister of Housing

D. BARRETT
Presiding Member of the Executive Council

STRATA TITLES ACT

REGULATIONS

1. These regulations may be cited as the *Strata Titles Act Regulations*.
2. In these regulations, unless the context otherwise requires,
 - "Act" means the *Strata Titles Act*;
 - "strata plan" shall include the drawing referred to in section 3 (1) (c) of the Act.
3. The Registrar shall keep a register of strata plans and shall record therein particulars of all strata plans deposited in his office pursuant to the Act.
4. (1) Each sheet of the strata plan shall be prepared on the dull side of durable tracing linen or on a stable base material (0.003 of an inch thickness) of such quality that transparent reproductions may be made by either wet or dry process without injury to the plan.
 - (2) Except where colours are necessary, all lettering, drawing, or figures on the plan shall be made in black india ink or printed in black printer's ink. Where the use of colour is necessary, they shall be of a permanent character.
 - (3) Each sheet shall be of a uniform size, which shall be either 8½ x 11 inches or 11 x 17 inches, unless the Registrar, in special circumstances, authorizes sizes 17 x 22 inches or 22 x 34 inches.
5. Every strata plan tendered for deposit in a Land Registry Office and registration therein shall comprise
 - (a) one (or more) first sheets numbered in numerical order, commencing with 1 on which are set out the matters required or prescribed by section 3 (1) (a), (b), (i) and (j) of the Act;
 - (b) one (or more) second sheets numbered in numerical order continuing the sequence of the numbering in section 5 (a) on which are set out the matters required or prescribed by section 3 (1) (f), (g), (h) and (j) of the Act;
 - (c) further sheets numbered in numerical order continuing the sequence of the numbering in section 5 (b) and containing the particulars required or prescribed by section 3 (1) (c), (d), (e), and (j) of the Act;

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and shall comply with the following requirements:

- (d) Each sheet of a strata plan shall,
 - (i) if it is a first or second sheet as referred to in 5 (a) or 5 (b), be endorsed in the top right-hand corner
‘First sheet (or Second) _____ of _____ sheets, Strata Plan _____’,
 - or if it is a further sheet as referred to in 5 (c), be endorsed
‘_____ sheet _____ of _____ sheets, Strata Plan _____’;
 - (ii) be dated and signed (or initialled) by the surveyor preparing the strata plan:
 - (iii) where a strata plan is to be deposited in phases, in addition to “Strata Plan _____” there shall be added “Phase _____”
- (e) The perimeter of the building shall be outlined on the first sheet prescribed by section 5 (a):
- (f) The first sheet shall show the dimensions of such perimeter and the location of the building relative to the boundaries of the land included within the strata plan. Distances from the building to the said boundaries shall be shown, unless this requirement is dispensed with by the Registrar:
- (g) The Schedule of Unit Entitlement required by section 3 (1) (f) of the Act shall be in Form 1 to these regulations, the Schedule of Interest upon Destruction required by section 3 (1) (g) of the Act shall be in Form 2 to these regulations, and the Schedule of Voting Rights required by section 3 (1) (h) of the Act shall be in Form 3 to these regulations, and these schedules shall appear on the second sheet prescribed by section 5 (b).
- (h) Forms 1, 2, and 3 and 8 shall be signed at the end thereof by the Superintendent of Insurance or his agent, where his authorization is required by the Act, and by each owner-developer of the land included in the strata plan, or his agent duly authorized by a written authority satisfactory to the Registrar, which authority shall be filed with the Registrar before the plan is received for deposit and registration.
 - (i) The Registrar may, in his discretion, accept a plan which has not been signed by all the owners where in his opinion the interests of the owners who have not signed are not affected by the deposit and registration of the plan:
- (i) Each strata lot shall be numbered or lettered on the strata plan consecutively, commencing with Lot 1 or Lot A. Different parts of the building which together constitute a single strata lot shall bear the same strata lot number or letter preceded by part or pt. The area of the smaller part shall be given on the part and the aggregate area shall be shown on the larger part of the strata lot. For example, where a strata lot having an aggregate area of 1,000 square feet includes a garage of 200 square feet, the plan of the garage part should read ‘Pt. 2, 200 sq. ft.’ and the plan of the other part should read ‘Pt. 2, total 1,000 sq. ft.’:

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- (j) Any line shown on a strata plan as a boundary of a strata lot shall be deemed to represent a wall built from floor to ceiling, unless the contrary is shown. Where a contrary situation exists, as, for example, where garage space forms part of a strata lot, the area of such space shall be dimensioned with reference to a wall or walls:
- (k) Respecting section 5 (c), if a building contains a setback, it shall be indicated in dotted lines on the sheet of the floor immediately above the setback so as to account for the reduction in perimeter:
- (l)
 - (i) Only the strata lots situate on the same floor of the building may be illustrated on a single sheet, and the name and number of such floor shall be shown at the top of the sheet; provided that a single floor plan drawing, showing thereon an elevation or elevations sufficient to identify the strata lots, may be deposited.
 - (A) where there is one strata lot only on each identical floor of a building;
 - (B) where there is more than one strata lot on each identical floor of a building;
 - (ii) The Registrar may permit floor plan drawings of more than one floor to be shown on a single sheet:
 - (m) The applicant shall produce such evidence, including an elevation of the building, as the Registrar may consider necessary to identify and locate the strata lots and floors within the building:
 - (n) Strata lots shall be numbered upward, starting from the lowest level, unless the Registrar, in his discretion, permits otherwise:
 - (o) The plan shall be accompanied by one transparent copy of its sheets, which may be machine-made of a quality equal to that specified in section 4 (1), together with such number of white prints as may be necessary for the purposes of the taxing authorities:
 - (p)
 - (i) Measurements on the plan shall be in feet and decimals of a foot; and
 - (ii) The scale shall be marked on each sheet of the plan and all dimensioned lines on the plan, exclusive of enlargements, and ties shall be true to scale. The only scales permissible are those authorized under the *Land Registry Act* which will provide sufficient clarity and are satisfactory to the Registrar:
 - (q) A north point shall be shown on each sheet of the plan, unless dispensed with by the Registrar:
 - (r) All abbreviations or symbols used and all necessary particulars not otherwise expressed shall be explained by a legend on the face of the strata plan:
 - (s) The name (if any) of the building, together with its street address and the name of the municipality or assessment district in which such building is situate, shall be shown on the first sheet.

6. Every strata plan tendered for deposit and registration shall be accompanied by a written application in Form 4 of these regulations, signed by the owner of the land included in the strata plan or by his agent, and the duplicate certificate of title

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covering such land shall be produced for cancellation or endorsement if not already in the Land Registry Office.

7. For the purposes of the Act, the deposit and registration of a strata plan shall be effected by the Registrar endorsing on the first sheet thereof in the top right-hand corner the fact of such deposit and registration in the following manner:

"Strata Plan _____ deposited and registered in the
Land Registry Office at _____ B.C., this _____
day of _____ 19____

Registrar

8. (1) On every certificate of title (Form F, *Land Registry Act*) issued for a strata lot, the Registrar, directly below the words and figures "Form F (Section 143)" on such certificate, shall make the following note:

"STRATA TITLES ACT (Section 2)"

(2) The Registrar shall include on any certificate of title for a strata lot, immediately following the strata plan number, the words "together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1."

9. (1) No certificate of title shall issue for more than one strata lot and its unit entitlement.

(2) Upon the issue of a certificate of title pursuant to section 2 (3) of the Act, the Registrar shall transmit to the appropriate taxing authority a copy of the strata plan.

10. Upon the deposit of a resubdivision plan pursuant to section 31 (2) of the Act the Registrar shall make a reference to the new plan and its extent on the appropriate sheet of the strata plan.

11. Upon the filing of satisfactory evidence of the facts, and upon the giving of notice to such person and in such form as the Registrar directs, the Registrar may correct any erroneous measurement upon, or any error, defect, or omission in any registered strata plan.

12. The certificate of the British Columbia land surveyor referred to in section 3 (5) (a) of the Act shall be placed on the first sheet of the strata plan and shall be in Form 5 to these regulations.

13. A certificate by the strata corporation given pursuant to sections 12 (4), or 13 (4), or 14 (2) or 34 (7) of the Act shall be in or to the effect of Form 6 to these regulations.

14. Where owners acquire land pursuant to section 14 of the Act the Registrar shall register under the *Land Registry Act* the title to such land in the name of the strata corporation. Forthwith, thereafter, the Registrar shall cancel such title and make the following note on the cancelled certificate of title:

"This land has been added to the common property of Strata
Plan _____ this _____ day of _____
19____

Registrar

Item 53 of the Scale of Fees, Second Schedule, *Land Registry Act*, applies.

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15. (1) Any person or corporation appointed as an administrator pursuant to section 38 of the Act shall file with the Registrar an office copy of the order of Court making such appointment.

(2) The strata corporation shall file with the Registrar an office copy of any order made by the Court pursuant to section 35 (3) of the Act and the Registrar shall endorse a reference to such copy on the relevant registered strata plan.

(3) On each strata plan, on a separate sheet thereof, the Registrar shall keep a chronological record of every by-law, order of Court, or other document required by the Act to be filed. The sheet shall be intituled "Record of By-Laws and Orders, Etc."

16. (1) A memorial of every instrument registered pursuant to sections 12, 13, 14 or 34 of the Act stating the nature of the instrument and such other particulars as the Registrar directs shall be endorsed on a separate sheet of the registered strata plan and signed by the Registrar.

(2) The sheet shall be intituled "Dealing affecting the common property."

17. (1) Upon receipt of a notice in or to the effect of Form 7 to these regulations the Registrar shall endorse on the strata plan a notification of the destruction or deemed destruction of the building and of the vesting in the owners of the land included within the boundaries of the strata plan. The notification shall contain such particulars as the Registrar directs and shall be signed by the Registrar.

(2) The Registrar shall mail a copy of Form 7 to the appropriate taxing authority.

18. Where all the land included within a registered strata plan has been transferred by the strata corporation pursuant to section 34 or 35 of the Act, the Registrar

- (a) shall enter on the relevant strata plan a notification of the cancellation of the same; and
- (b) shall make such further entries in his records as he deems necessary to give proper notice of such transfer.

19. (1) Upon receipt of notification in Form 8, at the time of deposit of the strata plan, of a change in the by-laws of the First or Second Schedules, made by the owner-developer and accepted by the Superintendent of Insurance pursuant to section 17 (2) of the Act; or

- (2) Upon receipt of notification in Form 9, of a change in the by-laws of the strata corporation pursuant to section 17 (2), (3) or (4) of the Act.

the Registrar shall endorse on the relevant strata plan a memorial of such notification which shall contain such particulars as the Registrar directs and shall be signed by him.

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20. The fees payable on the deposit and registration of a strata plan shall be as follows:

For a plan on which the number of the lots

Exceeds	10 but does not exceed	25, a fee of \$20.00
"	25	" 50, " 30.00
"	50	" 75, " 40.00
"	75	" 100, " 50.00
"	100	" 150, " 60.00
"	150	" 200, " 70.00
"	200	" 300, " 85.00
"	300	" 450, " 100.00
"	450	" 750, " 120.00
"	750	" 1,000, " 140.00
"	1,000	" 1,500, " 160.00
"	1,500	" 2,000, " 175.00

For each additional 500 lots or portions thereof after the first 2,000, an addition fee of \$5.

In addition there shall be payable a fee of \$2.00 for each certificate of title issued pursuant to section 2 (3) of the Act. No additional fees are payable in respect of easements created by sections 15 and 16 of the Act.

21. The Certificate of Approval required by sections 4 (1) and 5 (5) of the Act shall be in Form 10 to these regulations.

22. The certificate of leasehold title required by section 53 (3) of the Act shall be in Form 11 to these regulations.

23. Where, under sections 1 (3), 3 (1) (g), 3 (1) (h) and 17 (2), the Act requires the authorization of the Superintendent of Insurance at the time of filing the prospectus under the *Real Estate Act* and the *Real Estate Act* does not require a prospectus to be filed, the matters referred to in these sections may be authorized by the Superintendent of Insurance upon an application made to him prior to the deposit of the strata plan.

FORM 1
SCHEDULE OF UNIT ENTITLEMENT
(Section 3 (1) (f))

Lot No.	Sheet No.	Unit Entitlement
Aggregate		

Superintendent of Insurance

Owner-Developer

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FORM 2
SCHEDULE OF INTEREST UPON DESTRUCTION
 (Section 3 (1) (g))

Lot No.	Sheet No.	Interest Upon Destruction
Aggregate		

Superintendent of Insurance

Owner-Developer

FORM 3
SCHEDULE OF VOTING RIGHTS
 (Section 3 (1) (h))

Lot No.	Sheet No.	Number of Votes
Aggregate		

Superintendent of Insurance

Owner-Developer

FORM 4
APPLICATION FOR DEPOSIT OF STRATA PLAN

I _____ (state full name, address and occupation), hereby apply to deposit and register a strata plan of _____ (insert legal description).

Certificate of Title _____ is produced (or) on deposit in the Land Registry Office.

I enclose fees to the amount of \$_____.

Dated this _____ day of _____ 19____.

Applicant, Agent or Solicitor

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FORM 5

SURVEYOR'S CERTIFICATE

(Section 3 (5) (a))

I _____ of _____, British Columbia Land Surveyor, hereby certify:

1. That the building erected on the parcel described above is wholly within the external boundaries of that parcel (where applicable, add) subject to clause 2 of this certificate.

2. Certain parts of the building project beyond such external boundaries but they are within the limits of the lands charged by registered easement No. _____.

Dated at _____, B.C.

this _____ day of _____ 19____.

Signature

FORM 6

CERTIFICATE OF STRATA CORPORATION

(Section 12 (4), 13 (4), 14 (2), 34 (7))

The Owners, Strata Plan No. _____ (a strata corporation) hereby certifies that the owners of the strata lots in the said strata plan by special resolution, duly passed, directed this strata corporation to execute the instrument, a true copy of which is annexed hereto, and that all persons other than the owners having registered interests in the land within the said strata plan and all other persons having interests (other than statutory interests) which have been notified to this strata corporation having consented in writing to the execution of the said instrument.

The Common Seal of The Owners, Strata Plan No. _____ was hereunto affixed on the _____ day of _____, 19____ in the presence of

Members of the Council

FORM 7

NOTIFICATION OF DESTRUCTION OR DEEMED DESTRUCTION

(Sections 34 and 35)

The Owners, Strata Plan No. _____ (a strata corporation) hereby certifies:

1. That the building delineated on the said strata plan has been destroyed or has been deemed to be destroyed.

2. Annexed hereto is a certified copy of the special resolution of The Owners pursuant to section 34 (1) or 35 (1).

or

Annexed hereto is an office copy of the order made by the Court pursuant to section 35 (1) (b) of the Act.

The Common Seal of The Owners, Strata Plan No. _____ was hereunto affixed this _____ day of _____, 19____ in the presence of

Members of the Council

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FORM 8

NOTIFICATION OF CHANGE OF BY-LAWS

(Section 17 (2) (6))

The by-laws of the strata corporation of the strata plan being deposited herewith (insert legal description) _____ shall be the following:

Dated this _____ day of _____, 19____.

Superintendent of Insurance

Owner-Developer

FORM 9

NOTIFICATION OF CHANGE OF BY-LAWS

(Section 17 (3) (4) (6))

The Owners, Strata Plan No. _____ (a strata corporation) hereby certifies that by special resolution duly passed on the _____ day of _____, 19____, the by-laws of the First or Second Schedule (as the case may be) to the Act, as they applied to the said strata corporation, were added to, amended or repealed as follows:

(set out terms of resolution)

The Common Seal of The Owners, Strata Plan No. _____ was hereunto affixed this _____ day of _____, 19____ in the presence of

Members of the Council

FORM 10

CERTIFICATE OF APPROVAL

(Section 4 (1), Section 5 (5))

I hereby certify that the construction of the buildings situated on (insert legal description of land) _____ has been approved for strata plan development.

_____ day of _____, 19____.

Approving Officer or Approving Authority

Endorsement pursuant to section 46 (1):

I hereby certify that the common facility (specify facility) _____ which according to Form E to the Act was to have been constructed in conjunction with this phase has been satisfactorily provided for.

_____ day of _____, 19____.

Approving Officer

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FORM 11
(Section 53 (3))

Title No. _____

Register Vol. _____

From Title No. _____

CERTIFICATE OF LEASEHOLD TITLE

Land Registry Office, _____ British Columbia

This is to certify that the undermentioned registered lessee is entitled, subject to such charges, liens and interests as are notified by endorsement hereon, and subject to the conditions, reservations and exceptions set out hereon, or provided for under Part III of the *Strata Titles Act* and the Third Schedule of such Act, to the strata lot and the lands situated in the Province of British Columbia and more particularly described below:

Registered lessee: Application for registration received _____

Description of strata lot:

CHARGES, LIENS, AND INTERESTS

Nature of Charge: Number; Date and Time of Application	Registered Owner of Charge	Remarks

In witness whereof I have hereunto set my hand and the seal of my office aforesaid, this _____ day of _____, 1974.

Registrar

ABBREVIATIONS

CML—Claim of mechanic's lien.

RC—Restrictive covenant.

CVT—Caveat.

RFR—Right of first refusal.

E—Easement.

RP—Right to purchase.

J—Judgment.

RW—Right-of-way.

L—Lease.

SRP—Sub-right to purchase.

LP—Lis pendens.

TSN—Tax Sale Notice.

M—Mortgage.

U—Undersurface rights.

OP—Option to purchase.