

# Plan of Condominium

## Terms of Reference

### 1. Description

A condominium is a legal framework for the division and ownership of real property. A condominium is not a land use. A condominium permits the division of land and buildings horizontally and vertically. Land use approvals would have been dealt with through a rezoning and site plan control application to permit the proposed development.

### 2. Authority To Request

- *Planning Act*
- *Condominium Act*

### 3. When Required

Required with the submission of plan of condominium application.

Under Ontario's *Condominium Act*, applicants are required to obtain condominium approval for construction of all new condominium units in Ottawa. The *Condominium Act* permits the following types of condominiums: common elements condominium; standard condominium; phased condominium; vacant land condominium and leasehold condominiums. Condominium approval is typically required for the conversion of rental developments to condominium as well. Pre-consultation is only required for vacant land or common elements condominium applications.

### 4. Contents

Section 51(17) of the *Planning Act* requires that plans show the following information, as appropriate:

#### Ownership Information and O.L.S. Signature

- Name of registered owner, signature and date signed
- Name of Ontario Land Surveyor, signature and date signed

#### Legal Description and Property Details

- Legal address of the property
- Boundaries of the land proposed to be subdivided, certified by an Ontario Land Surveyor



- Locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts

### **Purpose and Use of the Lots and Adjoining Lands**

- Purpose for which the proposed lots are to be used
- Existing uses of all adjoining lands
- Approximate dimensions and layout of proposed lots
- Natural and artificial features, including municipal appurtenances, such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided
- Availability and nature of domestic water supplies
- Nature and porosity of soil
- Existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided

### **Servicing Information**

- Municipal services available or to be available to the land proposed to be subdivided
- Nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements

### **Key Plan**

- On a small key plan, on a scale of not less than one centimetre to 100 metres: all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest; every subdivision adjacent to the proposed subdivision; and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which the land forms the whole or part

### **Draft Approval Certificate**

- Include the Draft Approval Certificate on each plan submitted at time of application, which can be found in [signature block](#).

### **Other**

- Location and number of units to be sold, on a floor-by-floor basis
- All common elements (i.e., corridors, lobbies, elevators, etc.)
- Location and number of parking spaces, if they are to be sold separately



- Location and amount of landscaped open space and common recreation space.

## 5. Evaluation Criteria

- Must show units, limit of the condo, common elements and exclusive use areas.
- Describe clearly the type of condo being considered (i.e. phased, common element, leasehold, or standard condominium)? Has the applicant made this clear? When in doubt, ask for clarification.
- How are parking spaces within the condo being dealt with?
- Are there adequate services within the first phase, in case of a phased condo?
- Are appropriate agreements in place for cost sharing and joint use and maintenance?
- Will this condo agreement implement special conditions outlined in the plan of subdivision, site plan and zoning by-law?
- Through the registration of a plan, are land-locked or small unusable parcels being created?
- How are remnant lands being treated in a plan of condominium.
- Are we creating legal or technical difficulties towards obtaining road widening's or other easements?

## 6. Roles and Responsibilities / Qualifications

When Draft Plan approval is granted, made under delegated authority from Council and after the required appeal period, there are conditions to be met by the applicant prior to final approval and registration. Among the conditions is usually a requirement that the applicant enter into a condominium agreement with the City to be registered on title.

The responsibility for fulfilling the conditions of draft approval rests primarily with the applicant, as does the timing involved. After all the conditions of draft plan approval have been satisfied and where appropriate clearance letters have been received, final approval can be given. The Condominium Plan and agreement can then be registered in the land titles/registry system.

## 7. Submission Requirements

- The correct [signature block](#) must be incorporated on the Draft Plan of Condominium.



- Electronic copies of all required studies and plans must be supplied in Adobe .PDF format and are to be unlocked and flattened.
- Supporting Georeferenced Digital CAD/BIM/GIS files (in accordance with existing City submission standards) for draft and/or final plans may be requested.
- Must be referenced to the Horizontal and Vertical Control Network and signed by the property owner.
- Two paper copies of all Draft Plan of Condominium iterations must be filed

## 8. Definitions / Key Terms

**Amalgamated Condominium:** Two or more standard condos may amalgamate into one corporation.

**Common Elements:** Shared elements between all residents within a Condominium Corporation that can include elements such as roads, parkette, and recreational facilities.

**Common Elements Condominium:** A Common Elements Condominiums does not contain dwelling units. The common interests in the condominium attach to freehold parcels of land located in the same land registration division as the condominium property. The freehold parcels (parcels of tied land) are identified and described in Schedule D to the declaration.

**Condominium Conversion:** The conversion of a building into a condominium corporation. Please consult the relevant Official Plan policies regarding when a rental building may be converted.

**Condominium Declaration:** Describes the lands in the condo plans and the interests, sets out % of contributions towards common elements, and specifies common elements vs. exclusive use portions. The approval authority may impose conditions to be noted in the declaration (warning clauses, waste pick-up etc.) The declarant may also impose conditions with respect to the occupation, use and sale of units and unit owner obligations as well as complete prohibitions (i.e. pets, subletting, smoking).

**Exclusive Use:** Defined area tied to a unit for the exclusive use of that unit (i.e. balcony, storage locker).

**Leasehold Condominium:** The declarant in a Leasehold Condominium must own a leasehold interest in the land. A declaration and description may be registered on the leased land, dividing the land into leasehold units and common elements.



Purchasers buy a leasehold interest in the unit and common elements for a fixed number of years, as set out in the declaration. As the leasehold interest has been transferred to the Leasehold Condominium owners for the term identified in the declaration, no registrations are to be accepted on the underlying leasehold parcel.

**Parcel of Tied Land (POTL):** Applies to common element condominiums. They are the lands that have an interest in the common element condo, contribute to maintenance etc. PTOL's are not units, they are freehold parcels of lands.

**Phased Condominium:** A standard condominium may be designated a phased condominium. Schedule A to the declaration will identify lands owned by the declarant which are intended to be included in the condominium property upon the registration of future phases. These lands are defined as the 'servient lands'. Phasing will permit for the addition of units and common elements through an amendment to the declaration and description. The phase cannot be part of a building that was included in a previous phase or the initial registration; this prevents phasing within a building. The declaration and description will be registered against the servient lands.

**Standard Condominium:** Category of freehold condominium, where owner(s) own a unit within a building and has an interest in the property's common elements and assets (such as hallways, elevators, etc.). You cannot separate this interest from ownership of the unit. Before a builder can transfer title of a unit to a purchaser, the condominium must be registered.

**Unit:** Part of the condo that is available for individual ownership (can be different depending on the type of condo).

**Vacant Land Condominium:** Category of freehold condominium, where buildings do not need to be constructed before the condominium corporation is registered, where several types of structures can be accommodated in a single development which may restrict development size, construction or design standards and maintenance requirements.

## 9. Resources / Background

- [Plan of Condominium | City of Ottawa](#)
- [Condominium Authority of Ontario](#)
- [2001-1 Condominium Act, 1998 | ontario.ca](#)

