



The Saskatchewan Gazette

PUBLISHED WEEKLY BY AUTHORITY OF THE QUEEN'S PRINTER

PART II/PARTIE II

Volume 97

REGINA, FRIDAY, JULY 6, 2001/REGINA, VENDREDI, 6 JUILLET 2001

No. 27/n°27

PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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Revised Regulations of Saskatchewan/ Règlements Révisés de la Saskatchewan 2001

July 6, 2001

<i>The Condominium Property Regulations, 2001</i>	C-26.1 Reg 2
<i>The Energy Credit Regulations</i>	D-13.1 Reg 1
<i>The Land Surveys Regulations</i>	L-4.1 Reg 1
<i>The Land Titles Consequential Amendment Regulations, 2001</i>	L-5.1 Reg 3
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<i>The Land Titles (Miscellaneous) Amendment Regulations, 2001</i>	SR 45/2001

PART II**REVISED REGULATIONS OF SASKATCHEWAN****CHAPTER C-26.1 REG 2***The Condominium Property Act, 1993*

Sections 112, 112.1 and 112.2

Order in Council 463/2001, dated June 21, 2001

(Filed June 25, 2001)

PART I**Title and Interpretation****Title**

1 These regulations may be cited as *The Condominium Property Regulations, 2001*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Condominium Property Act, 1993*;
- (b) “**agricultural purposes**” includes the handling, storage, cleaning or drying of grain;
- (c) “**form**” means a form set out in Part I of the Appendix;
- (d) “**grain**” includes grain within the meaning of the *Canada Grain Act*;
- (e) “**phased development**” means a condominium developed in stages pursuant to section 16 to 20 of the Act.

PART II**Condominium Plans****Plan to comply with Act**

3(1) A plan submitted for approval as a condominium plan or a replacement plan must comply with the requirements of sections 9, 10 and 11 of the Act.

(2) Where subsection 11(2) of the Act applies, the developer shall include as part of the condominium plan a statement that subsection 11(2) of the Act applies.

(3) The statement in subsection (2) must accompany the plan by way of a separate sheet or endorsement attached to the plan.

Preparation of plan

4(1) A plan may be prepared and provided in a paper or electronic form as set out in *The Land Surveys Act, 2000*.

(2) A plan must consist of:

- (a) a first sheet containing the particulars required by clauses 9(1)(a) and (b) of the Act; and
- (b) further sheets containing the particulars required by the following provisions of the Act:
 - (i) clauses 9(1)(c) and (d);
 - (ii) subsection 9(2);
 - (iii) subsection 9(3).

(3) In addition to the requirements of clause (2)(a), the first sheet of the plan must indicate clearly whether the plan contains:

- (a) bare land units;
- (b) agricultural units;
- (c) a regular condominium; or
- (d) a phased development.

Attachment of documents

5 Any of the particulars required by the following provisions of the Act must accompany a plan by way of a separate sheet or endorsement attached to the plan:

- (a) clause 9(1)(e);
- (b) clause 9(1)(f);
- (c) clause 10(1)(a);
- (d) clause 10(1)(b);
- (e) clause 10(1)(c);
- (f) a parking sheet indicating that the developer has designated at least one parking space as an exclusive use area for each unit, if applicable.

Encroachments

6 An encroachment agreement for the purposes of clause 10(1)(c) of the Act must be in Form A.

Numbering of units

7 The units are to be numbered consecutively beginning with Unit 1 and ending with a unit numbered to correspond to the total number of units in the plan.

Application of *The Planning and Development Act, 1983*

8(1) Section 146 of *The Planning and Development Act, 1983* does not apply to land that is subject to a proposed bare land condominium plan.

(2) Clause 140(1)(c) of *The Planning and Development Act, 1983* does not apply to a unit in a bare land condominium plan.

(3) Subsection (4) operates in place of section 146 of *The Planning and Development Act, 1983*.

(4) Subject to the other provisions of *The Planning and Development Act, 1983*, where an approving authority is of the opinion that compliance with a requirement of any applicable subdivision regulations made pursuant to clauses 136(1)(d) to (h), subsection 136(2) or section 137 of *The Planning and Development Act, 1983* is impractical or undesirable because the proposed plan is a bare land condominium plan rather than a plan of subdivision, the approving authority may:

- (a) relieve the applicant from compliance, in whole or in part, with the requirement; and
- (b) issue a certificate of approval for the bare land condominium plan, endorsed to indicate that the approval is granted in accordance with the subdivision regulations subject to the waiver of any provision of those regulations.

PART III
Condominium Units for Agricultural Purposes

Sale of units for agricultural purposes

9 Where a developer sells or agrees to sell a unit that is intended or used for agricultural purposes, the developer is not required to satisfy the requirements of:

- (a) clauses 26(1)(g),(i), (j), (k), (l), (n), (o) and (q) of the Act; and
- (b) clauses 28(b) and (d) of the Act.

Rescinding agreement

10 A purchaser of a unit that is intended or used for agricultural purposes may not rescind the agreement pursuant to subsection 26(2) of the Act on the basis that the developer has not satisfied the requirements of the provisions mentioned in section 9.

Meetings and financial statements

11 Where all of the units are intended or used for agricultural purposes:

- (a) the corporation is exempted from holding annual meetings as long as:
 - (i) the exemption is approved by a special resolution;
 - (ii) a financial statement for the most recently completed fiscal year is prepared and submitted to the meeting at which the special resolution is passed or, if the special resolution has already been passed, is attached to a written copy of that special resolution; and
 - (iii) the corporation has a general meeting of the owners at least once every three years;
- (b) the corporation is exempted from preparing and sending to the owners a financial statement for the fiscal year in which the special resolution is passed and, if approved by a special resolution, for the following two fiscal years; and
- (c) the corporation is exempted from the requirement to establish a common expense fund and a reserve fund pursuant to section 55 of the Act for the fiscal year in which the special resolution is passed and, if approved by a special resolution, for the following two fiscal years.

PART IV
Units and Parking

Unit factors

12(1) The schedule mentioned in clause 9(1)(e) of the Act that specifies the unit factor for each unit must be in Form B.

(2) The total of unit factors for all the units in the plan must equal 10,000.

(3) The approximate area of each unit and other features that may identify a unit are to be shown on Form B.

Approval of redesignation of parking space

13(1) An owner of a unit may approve redesignation of a parking space pursuant to clause 11(3)(a) of the Act by completing Form C.

(2) An officer of the condominium corporation shall:

- (a) sign a completed Form C;
- (b) retain one copy of the signed Form C for the corporation's records; and
- (c) return one copy to the owner of the unit.

Amendment respecting parking space

14 When provided with the information in clause 11(3)(b) of the Act, the Controller of Surveys shall amend the plan to indicate the redesignation of the parking space.

Interest to be registered

15 An application to register an interest pursuant to clause 11(3)(c) of the Act must be accompanied by a copy of a parking space redesignation in Form C.

PART V Bonds

Bonds

16 A bond delivered pursuant to section 5.2, 16 or 21 of the Act must be in Form D.

Developer to provide bond or proof of bond

17(1) Subject to subsection (5), where the condominium plan includes bare land units or a developer's reservation is being registered pursuant to section 16 of the Act, the developer shall:

- (a) provide a statement from any public authority or other person acceptable to the minister that has required the developer to post a bond in a form acceptable to the minister to cover the cost of the construction of common property, common facilities and any additional units; or
- (b) deliver to the minister a bond in Form D in an amount equivalent to:
 - (i) 10% of the cost of completing the common property, common facilities and any additional units in the plan as certified by a registered architect, engineer, appraiser or other person acceptable to the minister as long as the amount of the bond is not less than \$100,000 or more than \$200,000; or
 - (ii) the cost of completion of the common property, common facilities and any additional units, where the cost of completing the common facilities and any additional units in the plan as certified by a registered architect, engineer, appraiser or other person acceptable to the minister is less than \$100,000.

(2) The statement mentioned in clause (1)(a) must:

- (a) be in a form acceptable to the minister; and
- (b) certify that the bond has been provided and specify the amount of money assigned to construction of each facility.

(3) Where the amount of the bond mentioned in clause (1)(a) is less than the amount required pursuant to clause (1)(b), the minister may require the developer to post a bond for the difference.

(4) A transferee pursuant to section 21 of the Act is required to have in place a bond that provides at least as much financial security as the transferor has provided.

(5) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the minister is to be construed as being a penal bond, and, where a bond is forfeited, the amount due as a debt to the Crown in right of Saskatchewan by the person bound is to be determined as if the Crown had suffered the loss or damages that would entitle the Crown to be indemnified to the maximum amount of liability prescribed by the bond.

(6) A developer may provide a certificate of completion pursuant to subsection 18(2) to the minister and the minister may waive the requirement to obtain a bond where no common property, common facilities or any additional units remain to be constructed at the time:

(a) an application is made for titles pursuant to an approved bare land condominium plan; or

(b) an interest based on a developer's reservation is being registered.

Expiration or release of bond

18(1) The bond mentioned in section 17:

(a) expires 30 days after submission to the minister of a certificate of completion pursuant to subsection (2) showing that the common property, common facilities or any additional units as described in the declaration accompanying the developer's reservation in subsection 16(1) of the Act or the declaration pursuant to subsection 5.2(1) of the Act are completed;

(b) is to be released where the court orders the bond to be released; or

(c) is to be released where:

(i) the condominium board is elected after a majority of the units have been sold and the developer and the condominium corporation, with approval by a unanimous resolution of the owners, have entered into an agreement for completion of common property, common facilities and any additional units and the release of the security; and

(ii) the minister receives a certified copy of the unanimous resolution with the agreement attached under seal of the corporation.

(2) A certificate from an engineer, architect, appraiser or other person acceptable to the minister stating that the common property, common facilities and any additional units as described in the developer's declaration or disclosed pursuant to section 26 of the Act are 50% complete or complete is sufficient evidence to the minister of the statements in the certificate.

(3) Subject to subsection (2), on completion of 50% of the common property, common facilities and any additional units, the minister may authorize that the amount of the bond may be reduced by 50%.

(4) For the purposes of this section, where the common property, common facilities and any additional units or a substantial part of the common property, common facilities and any additional units are ready for use or are being used for the purposes intended, the common property, common facilities and any additional units may be considered complete for the purposes of subsection (2).

(5) The bond mentioned in section 17 is to be issued by an insurer licensed pursuant to *The Saskatchewan Insurance Act* to transact guarantee insurance.

Certificate of completion

19 A certificate of completion mentioned in clause 18(2) must be in:

- (a) Form E where common property and common facilities described in the case of a declaration pursuant to section 5.2 of the Act are complete;
- (b) Form F where common property and common facilities described in the declaration pursuant to section 5.2 of the Act are 50% complete;
- (c) Form G where common property, common facilities and any additional units described in the declaration accompanying the developer's reservation pursuant to section 16 of the Act are complete; or
- (d) Form H where common property, common facilities and any additional units described in the declaration accompanying the developer's reservation pursuant to section 16 of the Act are 50% complete.

Forfeiture

20(1) Every bond mentioned in clause 17(1)(b) or subsection 17(3) is to be forfeited on the demand of the minister where:

- (a) the developer's reservation has lapsed pursuant to subsection 17(2) of the Act;
- (b) a final judgment respecting a claim arising out of a condominium plan or a replacement plan has been entered against the developer; or
- (c) the developer commits an act of bankruptcy, whether or not proceedings have been taken pursuant to the *Bankruptcy and Insolvency Act* (Canada).

(2) The minister may pay any money recovered under a forfeited bond to any of the following on any conditions the minister considers appropriate:

- (a) the local registrar of the court in trust for any persons that may become judgment creditors of the developer respecting a claim arising out of a condominium plan or a replacement plan;
- (b) any trustee, custodian, interim receiver, receiver or liquidator of the developer;
- (c) any persons that the minister considers entitled to the money for a claim arising out of the condominium plan or replacement plan of the developer.

(3) The minister shall pay any money not paid pursuant to subsection (2) to the surety or obligor under the bond after the payment of any expenditures incurred by the minister in connection with the forfeiture of the bond and the determination and settlement of valid claims.

(4) Any misrepresentation by or on behalf of a developer respecting any common property, common facilities, or any additional common facilities or any additional units to be provided under a declaration of a developer is, for the purposes of this section, deemed to be a claim arising out of a condominium plan or a replacement plan.

PART VI

Title, Security, Reservations and Amendments

Manner of application

21 An application by a developer pursuant to section 5.1 of the Act must be made in the manner set out in *The Land Titles Act, 2000* and accompanied by the following information:

- (a) a schedule in Form B that specifies the unit factor for each unit;
- (b) the plan number for the plan pursuant to which the application for titles is made;
- (c) an address for service of the condominium corporation;
- (d) a copy of any bylaws, if other than the bylaws required pursuant to section 45 of the Act;
- (e) the name and address of the applicant for a condominium corporation number;
- (f) the value of each condominium unit.

Declaration

22 A declaration for a bare land condominium required pursuant to subsection 5.2(1) of the Act must be in Form I.

Certificate of cost

23(1) Where a condominium plan includes bare land units and the developer provides a bond pursuant to clause 17(1)(b), the bond must be accompanied by a certificate of cost.

(2) The certificate of cost required pursuant to subsection (1) must be in Form J.

Certificate of completion

24 A certificate of completion for a bare land condominium to be provided pursuant to subsection 17(6) to obtain waiver of the requirement for security must be in:

- (a) Form K where no improvements or facilities were to be provided on the common property by the developer; or
- (b) Form L where improvements or facilities to be provided on the common property by the developer are completed.

Application to register endorsed declaration

25(1) An application to register an interest pursuant to section 5.2 of the Act must be made at the time that an application is made for titles pursuant to section 5.1 of the Act.

(2) An application mentioned in subsection (1) must be accompanied by a copy of a declaration in Form I that is endorsed with:

- (a) a certificate of acceptance granted by the minister; or
- (b) a waiver of the requirement to obtain security granted by the minister.

Declaration

26 A declaration mentioned in subsection 16(3) of the Act must be in Form M.

Certificate of cost

27(1) Where a condominium plan is for a phased development and the developer provides a bond pursuant to clause 17(1)(b), the bond must be accompanied by a certificate of cost.

(2) The certificate of cost required pursuant to subsection (1) must be in Form N.

Notice of amendment

28 A notice of amendment to a declaration mentioned in subclause 18(1)(c)(i) of the Act must be in Form O.

Notice of extension

29 A notice of extension mentioned in subclause 22(1)(c)(i) of the Act must be in Form P.

Signing requirements

30(1) Where an amendment proposes to add land to a condominium plan or amalgamate two or more condominium plans, a condominium corporation may sign the plan on behalf of the unit owners in that corporation as long as the requirements of sections 14 and 15 of the Act are satisfied.

(2) Where an amalgamation is proposed, the condominium corporations proposing to amalgamate shall sign and seal the plan.

(3) Where an amendment proposes to add land to a condominium plan, the condominium corporation shall sign and seal the plan as the condominium corporation and as the owner of the parcel being added.

Amending instrument

31 An amending instrument required pursuant to section 14 of the Act must be used for all amendments other than amalgamations and must be in Form Q.

Certificate of consent

32 A certificate of consent required pursuant to section 14 of the Act must be in Form R.

Notice of court application

33(1) A notice of court application mentioned in subsection 14(5) of the Act must be in Form S.

(2) An application to register an interest based on notice of an application pursuant to subsection 14(6) of the Act must be accompanied by a copy of the notice mentioned in subsection (1).

Application for issuance of titles

34 For the purposes of section 14 of the Act, an application for the issuance of titles must be accompanied by:

- (a) a copy of the approval of the Controller of Surveys in the case of a condominium plan mentioned in subclause 14(1)(b)(i) or (2)(b)(i); or
- (b) a copy of an order pursuant to subsection 42(1) of *The Land Surveys Act, 2000* in the case of a condominium plan mentioned in subclause 14(1)(b)(ii) or (2)(b)(ii).

Amalgamation instrument

35 An amending instrument required pursuant to section 14 of the Act must be used where an amendment involves an amalgamation and must be in Form T.

Application based on amalgamation

36 An application pursuant to subsection 15(5) of the Act must satisfy the requirements of section 14 and section 15 of the Act and must be accompanied by the following information:

- (a) an amending instrument in Form T;
- (b) a certificate of consent from each of the amalgamating corporations in Form R;
- (c) the plan number for the plan pursuant to which the application for titles is made;
- (d) an address for service of the condominium corporation;
- (e) a copy of any bylaws, if other than the bylaws required pursuant to section 45 of the Act.

Manner of application

37 An application to amend unit factors pursuant to subsection 15.1(1) of the Act must be accompanied by:

- (a) an amending instrument in Form U;
- (b) a certificate of consent in Form R; and
- (c) a schedule of unit factors in Form B.

Replacement plans

38(1) An application to issue titles pursuant to an approved replacement plan, mentioned in section 23 of the Act, must be accompanied by the following information:

- (a) an authorization for issuance of titles pursuant to the replacement plan; and
- (b) a schedule specifying the unit factors for each unit in Form B.

(2) An authorization for issuance of titles mentioned in clause (1)(a) must be in Form V.

Redivision of units

39(1) An application for titles to the new units may be made to the registrar after an order pursuant to section 42 of *The Land Surveys Act, 2000* for a redivision has been made by the Controller of Surveys.

(2) An application mentioned in subsection (1) must be accompanied by the following:

- (a) the order made pursuant to section 42 of *The Land Surveys Act, 2000*;
- (b) a request number;
- (c) indication of which existing unit is being redivided into which new units.

(3) For the purposes of subsection (1), the units created on a redivision may not be numbered in a manner that uses numbers already assigned to units in the condominium plan.

(4) After the application mentioned in subsection (1) has been processed, the Controller of Surveys may indicate on the diagram in the condominium plan the unit or units being redivided and any other information that the Controller considers necessary.

PART VII Condominium Corporation Registry

Register of corporations

40(1) The Director shall maintain a register of condominium corporations for recording information respecting every corporation that is:

- (a) incorporated pursuant to the Act; or
- (b) continued pursuant to section 58 of *The Condominium Property Amendment Act, 2000*.

(2) A corporation mentioned in clause (1)(b) may be provided with a new corporation name by the Director in any form or manner that the Director considers appropriate.

Information required by Director

41 The information to be provided to the Director pursuant to section 34 of the Act shall include the following:

- (a) the number of the approved plan for which titles are sought;
- (b) an address for service of the corporation;
- (c) a copy of bylaws, other than the bylaws required pursuant to section 45 of the Act;
- (d) the name and address of the person applying to incorporate a condominium.

Right to inspect and obtain copies

42 A person may:

- (a) examine any document required by the Act or the regulations to be sent to the Director;
- (b) require a copy or extract of any document mentioned in clause (a) to be made; and
- (c) require the copy or extract made pursuant to clause (b) to be certified by the Director as a true copy.

Director may refuse certain documents

43(1) The Director may refuse to receive, file or register a document, where he or she is of the opinion that any document submitted to him or her:

- (a) contains matter contrary to law;
 - (b) by reason of any omission or error in description, has not been duly completed;
 - (c) does not comply with the requirements of the Act or the regulations;
 - (d) contains any error, alteration or erasure;
 - (e) is not sufficiently legible; or
 - (f) is not sufficiently permanent for his or her records.
- (2) The Director may request that a document refused pursuant to subsection (1) be amended or completed or resubmitted or that a new document be submitted in its place.

Bylaws

44 The bylaws required pursuant to section 45 of the Act are in Part II of the Appendix.

Notice of amendment or repeal

45(1) A notice of amendment or repeal of bylaws of a corporation made pursuant to section 46 of the Act must be in Form W.

(2) On receipt of a notice of amendment or repeal of bylaws, the Director shall amend the records of the registry in the manner that the Director considers appropriate.

Change of address

46 A notice of a change of an address for service pursuant to section 105 of the Act must be in Form X.

PART VIII Contributions

Contributions for common expense fund and reserve fund

47 For the purposes of sections 57 and 58 of the Act, the corporation shall raise the amounts required for the common expenses fund or the reserve fund by levying contributions on the owners of the units:

- (a) in proportion to the unit factors of their respective units; or
- (b) if a scheme of apportionment for contributions to the fund has been established pursuant to sections 48 and 49, in accordance with that scheme.

Scheme of apportionment

48(1) Subject to subsection (2), a corporation may establish a scheme of apportionment for owners' contributions to the common expenses fund or a reserve fund that is not in proportion to the unit factors by amending the bylaws of the corporation to include that scheme of apportionment and by filing those bylaws with the Director.

(2) A corporation shall not amend its bylaws to include a scheme of apportionment unless written consent to that scheme has been obtained from at least 75% of the owners.

(3) Not less than 30 days before filing with the Director an amendment to the bylaws that includes a scheme of apportionment, the corporation shall serve a copy of that amendment to the bylaws and notice, pursuant to section 50, of the right to apply to the court on:

(a) all owners of units except those owners of units who have consented pursuant to subsection (2);

(b) all holders of registered interests based on mortgages of units that have given written notice of their mortgages to the corporation pursuant to subsection 42(2) of the Act; and

(c) the Saskatchewan Housing Corporation, if it has given notice to the corporation pursuant to subsection (5).

(4) At the time of filing with the Director an amendment to the bylaws that includes a scheme of apportionment mentioned in subsection (1), the corporation shall also retain for its records a certificate of the corporation under seal stating that:

(a) copies of the amendment to the bylaws have been served as required by subsection (3); and

(b) the consents required pursuant to subsection (2) have been obtained.

(5) Where the Saskatchewan Housing Corporation has a contract with the owner of a unit entered into pursuant to *The Saskatchewan Housing Corporation Act* to subsidize the common expenses fund or reserve fund contributions payable by the owner:

(a) it may give written notice of the contract to the corporation; and

(b) if it does give written notice to the corporation pursuant to this section, it shall give written notice to the corporation on the expiration or termination of the contract or if it ceases to subsidize the common expenses fund or reserve fund contributions payable by the owner.

(6) If a scheme of apportionment has been established pursuant to this section, it may be repealed, amended or replaced only in accordance with this section.

(7) The amendment to the bylaws pursuant to this section becomes effective on the filing with the Director of the amendment to the bylaws or a certified copy of a court order made pursuant to section 50.

(8) For the purposes of subsection (3), a copy of an amendment and notice may be served:

(a) personally; or

(b) by registered mail sent to:

(i) the owner at the address shown for the title to the unit at the land titles registry;

- (ii) the holder of the registered interest at the address shown on the interest at the land titles registry; and
- (iii) the Saskatchewan Housing Corporation at its head office.

(9) A document mentioned in subsection (3) served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the document or received it at a later date.

Application to court

49(1) Within 30 days of being served, a person on whom a copy of the amending instrument and notice is required to be served pursuant to subsection 48(3):

- (a) may apply to the court to object to the scheme of apportionment included in the amending instrument; and
 - (b) shall file with the Director a notice of the application in a form acceptable to the Director.
- (2) An applicant shall serve written notice of the application on the corporation.
- (3) The corporation shall serve written notice of the application in the manner provided by subsections 48(8) and (9) on:
- (a) all owners of units;
 - (b) all holders of registered interests based on mortgages mentioned in clause 48(3)(b); and
 - (c) the Saskatchewan Housing Corporation, if it was required to be served pursuant to clause 48(3)(c).
- (4) If the corporation has received notice of an application pursuant to subsection (2), the corporation shall not amend and file bylaws to include the scheme of apportionment that is the subject of the application except in accordance with an order made pursuant to subsection (5).
- (5) On an application, the court may:
- (a) accept any evidence that the court considers appropriate; and
 - (b) make any order that the court considers appropriate, including an order amending the scheme of apportionment included in the amendment to the bylaws.

Notice of application

50 A notice of the application mentioned in section 49 must be in Form Y.

Reserve fund contributions

51 The corporation, by vote of unit owners at the annual general meeting, shall determine the amounts required for a reserve fund by taking into account anticipated repair and replacement costs and life expectancy of the matters mentioned in subsection 55(3) of the Act.

Liens

52(1) Where a condominium corporation registers an interest based on a lien pursuant to section 63 of the Act, the lien is to indicate that the condominium corporation is claiming an interest in a unit pursuant to section 63 of the Act.

(2) The lien may be lapsed in accordance with the provisions of *The Land Titles Act, 2000*.

Estoppel certificate

53 An estoppel certificate required pursuant to section 64 of the Act must be in Form Z.

PART IX
Condominium Taxation

Interpretation of Part

54 In this Part:

(a) **“assessment and taxation legislation”** means *The Northern Municipalities Act, The Northern Municipality Assessment and Taxation Regulations, The Rural Municipality Act, 1989, The Rural Municipality Assessment and Taxation Regulations, The Urban Municipality Act, 1984, and The Urban Municipality Assessment and Taxation Regulations*;

(b) **“bare land condominium”** means a condominium that has only bare land units on the condominium plan;

(c) **“board”** means the Saskatchewan Municipal Board established pursuant to *The Municipal Board Act*;

(d) **“commercial unit”** means a unit that is classified as commercial and industrial property pursuant to the assessment and taxation legislation;

(e) **“multi-use condominium”** means a condominium that includes commercial units and residential units;

(f) **“residential unit”** means a unit that is classified as:

(i) multi-unit residential property pursuant to *The Rural Municipality Act, 1989, The Rural Municipality Assessment and Taxation Regulations, The Urban Municipality Act, 1984 and The Urban Municipality Assessment and Taxation Regulations*; or

(ii) residential property pursuant to *The Northern Municipalities Act and The Northern Municipality Assessment and Taxation Regulations*.

Notice of interests

55 A notice of interests that affects all the owners must be in Form AA.

Copies furnished to assessing authorities

56 A copy of a plan, amended plan, unit factor schedule or notice of interests that affects all the owners furnished to an assessing authority pursuant to section 92 of the Act is to be identified as an attachment to a certificate that must be in Form BB.

Apportionment of assessment

57(1) The assessing authority shall determine the property taxes payable by owners in a multi-use condominium by apportioning the assessed value of the multi-use condominium among its commercial units and residential units in the manner set out in this section.

(2) Each commercial unit is to be assessed in the same manner as other commercial and industrial property pursuant to the assessment and taxation legislation.

(3) To determine the property taxes payable by each owner of a commercial unit, the assessing authority shall apportion the assessed value of the commercial units, determined in accordance with subsection (2), among those units in proportion to their unit factors as shown on the registered condominium plan.

(4) Each residential unit is to be assessed in the same manner as other multi-unit residential properties pursuant to the assessment and taxation legislation or in the same manner as other residential property where the assessment and taxation legislation does not include a multi-unit residential property class.

(5) To determine the property taxes payable by each owner of a residential unit, the assessing authority shall apportion the assessed value of the residential units, determined in accordance with subsection (4), among those units in proportion to their unit factors as shown on the registered condominium plan.

(6) Unless otherwise shown on the registered condominium plan, the assessing authority shall apportion the assessed value of common property among the commercial units and the residential units in proportion to the unit factors of the respective units as shown on the registered condominium plan.

(7) Property taxes for the common property are to be assessed and apportioned on the basis of the procedures set out in subsections (2) to (5).

Apportionment re bare land condominium

58(1) For the purposes of apportioning property taxes among owners of units in a bare land condominium, the assessing authority shall apportion the property taxes based on:

- (a) the taxable assessment of the land, including the common property, in proportion to the unit factors of the units; and
- (b) the taxable assessment of the improvements so that each unit owner pays the taxes associated with the assessed value of any improvement on his or her unit.

(2) This section applies to bare land condominiums where the condominium corporation comes into existence on or after January 1, 1998.

Application for different scheme of apportionment

59(1) With the written approval of two-thirds of the owners of units, a corporation may apply to the board for approval of a scheme of apportionment for assessment purposes that is different from an apportionment pursuant to section 95 of the Act or section 57 or 58.

- (2) An application pursuant to subsection (1) must include:
 - (a) a proposed scheme of apportionment; and
 - (b) proof that at least two-thirds of the owners have approved the proposed scheme of apportionment.
- (3) The proposed scheme of apportionment must specify in whole numbers totalling 10,000 the proposed tax apportionment factor for each unit in the parcel.
- (4) The corporation shall serve, in accordance with section 104 of the Act, a copy of the application on the assessing authority and on each owner of a unit at the time when the application is submitted to the board.
- (5) Within 30 days after being served with an application pursuant to subsection (4), the assessing authority or any owner of a unit may, in accordance with section 104 of the Act, serve notice on the board of an intention to oppose the proposed scheme of apportionment.
- (6) Where the board does not receive a notice pursuant to subsection (5), the board may, without a hearing, approve the proposed scheme of apportionment.
- (7) The board may conduct any hearings that are necessary for the purposes of this section as though the hearings were conducted pursuant to *The Municipal Board Act* and, for that purpose, the board has the power conferred on the board by that Act with respect to hearings, with any necessary modification.
- (8) Where a notice has been served pursuant to subsection (5), the assessing authority, any owner of a unit or an agent of an owner may appear before the board to oppose the proposed scheme of apportionment.
- (9) At a hearing pursuant to subsection (7), the board may make any order that it considers fair and equitable based on the relative assessed value of the units, including an order:
 - (a) to approve the proposed scheme of apportionment;
 - (b) to reject the proposed scheme of apportionment; or
 - (c) to amend the proposed scheme of apportionment.
- (10) The board shall direct the assessing authority to comply with a scheme of apportionment that is approved or amended pursuant to subsection (6) or (9) for the purposes of assessing and apportioning rates, charges and taxes with respect to the parcel.
- (11) The assessing authority shall comply with an order of the board made pursuant to subsection (6) or (9).
- (12) An order made prior to the closing of the assessment roll is to be applied to that year's roll and an order made after the closing of the roll is to be applied in the subsequent year's roll.

Apportionment schemes - section 96 of the Act

60(1) A scheme of re-apportionment previously approved by the board pursuant to section 96 of the Act continues in effect after the coming into force of these regulations.

(2) A scheme of re-apportionment mentioned in subsection (1) may be changed pursuant to section 59.

**PART X
General**

Corporate certificate for transfer or lease

61 A certificate by a corporation given pursuant to section 71 or 71.1 of the Act must be in Form CC.

Certificate that resolution properly passed

62 A certificate by a corporation required pursuant to section 89 of the Act must be in Form DD.

Notice of termination

63 A notice of the termination of the condominium status of a building pursuant to section 87 of the Act must be in Form EE.

Manner of application

64(1) An application for title pursuant to section 87 of the Act may be made after the Controller of Surveys has approved a new plan for the parcel or where an existing plan supports the parcel.

(2) An application mentioned in subsection (1) must be accompanied by surrenders of all existing titles pursuant to the condominium plan and a request for title to be issued to the parcel in the manner set out in *The Land Titles Act, 2000*.

(3) Any interests registered against the titles cancelled pursuant to an application in subsection (1) shall be registered against the new title issued as long as the applicant requests the discharge and registration of the interests in the manner set out in *The Land Titles Act, 2000*.

Filing of orders with registrar

65(1) An administrator appointed by the court pursuant to section 101 of the Act:

(a) shall file with the Director a certified copy of the order of the court appointing him or her as administrator; and

(b) may file with the registrar a certified copy of the order of the court appointing him or her as administrator.

(2) A corporation may file with the registrar a certified copy of an order of the court made pursuant to section 102 of the Act.

(3) On receipt of a copy of an order mentioned in subsection (1) or (2), the registrar shall endorse on the relevant condominium plan:

(a) the particulars that the registrar considers appropriate; and

(b) his or her signature.

Cost of providing documents

66 The maximum fee that a corporation may charge for producing and providing any document that the Act requires to be produced and provided is not to exceed the cost to the corporation of producing and providing the document.

Fee for certificate or approval

67 The maximum fee that a local authority may charge for producing and providing any certificate or approval that the Act requires to be produced and provided is not to exceed the cost to the local authority of producing and providing the certificate or approval.

Certificate of independent legal advice

68 A certificate of independent legal advice and waiver pursuant to section 27 of the Act must be in Form FF.

PART XI**Repeal and Coming Into Force****R.R.S. c.C-26.1 Reg 1 repealed**

69 *The Condominium Property Regulations* are repealed.

Coming into force

70(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Condominium Property Amendment Act, 2000* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Condominium Property Amendment Act, 2000* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

**Appendix
PART I
Forms**

FORM A
[Section 6]

Encroachment Agreement

BETWEEN:

(Owner) - and -

The Crown in right of Saskatchewan,
as represented by the Minister of
Highways and Transportation

(Minister) - and -

The Municipality of _____
(Municipality)

1. The Owner is the registered owner in fee simple of the following land:

(the land)

- 2. A building on the land encroaches on an adjacent street or lane owned by the Crown in right of Saskatchewan but within the municipal boundaries of the Municipality as shown outlined in red on the attached surveyor's certificate.
- 3. The Owner would like the consent of the Minister and the Municipality to continue the encroachment.

IN CONSIDERATION of the payment of \$1 to each of the Minister and the Municipality, receipt of which is acknowledged, the parties agree as follows:

- 1. The Minister and the Municipality agree that the Owner and his or her executor, administrator or assigns may continue the encroachment only in accordance with this agreement.
- 2. The Owner agrees that the owner will cause no further encroachment to be made.
- 3. The Owner agrees that, should the building or any portion of it be structurally altered, ordinary repairs excepted, so that its chief component parts such as foundation or footings or outside walls are altered or renewed, the alterations will be done so that the building will not encroach at all or further on the street or lane after the alterations.
- 4. The Owner agrees to keep the Minister and the Municipality indemnified from and against any and all expenses, damages, claims, demands, actions or judgments that may arise or be brought by reason of the encroachment or any part of it.
- 5. This agreement is binding on the heirs, executors, administrators, successors and assigns of the parties.

Dated this _____ day of _____, 20 _____.

(Owner)

(The owner's signature must be witnessed and attested in accordance with the provisions of The Land Titles Act, 2000.)

Minister of Highways and Transportation
per: _____

CONSENTED TO AND APPROVED on behalf of the Municipality by its proper signing officers under corporate seal
this _____ day of _____, 20 _____.

(Mayor or Reeve)

(City Clerk or Administrator)

FORM B
[Section 12]

Schedule of Unit Factors

Unit Number	Unit Factor	Area of Unit	Other Features
Total	10,000		

FORM C
[Section 13]

Parking Space Redesignation Form

TC: The Owners: Condominium Corporation No. _____ (the corporation)

I, _____, being the owner of condominium unit # _____ to which has been designated the exclusive use of parking space # _____ in the Condominium Plan No. _____, approve the redesignation of parking space # _____ to:

(a) _____ ; or
(name of other unit owner)

(b) the corporation as non-exclusive use common property.

Dated this _____ day of _____, 20 _____.

(Signature)

(The owner's signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)

Approved by _____, being the holder of a registered interest based on a mortgage on the unit who is first entitled in priority.

(Signature of mortgage holder)

(The mortgage holder's signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)

Received by the Owners: Condominium Corporation No. _____ on the _____ day of _____, 20 _____.

(Signature of officer of the corporation)

FORM D
[Section 16]

Bond

I/we _____ (*the Principal*) as Principal and _____ (*the Surety*) as Surety are held and firmly bound to the Crown in right of Saskatchewan (*the Obligee*) in the sum of _____ dollars, to be paid to the Obligee, for which payment we jointly and severally bind ourselves, our executors, administrators, successors and assigns.

Sealed with the respective seals of the Principal and of the Surety and dated the __ day of _____, 20 __.

If the obligation does not by reason of any act, matter or thing at any time become forfeited pursuant to *The Condominium Property Regulations, 2001*, the obligation is void but otherwise remains in force and is subject to forfeiture as provided by *The Condominium Property Act, 1993*.

The obligation expires or terminates pursuant to section 18 of *The Condominium Property Regulations, 2001*.

Signed, sealed and delivered in the presence of

(*Principal*)

(*Surety*)

FORM E
[Section 19]

**Certificate of Completion
(Bareland and Common Property Complete)**

The following certification is provided with respect to Condominium Corporation No. _____, a Bare Land Condominium for which titles were issued pursuant to Plan No: _____, in the Land Titles Registry and which was developed on the parcel of land formerly described as: _____

(*state previous land description for parcel*)

I _____, being an independent _____ (*engineer, architect or appraiser*) certify that the improvements, common property and common facilities which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form I Declaration of the developer, _____ (*name of developer*) dated _____ that is required pursuant to section 5.2 of *The Condominium Property Act, 1993* and that accompanies the endorsed declaration which is registered against the titles issued pursuant to the above-mentioned plan, are complete.

Dated this _____ day of _____, 20 _____.

(*Signature of engineer, architect or appraiser*) (affix seal here)

FORM F
[Section 19]

**Certificate of Completion
(Bareland - 50% Reduction)**

The following certification is provided with respect to Condominium No. _____, a Bare Land Condominium, for which titles were issued pursuant to Plan No: _____, in the Land Titles Registry and which was developed on the parcel of land formerly described as: _____

(state previous land description for parcel)

I _____, being an independent _____
(engineer, architect or appraiser) certify that the improvements, common property and common facilities which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form I Declaration of the developer, _____ (name of developer) dated _____ that is required pursuant to section 5.2 of *The Condominium Property Act, 1993* and that accompanies the endorsed declaration which is registered against the titles issued pursuant to the above-mentioned plan, are _____ % complete. The details regarding the status of the work to be completed are described in the attached latter dated _____, 20 _____.
Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

FORM G
[Section 19]

**Certificate of Completion
(Phased Units and Common Property Complete)**

The following certification is provided with respect to Condominium Corporation No. _____, a Phased Condominium, for which titles were issued pursuant to Plan Number _____, in the Land Titles Registry and which was developed on the parcel of land formerly described as: _____

(state previous land description for parcel)

I _____, being an independent _____
(engineer, architect or appraiser) certify that the additional units, common property and common facilities which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form M Declaration of the developer, _____ (name of developer) dated _____ that is required pursuant to section 16 of *The Condominium Property Act, 1993* and that accompanies the developer's reservation which is registered against the titles issued pursuant to the above-mentioned plan, are complete.

Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

FORM H
[Section 19]**Certificate of Completion
(Phased 50% Reduction)**

The following certification is provided with respect to Condominium Corporation No. _____, a Phased Condominium, for which titles were issued pursuant to Plan Number _____, in the Land Titles Registry and which was developed on the parcel of land formerly described as: _____

(state previous land description for parcel)

I _____, being an independent _____
(engineer, architect or appraiser) certify that the additional units, common property and common facilities which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form M Declaration of the developer, _____ (name of developer) dated _____ that is required pursuant to section 16 of *The Condominium Property Act, 1993* and that accompanies the developer's reservation which is registered against the titles issued pursuant to the above-mentioned plan, are _____% complete. The details regarding the status of the work to be completed are described in the attached letter dated _____, 20 _____.

Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

FORM I
[Section 22]

Declaration of Developer Respecting Bare Land Condominiums

The developer declares:

1. That _____ (*name of developer*) is the developer of a proposed bare land condominium pursuant to Condominium Plan No. _____ and situated in _____, (*name of municipality*) to be located on the following land:

(*legal description of land*)

2. That the developer undertakes to provide the following as shown on the sketch plan attached to this declaration and described as: _____

(*describe the nature of improvements, if any, and a description of the common property and common facilities, if any*)

3. That if the developer adopts architectural controls respecting improvements on the units, the developer will apply those controls consistently.

Dated this _____ day of _____, 20 _____.

Signed, sealed and delivered in the presence of

(*Witness*)

(*Signature of developer - affix seal if a corporation*)

Certificate of Acceptance

(*to be completed by the minister responsible for
The Condominium Property Act, 1993*)

The above declaration is accepted this _____ day of _____, 20 _____.

Minister responsible for *The Condominium Property Act, 1993*

FORM J
[Section 23]
Certificate of Cost
(Bareland)

RE: Cost to complete the common property and common facilities described in a Developer's Declaration respecting a Bare Land Condominium:

I, _____, of the _____ of _____ in the Province of _____, being a registered _____ (engineer, architect or appraiser) certify that the cost of completing the common property and common facilities described in the attached Form I Declaration of the Developer, dated _____, for the approved Condominium Plan No. _____ in relation to the parcel of land described as: _____

(here include a legal description of the parcel of land from which the bare land condominium plan is created)

is as follows:

(here include a list of common property/facilities and their costs, itemized as set out in Form I Developer's Declaration. Attach a separate sheet if necessary)

- (a) _____ \$ _____
- (b) _____ \$ _____
- (c) _____ \$ _____
- (d) _____ \$ _____
- (e) _____ \$ _____

Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

FORM K
[Section 24]
Certificate of Completion
(Bareland - No Improvements Promised)

The following certification is provided with respect to the proposed Bare Land Condominium pursuant to Plan No. _____, to be developed and located on the parcel of land described as: _____

(here include a legal description of the parcel of land from which the condominium plan is created)

As indicated in the attached Form I Declaration of the developer _____

(name of the developer), that is required pursuant to section 5.2 of *The Condominium Property Act, 1993* and that will accompany the endorsed declaration proposed to be submitted for registration in the Land Titles Registry against titles issued pursuant to the plan, there are no improvements or facilities to be provided on common property by the developer.

THEREFORE, I _____,

being an independent _____ (engineer, architect or appraiser) provide this certificate pursuant to subsection 15(6) of *The Condominium Property Regulations, 2001* and certify that because there are no improvements or facilities to be provided on common property, no common property or common facilities remain to be constructed with respect to the bare land condominium described in the attached Form I Declaration of the Developer, and that the common property and common facilities described in that declaration are complete.

Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

FORM L
[Section 24]

**Certificate of Completion
(Bareland - Waiver)**

The following certification is provided with respect to the proposed Bare Land Condominium pursuant to Plan No. _____ to be developed and located on the parcel of land described as: _____

*(here include a legal description of the parcel of land
from which the condominium plan is created)*

I, _____, being an independent _____

(engineer, architect or appraiser) certify that the improvements, common property and common facilities which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form I Declaration of the developer _____ *(name of developer)*,

dated _____, that is required pursuant to section 5.2 of the Act and that accompanies the endorsed declaration proposed to be submitted for registration in the Land Titles Registry are completed.

Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

Waiver

*(to be completed by the minister responsible
for The Condominium Property Act, 1993)*

In accordance with subsection 15(6) of *The Condominium Property Regulations, 2001*, this is a waiver of the requirement to obtain a bond mentioned in section 15 of those regulations for the above mentioned proposed bareland condominium.

Dated this _____ day of _____, 20 _____.

Minister responsible for *The Condominium Property Act, 1993*

FORM M
[Section 26]**Declaration of Developer Respecting Additional Units and Additional Common Facilities**

The developer declares:

1. That _____ (*name of developer*)
is the developer of a condominium pursuant to Condominium Plan No. _____, to be located on the
following land: _____

(*legal description*)

2. That the developer undertakes to provide additional units and additional common facilities on the common
property as shown on the sketch plan attached and described more fully as follows:

3 (*If the developer intends to register additional developer's reservations against the titles issued pursuant to the
replacement plan or plans, the developer must include a statement of that fact.*)

Dated this _____ day of _____, 20 _____.

Signed, sealed and delivered in the presence of

(*Witness*)

(*Signature of developer - affix seal if a corporation*)

Certificate of Acceptance

(*to be completed by the minister responsible
for The Condominium Property Act, 1993*)

The above declaration is accepted this _____ day of _____, 20 _____.

Minister responsible for *The Condominium Property Act, 1993*

FORM N
[Section 27]

**Certificate of Cost
(Phased Development)**

RE: Cost to complete the common property, common facilities and units described in a Developer's Declaration accompanying a Developer's Reservation:

I, _____, of the _____ of _____ in the Province of _____, being a registered _____ (*engineer, architect or appraiser*) certify that the cost of completing the common property, common facilities and additional units described in the attached Form M Declaration of the Developer, dated _____, for Condominium Plan Number _____ in relation to the parcel of land described as:

(include a legal description of the parcel of land from which the phased plan is created)

is as follows:

(Include a list of common property, common facilities and units and their costs, itemized as set out in Form M Developer's Declaration. Attach a separate sheet if necessary.)

- (a) _____ \$ _____
- (b) _____ \$ _____
- (c) _____ \$ _____
- (d) _____ \$ _____
- (e) _____ \$ _____

Dated this _____ day of _____, 20 _____.

(Signature of engineer, architect or appraiser)

(affix seal here)

FORM O
[Section 28]

Notice of Amendment

TAKE NOTICE that _____ (*name of developer*) has obtained an amendment to the declaration accompanying the developer's reservation registered against the titles issued pursuant to Condominium Plan No. _____, situated in _____ (*municipality*), and that:

- (a) the developer has obtained such approval by a special resolution of The Owners: Condominium Corporation No. _____; and
- (b) the amendment is indicated in the endorsed declaration which is attached.

Dated this _____ day of _____, 20 _____.

Signed, sealed and delivered in the presence of

(*Witness*)

(*Signature of developer - affix seal if a corporation*)

FORM P
[Section 29]

Notice of Extension

TAKE NOTICE that _____ (*name of developer*) has obtained an extension of the time allowed for the completion of any additional units or additional common facilities and now amends the declaration accompanying the developer's reservation registered against the titles issued pursuant to Condominium Plan No. _____, situated in _____ (*municipality*), and that:

- (a) the developer has obtained the approval by a special resolution of The Owners: Condominium Corporation No. _____; and
- (b) the extension is indicated in the endorsed declaration which is attached.

Dated this _____ day of _____, 20 _____.

Signed, sealed and delivered in the presence of

(*Witness*)

(*Signature of developer - affix seal if a corporation*)

FORM Q
[Section 31]

**Amending Instrument
(Other than for Amalgamation)**

The Owners: Condominium Corporation No. _____ amend Condominium Plan No. _____,
as follows:

1. _____
(Describe nature of the amendments being effected by this instrument.)

2. If the amendment affects property in addition to the property included in the condominium plan, the property or parcel that is being affected is _____. Furthermore, the priority that is to be given to each of the registered interests and encumbrances that exist with respect to all the property that is affected by the amendment is as follows:

3. Where the amendment involves addition of new property, the new property is _____, and attached is a schedule showing the existing units, with accompanying unit number, unit factors and registered owners, together with the unit number and unit factors and registered interests against that title that each registered owner will own as a result of the amendment. (*attach schedule*)

4. The Registrar is given authority to surrender and set up titles, register interests and do any other thing the Registrar considers necessary to give effect to this amending instrument.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____
in the presence of _____ and _____, members of the board.

SCHEDULE

Old Unit Number	New Unit Number	Unit Factor
Total Number of Old Units =	Total Number of New Units =	Total - 10,000

FORM R
[Section 32]
Certificate of Consent
(Amendments)

The Owners: Condominium Corporation No. _____ certify that written consents to the amendment proposed in the attached Amending Instrument have been obtained from:

- (a) the owners of every unit in Condominium Plan No. _____ ; and
- (b) every holder of a registered interest based on a mortgage with respect to a unit and the common property that is affected by the amendment.

OR

The Owners: Condominium Corporation No. _____ certify that:

- (a) the written consents of 80% of the owners of units in Condominium Plan No. _____ and holders of registered interests based on mortgages with respect to the units and common property that are affected by the amendment have been obtained;
- (b) a notice of this amending instrument has been served on the following, not less than 30 days before submitting this amending instrument to the Registrar:
 - (i) all owners of units and all holders of registered interests based on mortgages with respect to the units and the common property that are affected by the amending instrument, except those unit owners and holders of registered interests based on mortgages that provide written consents; and
 - (ii) the local authority; and
- (c) no objection has been received in the form of a notice of court application.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, members of the board.

FORM S
[Section 33]
Notice of Court Application
(Oppose)

TAKE NOTICE that I, _____, being an owner of a unit, a holder of a registered interest based on a mortgage, or a local authority mentioned in section 14 of *The Condominium Property Act, 1993*, object to the proposed amendment to Condominium Plan No. _____, and that further, I have applied to a court and served notice of my application as required pursuant to section 14 of the Act.

Dated this _____ day of _____, 20 _____.

(Signature)

(The signature must be witnessed and attested in accordance with *The Land Titles Act, 2000*.)

FORM T
[Section 35]

**Amending Instrument
(Amalgamation)**

The Owners: Condominium Corporation No. _____ and the Owners: Condominium Corporation No. _____ amend Condominium Plan No. _____, as follows:

1. _____
(Describe the amalgamation being effected by this instrument)
2. The amendment affects property in addition to the property included in the condominium plan, and the property or parcel that is being affected is _____.
Furthermore, the priority that is to be given to each of the registered interests and encumbrances that exist with respect to all the property that is affected by the amendment is as follows: _____
3. Attached is a schedule showing the existing units, with accompanying unit number, unit factors and registered owners, together with the unit number and unit factors and registered interests against that title that each registered owner will own as a result of the amendment. (*attach schedule*)
4. Attached are surrender and set up requests for each unit involved in the amalgamation, as well as discharge and registration requests for each interest affected by the amalgamation. The Registrar is also authorized to do any other thing the Registrar considers necessary to give effect to this amending instrument. (*attach required documents*)

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____
_____ in the presence of _____ and _____, members of the board.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____
_____ in the presence of _____ and _____, members of the board.

FORM U
[Section 37]

**Amending Instrument
(Unit Factors)**

The Owners: Condominium Corporation No. _____ amends the unit factors for the units pursuant to Condominium Plan No. _____, as follows:

1. _____
(Describe nature of the amendments being effected by this instrument.)
2. The Registrar is given authority to amend the information in the registry and to do any other thing the Registrar considers necessary to give effect to this amending instrument.
3. Attached is a schedule showing the existing units, with accompanying unit factors and registered owners, together with the units and unit factors the registered owners will own as a result of the amendment. (*attach schedule*)

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____
_____ in the presence of _____ and _____, members of the board.

FORM V
[Section 38]

Request for Titles Pursuant to Replacement Plan

The developer _____ (*name of developer*), being the developer of Condominium Plan No. _____ situated in _____ (*name of municipality*) requests that the Registrar undertake the following with respect to Replacement Plan No. _____:

- (a) surrender existing titles and set up and issue new titles as per the attached schedule;
- (b) discharge and register interests as per the attached schedule; and
- (c) do any other thing that the Registrar considers necessary to give effect to the approved replacement plan.

The developer also attaches a certificate indicating that the board for The Owners: Condominium Corporation No. _____, approves or does not oppose this application to the Registrar.

Dated this _____ day of _____, 20 _____.

Signed and sealed in the presence of

(*Witness*)

(*Signature of developer - affix seal if a corporation*)

SCHEDULE

Old Unit Number	New Unit Number	Unit Factor
Total Number of Old Units =	Total Number of New Units =	Total - 10,000

CERTIFICATE OF BOARD MEMBER

I, _____, a member of the board of The Owners: Condominium Corporation No. _____ certify that by a resolution of the board, the corporation approves or does not oppose the issuance of titles pursuant to Replacement Plan No. _____.

Dated this _____ day of _____, 20 _____.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, member of the board.

FORM W
[Section 45]

Amendment or Repeal of Bylaws

The Owners: Condominium Corporation No. _____ certify that by a special resolution passed on _____, the bylaws applicable to the corporation were amended or repealed as follows: _____

(set out terms of resolution)

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, members of the board.

FORM X
[Section 46]

Change of Address for Service

TAKE NOTICE that the Owners: Condominium Corporation No. _____, by resolution of the board, changes its address for service as previously filed with the Director to: _____, which is now the corporation's address for service.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, members of the board.

FORM Y
[Section 50]

**Notice of Application
(Opposition to Apportionment)**

TAKE NOTICE that I, _____, being one of the persons described in subsection 48(3) of *The Condominium Property Regulations, 2001*, object to the scheme of apportionment included in the proposed amendment to the bylaws of Condominium Plan No. _____, and that further, I have applied to a court and served notice of my application as required pursuant to section 49 of the regulations.

Dated this _____ day of _____, 20 _____.

(Signature)

(The signature must be witnessed and attested in accordance with *The Land Titles Act, 2000*.)

FORM Z
[Section 53]
Estoppel Certificate

The Owners: Condominium Corporation No. _____ (the "corporation")

DATE: _____

TO: _____

RE: UNIT NO _____ (the Unit)

CERTIFICATE

The corporation certifies that, as of the above date:

1. *(Provide the following information:*
 - (a) *the amount of the common expense contribution levied respecting the Unit;*
 - (b) *the amount of the reserve fund contribution levied respecting the Unit;*
 - (c) *the extent to which the contributions have been paid respecting the Unit;*
 - (d) *the amount of any unpaid contributions or arrears in contributions respecting the Unit;*
 - (e) *the manner in which the contributions are payable [for example, by annual or monthly instalments];*
 - (f) *the amount of any extraordinary contribution levied on the Unit and the extent to which it has been paid.)*
2. The corporation is not aware of any default by the present owner of the Unit in fulfilling any of the owner's obligations arising from membership in the corporation and ownership of the Unit, except as specified above or noted below:
3. The corporation holds insurance policies as required by *The Condominium Property Act, 1993*, and its bylaws and the policies are in good standing. *(Describe particulars of insurance, including the carrier, the agent, the amount, the date of renewal, additional endorsements and the deductible, or attach a certificate of insurance that includes these particulars.)*
4. The corporation has not been served with a notice of any unsatisfied judgments against the corporation, any existing orders or actions, suits or proceedings pending against or affecting the corporation before or issued by any court or any public authority having jurisdiction except as listed below: *(include particulars about any matter listed)*
5. Since the date of the last audited financial statements of the corporation there has been no material adverse change in the assets or liabilities of the corporation except as follows: _____

6. The corporation has not taken any action nor has it received notice of any pending proceedings:
 - (a) for the transfer or leasing of the common property of the corporation or any part of it, except to the extent permitted under its bylaws in relation to the assignment of parking spaces and privacy areas to individual units;
 - (b) to authorize any substantial change in or addition to the common facilities or any other substantial change in the assets of the corporation;
 - (c) to amend the condominium plan relating to the corporation as presently approved and filed;
 - (d) to amend the bylaws of the corporation as constituted pursuant to *The Condominium Property Act, 1993* or as presently filed;
 - (e) for the appointment of an administrator for the corporation;
 - (f) to terminate the condominium status of the land and buildings comprising the condominium property of the corporation;

(g) to amend the scheme of apportionment of property taxes pursuant to *The Condominium Property Act, 1993* and the regulations made pursuant to that Act; or

(h) to appeal the assessment of the rates, charges or taxes on the units and common property of the corporation levied by any assessing authority, or to apply for approval of a new scheme of apportionment for assessment purposes.

7. There has been no scheme of apportionment of property taxes ordered by the Saskatchewan Municipal board pursuant to *The Condominium Property Act, 1993* and the regulations made pursuant to that Act.

OR

7. There has been a scheme of apportionment of property taxes ordered by the Saskatchewan Municipal Board pursuant to *The Condominium Property Act, 1993* and the regulations made pursuant to that Act, described as follows: _____

8. There has been no re-apportionment of common expense or reserve fund contributions pursuant to *The Condominium Property Regulations, 2001*.

OR

8. There has been a re-apportionment of common expense or reserve fund contributions pursuant to *The Condominium Property Regulations, 2001* described as follows: _____

9. The amount of the reserve fund is: _____

10. There are no contracts extending beyond one year except as follows: _____

The corporation also advises for your information only, BUT DOES NOT CERTIFY, that, as of the above date:

The names and addresses of the members of the board of directors of the corporation are:

THE OWNERS: CONDOMINIUM CORPORATION NO. _____

by: _____
(Signature of officer of the corporation - include title)

If requested, copies of the following documents will be provided on payment of the fee noted opposite each document:

- 1. latest financial statements for the corporation \$ _____
- 2. current budget for the corporation _____
- 3. current policy of insurance _____
- 4. current bylaws of the corporation _____
- 5. any current management agreement _____

If the corporation wishes to, it may disclose the following:

- 1. The particulars of the parking or any exclusive use area, including any special rules regarding those areas.
- 2. The date of the last annual meeting and the date of the next annual meeting, if known.

FORM AA
[Section 55]

Notice to Assessing Authority of Interests Affecting All Owners

The Owners: Condominium Corporation No. _____ certify that the attached schedule indicates, to the best of its knowledge and the information available to the corporation, all the registered interests that affect all the owners.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, members of the board.

SCHEDULE OF INTERESTS AFFECTING ALL OWNERS

Interest Registration Number	Type of Interest	Registration Date	Holder of Interest
Total Number of Interests =			

FORM BB
[Section 56]

Certificate Verifying Copies of Condominium Documents

The Owners: Condominium Corporation No. _____ certify that the attached plans marked as _____ and _____ are copies of a condominium plan, or an amendment to a condominium plan approved by and filed with the Controller of Surveys on _____, and that the attached unit factor schedule is a copy of a schedule filed with the Controller of Surveys on _____.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, members of the board.

FORM CC
[Section 61]

**Certificate of Corporation
(Lease or Transfer of Common Property)**

The Owners: Condominium Corporation No. _____ certify that:

- (a) a unanimous resolution respecting the transfer or lease of common property was properly passed;
- (b) the transfer or lease conforms with the terms of the unanimous resolution;
- (c) all necessary consents were obtained; and
- (d) in the case of a transfer, the Registrar is authorized to surrender and set up titles, discharge and register interests, and do any other thing the Registrar considers necessary to enable the transfer.

The particulars of the lease or transfer are as follows: _____

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____

FORM DD
[Section 62]

**Certificate of Corporation
(Transfer after Termination)**

The Owners: Condominium Corporation No. _____ certify that a unanimous resolution authorizing the attached transfer was properly passed and that all necessary consents were obtained.

The Registrar is also authorized to surrender and set up titles, discharge and register interests and do any other thing the Registrar considers necessary to enable the transfer.

The particulars of the transfer are as follows: _____

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____
_____ in the presence of _____ and
_____, members of the board.

FORM EE
[Section 63]

Notice of Termination of Condominium Status

The Owners: Condominium Corporation No. _____ certifies that the condominium status of the building or land illustrated in Condominium Plan No. _____ has been terminated.

Annexed is a certified copy of the unanimous resolution of the owners pursuant to section 88 of *The Condominium Property Act, 1993*.

OR

Annexed is a certified copy of the order made by the court pursuant to section 84 of *The Condominium Property Act, 1993*.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____
_____ in the presence of _____ and
_____, members of the board.

FORM FF
[Section 68]**Certificate of Independent Legal Advice**

I, _____, being a lawyer legally entitled to practise law in _____, certify that I have explained the purpose and effect of the attached waiver to _____, the person/persons named in the attached waiver, separate and apart from the developer or any employee or agent of the developer and that _____ understands the purpose and effect of the waiver.

I further certify that I have not, nor has my employer, partner or clerk, prepared the attached waiver and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

(Lawyer)

Waiver of Right to Rescind a Condominium Purchase Agreement

I, _____, waive the right to rescind the purchase agreement that I have entered respecting the following property within 10 days after the day on which the purchase agreement was signed: _____

(legal description of property)

Dated this _____ day of _____, 20 _____.

(Signature of purchaser)

PART II
Bylaws

CONDOMINIUM BYLAWS
[Section 44]

I Interpretation

Interpretation

1(1) In these bylaws:

- (a) “**Act**” means *The Condominium Property Act, 1993*;
- (b) “**annual meeting**” means an annual general meeting of the corporation;
- (c) “**common property**” means common property or common facilities and includes exclusive use areas;
- (d) “**general meeting**” means a general meeting of the corporation other than the annual meeting;
- (e) “**mortgagee**” means the mortgage holder of a unit, the common property and the corporation.

(2) Words or expressions defined in section 2 of the Act have the same meaning in these bylaws.

(3) The rights and obligations given or imposed on the corporation or the owners pursuant to these bylaws are in addition to any rights or obligations given or imposed on the corporation or the owners pursuant to the Act.

(4) If there is any conflict between these bylaws and the Act, the Act prevails.

II Duties of the Owner

Owner's duties

2 An owner shall:

(a) permit the corporation and its agents, at all reasonable times with notice, except in case of emergency when no notice is required, to enter in or on his or her unit for the purposes of:

- (i) inspecting the unit;
- (ii) maintaining, repairing or replacing pipes, wires, cables and ducts existing in or on the unit and used or capable of being used in connection with the enjoyment of any other unit or common property;
- (iii) maintaining, repairing or replacing common property; or
- (iv) ensuring that the bylaws are being observed;

(b) promptly carry out all work that may be required pursuant to these bylaws or as required by a local authority or other public authority respecting his or her unit, other than any work for the benefit of the building or parcel generally;

- (c) promptly pay all rates, taxes, charges and assessments that may be payable respecting his or her unit;
- (d) maintain his or her unit in a state of good repair;
- (e) promptly notify the corporation of:
 - (i) any change in the ownership of the unit; or
 - (ii) any mortgage registered against the unit; and
- (f) obtain the written consent of the board before making mechanical or electrical alterations to:
 - (i) his or her unit that affect the common property or another unit; or
 - (ii) the common property.

III Powers and Duties of the Corporation

Duties of corporation

3 The corporation shall:

- (a) control, manage and administer the common property for the benefit of all owners; and
- (b) on the written request of an owner or registered mortgagee of a unit, produce to the owner or mortgagee, or person authorized in writing by the owner or mortgagee, the policy or policies of insurance obtained by the corporation and the receipt or receipts for the last premium or premiums paid by the corporation.

Powers of corporation

4 The corporation may:

- (a) acquire real or personal property to be used:
 - (i) for the maintenance, repair or replacement of the real or personal property of the corporation or the common property; or
 - (ii) by owners in connection with their enjoyment of the real and personal property of the corporation or the common property;
- (b) borrow money required by it for the performance of its duties or the exercise of its powers;
- (c) secure the repayment of money borrowed by it and interest on that money by:
 - (i) negotiable instrument;
 - (ii) a mortgage of unpaid contributions, whether levied or not;
 - (iii) a mortgage of any property owned by it;
 - (iv) a mortgage of common property, where approved by special resolution;
 - (v) any combination of the things mentioned in subclauses (i) to (iv);

- (d) where approved by the owners, rent common property or property owned by the corporation;
- (e) subject to section 59 of the Act, charge interest at the rate set by owners at the annual meeting on any money owing to it by an owner; and
- (f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by it to the unit or to the owner or tenant of the unit.

IV Election of the Board

Election of the board

- 5(1) The board is to consist of not less than three and not more than seven owners or their designates.
- (2) Notwithstanding subsection (1), if there are not more than two owners, the board is to consist of all the owners or their designates.
- (3) An individual shall not be a member of the board unless that individual is 18 years of age or older.
- (4) For the purposes of this section and section 6, an owner may appoint a designate.
- (5) The appointment of a designate must be in writing and must be signed by the owner or his or her attorney.
- (6) The revocation of the appointment of a designate must be in writing and must be signed by the owner or his or her attorney.

Eligibility to sit on the board

- 6(1) If a unit has more than one owner, only one owner, or his or her designate, respecting that unit, shall sit on the board at one time.
- (2) An owner who has not paid to the corporation the contributions due and owing respecting his or her unit is not eligible, nor is his or her designate, for election to the board.
- (3) An owner is not eligible to sit on the board if he or she:
 - (a) is bankrupt under the *Bankruptcy and Insolvency Act* (Canada);
 - (b) is the subject of a certificate of incapacity issued pursuant to *The Dependent Adults Act*; or
 - (c) has been convicted of an indictable offence for which he or she was liable to imprisonment for a term of not less than two years.

Voting

- 7 At an election of members of the board, each person entitled to vote may vote for the same number of nominees as there are vacancies to be filled on the board.

Term of office

- 8(1) Subject to subsection (2), a member of the board shall be elected at an annual meeting for a term expiring at the conclusion of the annual meeting convened in the second year following the year in which he or she was elected to the board.

- (2) At the first annual meeting convened pursuant to section 38 of the Act:
- (a) not more than 50% of the members of the board are to be elected for a term expiring at the conclusion of the annual meeting convened in the year following the year in which they were elected; and
 - (b) the balance of the members are to be elected for a term expiring at the conclusion of the annual meeting convened in the second year following the year in which they were elected.
- (3) Each member of the board shall remain in office until the occurrence of any of the following:
- (a) the office becomes vacant pursuant to section 10 of these bylaws;
 - (b) the member resigns;
 - (c) the member is removed pursuant to section 9 of these bylaws;
 - (d) his or her term of office expires.

Removal of a member of the board

9 Except when the board consists of less than three individuals, the corporation may, by resolution at a general meeting, remove a member of the board before the expiration of his or her term of office and appoint another individual in his or her place to hold that office for the remainder of the term.

Vacating of the office of a member of the board

10 The office of a member of the board is vacated if he or she:

- (a) becomes bankrupt under the *Bankruptcy and Insolvency Act* (Canada);
- (b) is more than 30 days in arrears in payment of any contribution required to be made by him or her as an owner;
- (c) is the subject of a certificate of incapacity issued pursuant to *The Dependent Adults Act*;
- (d) is convicted of an indictable offence for which he or she is liable to imprisonment for a term of not less than two years;
- (e) resigns his or her office by serving notice in writing on the corporation; or
- (f) is absent from three consecutive meetings of the board without permission of the board and it is resolved at a subsequent meeting of the board that the member should be removed from his or her office.

Filling vacancy

11 When a vacancy occurs on the board pursuant to section 9 or 10 of these bylaws, the board may appoint an individual to fill that office until the next annual meeting.

V Officers of the Corporation

Officers

12(1) At the first meeting of the members of the board held after the general meeting of the corporation at which they were elected, the board shall designate from its members a president, vice-president, secretary and treasurer of the corporation.

- (2) The board may designate a member to fill one or more of the offices mentioned in subsection (1).
- (3) In addition to those duties assigned to the officers by the board, the president or, in the event of his or her absence or disability, the vice-president, shall act as chairperson of the meetings of the board.
- (4) Where the president or vice-president is not available at the beginning of the meeting, the board shall elect a chairperson for the meeting and, if any chairperson so elected vacates the chair during the course of a meeting, the board shall choose another chairperson who has the same rights of voting.
- (5) A person ceases to be an officer of the corporation if he or she ceases to be a member of the board.
- (6) If a person ceases to be an officer of the corporation, the board shall designate from its members a person to fill that office for the remainder of the term.

VI Majority Vote and Quorum of the Board

Majority vote

- 13(1)** At meetings of the board, all matters are to be determined by majority vote, and, in the event of a tie vote, the chairperson is entitled to cast a deciding vote in addition to his or her initial vote.
- (2) Except where the board consists of a single director, a quorum of the board is two where the board consists of four or less members, three where it consists of five or six members and four where it consists of seven members.

VII Written Resolutions

Written resolution

- 14(1)** A written resolution of the board signed by all of the members of the board has the same effect as a resolution passed at a meeting of the board properly convened and held.
- (2) The written resolution may be communicated to each board member by a facsimile machine and when each member's signature appears on a copy of the resolution it is considered signed by all of the members for the purposes of subsection (1), whether or not each signature is an original signature.
- (3) A copy of every resolution mentioned in subsections (1) and (2) is to be kept with the minutes of the board.

VIII Seal and Signing Authority of the Corporation

Seal

- 15** The corporation shall have a corporate seal that is not to be used except under the authority of a resolution of the board given prior to its use.

Signing authority

16 The board shall prescribe, by resolution:

- (a) those officers or other persons who are authorized to sign cheques, drafts, instruments and documents not required to be signed under the corporate seal; and
- (b) the manner, if any, in which those cheques, drafts, instruments or other documents are to be signed.

IX Powers and Duties of the Board

Duties

17(1) The board, in addition to the duties imposed in the Act, shall:

- (a) meet at the call of the president to conduct its business and adjourn and otherwise regulate its meetings as it thinks fit;
 - (b) meet when a member of the board provides the other members with at least seven days' notice of a meeting proposed by him or her specifying the reason for calling the meeting;
 - (c) maintain financial records of all the assets, liabilities and equity of the corporation;
 - (d) submit an annual report consisting of the financial statements and other information that the board may determine or that may be directed by a resolution passed at a general meeting to the annual meeting;
 - (e) on application of an owner, a mortgagee or any person authorized in writing by an owner or mortgagee, make the books of account available for inspection at all reasonable times;
 - (f) on application of an owner or mortgagee or any person authorized in writing by an owner or mortgagee, make the minutes of annual meetings and general meetings available for inspection at all reasonable times; and
 - (g) keep a copy of *The Condominium Property Act, 1993* and the regulations made pursuant to that Act.
- (2) The secretary or, in the event of his or her absence or disability, another member of the board designated by the board shall be responsible for:
- (a) recording and maintaining all the minutes of meetings of the board;
 - (b) all the correspondence of the corporation; and
 - (c) carrying out his or her duties under the direction of the chairperson and the board.
- (3) The treasurer or, in the event of his or her absence or disability, another member of the board designated by the board shall be responsible for:
- (a) receiving all money paid to the corporation and depositing that money as the board may direct;
 - (b) properly accounting for the funds of the corporation and keeping those books as the board directs;

- (c) presenting to the board when directed to do so by the board, a full detailed account of receipts and disbursements of the corporation; and
 - (d) preparing for submission at the annual meeting:
 - (i) a budget for the forthcoming fiscal year of the corporation; and
 - (ii) the financial statement for the most recently completed fiscal year of the corporation.
- (4) All officers of the corporation shall act honestly and in good faith and with a view to the best interests of the corporation, and each member of the board shall exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Powers

18 The board may:

- (a) employ on behalf of the corporation any agents and employees it considers necessary to control, manage and administer the real and personal property of the corporation and the common property and, in that respect, may authorize those persons to exercise the powers and carry out the duties of the corporation; and
- (b) subject to any restriction imposed on it or direction given to it at a general meeting of the corporation, delegate to any of its members or to other persons any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

X Procedure for Annual Meeting and General Meetings

Order at meetings

19 All meetings of the board and general meetings are to be conducted according to the rules of order adopted by the meeting.

Owners requesting meeting

20(1) The board, on the written request of owners or their designates entitled to vote who represent not less than 25% of the total unit factors for the units, shall convene a general meeting no later than 45 days after the request is received by any member of the board.

(2) The written request for a general meeting mentioned in subsection (1) is to state the general nature of the business to be conducted at the meeting.

(3) The board shall prepare an agenda, including the matter requested pursuant to subsection (2), and may add matters to the agenda other than those requested pursuant to subsection (2).

Notice of meetings

21(1) When an annual meeting or a general meeting is to be convened, the board, not less than seven days prior to the day on which the meeting is to be convened, shall give to each owner written notice of the meeting stating:

- (a) the place, date and time at which the meeting is to be convened; and
- (b) the nature of all business to be brought forth at the meeting and level of approval required for each item.

(2) On being notified by a mortgagee entitled to vote pursuant to section 42 of the Act that it wishes to be notified of annual and general meetings, the board shall give to that mortgagee the same notices required to be given to the owner pursuant to subsection (1).

(3) An annual meeting or a general meeting or anything done at a meeting is not invalid by reason only that a person was inadvertently not given notice pursuant to subsection (1) for that meeting.

Quorum

22(1) Except as otherwise provided by these bylaws, no business shall be transacted at an annual meeting or a general meeting unless a quorum of persons entitled to vote is present or represented by proxy at the time when the meeting begins.

(2) A quorum for an annual meeting or a general meeting consists of not less than the number of persons or proxies representing 25% of all the unit factors.

(3) If, within 30 minutes from the time appointed for the commencement of an annual meeting or a general meeting, a quorum is not present, the meeting stands adjourned to the corresponding day in the next week at the same place and time.

(4) If, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the commencement of the meeting, the persons entitled to vote who are present or represented by proxy constitute a quorum for the purposes of that meeting.

Chairperson

23(1) The president, or in the event of his or her absence or disability, the vice-president or other person elected at the meeting shall act as chairperson of an annual meeting or a general meeting.

(2) The order of business at an annual meeting, and as far as is practicable at any general meeting, may be as follows:

- (a) call to order by the chairperson;
- (b) calling of the roll and certifying of proxies;
- (c) proof of notice of meeting or waiver of notice;
- (d) reading and approval of any unapproved minutes;
- (e) reports of officers;
- (f) reports of committees;
- (g) election of members of the board;
- (h) unfinished business;
- (i) new business;
- (j) adjournment.

XI Voting

Voting

24(1) At an annual meeting or a general meeting, a resolution is to be voted on by a show of hands unless a vote by unit factors is demanded by a person entitled to vote and present in person or by proxy, and, unless a vote by unit factors is so demanded, a declaration by the chairperson that a resolution has on the show of hands been carried is conclusive proof of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

(2) If a person demands a vote by unit factor, that person may withdraw that demand and, on the demand being withdrawn, the vote shall be taken by a show of hands.

Vote by unit factors

25 A vote by unit factors, if demanded, is to be conducted in a manner as directed by the chairperson, and the result of the vote by unit factors is deemed to be the resolution of the meeting at which the vote by unit factors was demanded.

Tie votes

26(1) Where there is a tie vote on a show of hands, the chairperson shall direct a vote by unit factors.

(2) Where there is a tie vote on a vote by unit factor, the resolution is defeated.

Voting by co-owners

27(1) If a vote is taken by unit factors, the number of votes that a person may cast is to correspond to the unit factors for the respective units represented by that person.

(2) If a unit is owned by more than one person, those co-owners may vote personally or by proxy and:

(a) in the case of a vote taken by a show of hands, those co-owners are entitled to one vote between them; and

(b) in the case of a vote by unit factors, a co-owner is entitled to that portion of the vote applicable to the unit that is proportionate to his or her interest in the unit, as long as, where only one owner is present, that owner is entitled to vote all of the unit factors for that unit.

(3) A co-owner may demand that a vote by unit factors be taken.

Personal or proxy vote

28 In a show of hands or on a vote by unit factors, votes may be given either personally or by proxy.

Proxies

29(1) An instrument appointing a proxy must be in writing and signed by the person making the appointment or his or her attorney, and may be either general or for a particular meeting.

(2) A proxy need not be an owner.

(3) A proxy is valid for one year from the date it is signed by the person giving the proxy.

Restrictions on voting

30 Except as provided for in section 27 of these bylaws, there are no restrictions or limitations on an owner's rights to vote at an annual meeting or a general meeting.

Written resolutions

31 If a resolution of the members of the corporation requires a majority vote, that resolution signed in person or by proxy by all the persons who, at a properly convened annual meeting or general meeting, would be entitled to vote has the same effect as a resolution duly passed at the meeting.

XII Enforcement of Bylaws**Enforcement of bylaws**

32 The corporation is authorized to commence an action pursuant to section 99 of Act.

XIII Tenants**Corporation authorized**

33 For the purposes of section 82 of the Act, the corporation is authorized to do the following:

- (a) impose or collect deposits pursuant to section 77 of the Act;
- (b) make applications to the Rentalsman pursuant to section 80 of the Act;
- (c) collect common expenses from tenants pursuant to section 81 of the Act.

XIV Restrictions in Use**Interpretation**

34(1) In this section:

- (a) **“occupant”** means a person present in or on a unit or in or on the real or personal property of the corporation or the common property with the permission of an owner;
 - (b) **“owner”** includes a tenant.
- (2) An owner shall not:
- (a) use or enjoy the real or personal property of the corporation or the common property in a manner that unreasonably interferes with its use and enjoyment by other owners or occupants;
 - (b) use his or her unit in a manner or for a purpose that will cause a nuisance or hazard to any other owner or occupant;
 - (c) use his or her unit for a purpose that is illegal;
 - (d) make undue noise in or on his or her unit or on or about the real property of the corporation or the common property;
 - (e) do anything respecting his or her unit, the real or personal property of the corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase in any insurance premiums payable by the corporation;
 - (f) use a toilet, sink, tub, drain or other plumbing fixture for a purpose other than that for which it is constructed;

- (g) hang or place on the real property of the corporation or the common property or within or on a unit anything that is aesthetically displeasing in the board's opinion when viewed from outside the units;
 - (h) leave articles belonging to his or her household on the real property of the corporation or the common property when those articles are not in actual use;
 - (i) obstruct a sidewalk, walkway, passage, driveway or parking area other than for entering and leaving his or her unit;
 - (j) use any portion of the real property of the corporation or the common property except in accordance with the bylaws.
- (3) An owner shall ensure that his or her occupants comply with the requirements that the owner must comply with pursuant to subsection (2).

CHAPTER D-13.1 REG 1

The Department of Energy and Mines Act

Section 11

and

The Government Organization Act

Sections 17 and 24

Order in Council 459/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

- 1** These regulations may be cited as *The Energy Credit Regulations*.

Interpretation

- 2** In these regulations:

- (a) **“eligible account”** means:
 - (i) in the case of an energy credit to be provided by SaskPower, a SaskPower account for the supply of electrical energy that is classified by SaskPower as a residential account or a farm account and that was active on May 1, 2001; or
 - (ii) in the case of an energy credit to be provided by Saskatoon or Swift Current, an eligible account determined in accordance with an agreement entered into pursuant to section 6;
- (b) **“energy credit”** means the amount to be credited to an eligible account or paid to the holder of an eligible account by:
 - (i) SaskPower pursuant to section 4 or 5; or
 - (ii) Saskatoon or Swift Current pursuant to an agreement entered into pursuant to section 6;
- (c) **“energy rebate”** means the amount to be paid to an eligible applicant by SaskPower pursuant to subsection 7(3);
- (d) **“minister”** means the Minister of Energy and Mines.

Minister may make grant

3(1) The minister may make one or more grants to SaskPower, the total amount of which is not to exceed the amount appropriated by the Legislature for energy credits and energy rebates.

(2) The grant is to fund:

- (a) energy credits provided by SaskPower, Saskatoon and Swift Current;
- (b) energy rebates provided by SaskPower; and
- (c) the administrative costs of SaskPower, Saskatoon and Swift Current in providing energy credits and energy rebates.

Amount of energy credit

4(1) Subject to subsection (2), SaskPower shall provide an energy credit in the amount of \$25 to each eligible account.

(2) Where an eligible account pertains to a multiple family dwelling, the amount of the energy credit is to be \$25 multiplied by the number of dwelling units within the multiple family dwelling to which electrical energy is supplied pursuant to that account.

Direct payment in lieu of credit

5 SaskPower, in lieu of crediting an eligible account pursuant to section 4, may pay an energy credit in the amount of \$25 directly to the holder of an eligible account.

Agreements with Saskatoon and Swift Current

6(1) The minister and SaskPower may enter into agreements with Saskatoon and Swift Current to:

- (a) provide funding by SaskPower to Saskatoon and Swift Current for the purpose of providing \$25 energy credits to persons who purchase electrical energy from Saskatoon and Swift Current; and
- (b) establish the terms under which the funding is to be provided and under which Saskatoon and Swift Current will provide energy credits.

(2) The terms under which Saskatoon and Swift Current are to provide energy credits must be similar to the terms under which SaskPower provides energy credits.

Energy rebates

7(1) In this section:

(a) **“eligible applicant”** means a person who, at the time of the application, is a Saskatchewan resident and:

(i) who:

(A) occupied an eligible residence as his or her principal residence at any time between December 1, 2000 and May 1, 2001; and

(B) where more than one person was residing in the residence during that period, is an adult representative of the family or other group of persons who resided in the residence;

- (ii) who held a SaskPower account for the supply of electrical energy that:
 - (A) is classified by SaskPower as a residential account or a farm account;
 - (B) was for his or her principal residence;
 - (C) was active at any time between December 1, 2000 and April 30, 2001; and
 - (D) was not active on May 1, 2001; or
 - (iii) who held an account for the supply of electrical energy from Saskatoon or Swift Current that:
 - (A) would be classified as an eligible account if it had been active on May 1, 2001;
 - (B) was for his or her principal residence;
 - (C) was active at any time between December 1, 2000 and April 30, 2001; and
 - (D) was not active on May 1, 2001;
- (b) **“eligible residence”** means a residence located in Saskatchewan:
- (i) to which, between December 1, 2000 and May 1, 2001, electrical energy was not supplied pursuant to an electrical energy account with Saskatoon, Swift Current, SaskPower or any other electrical energy utility; and
 - (ii) in relation to which an energy rebate has not been paid.
- (2) An eligible applicant may submit an application for an energy rebate to SaskPower on or before October 31, 2001 in a form approved by SaskPower and shall provide to SaskPower any other information and material that it may require for the purpose of processing the application.
- (3) If SaskPower is satisfied that the applicant is an eligible applicant it may pay an energy rebate in the amount of \$25 directly to the eligible applicant.
- (4) An applicant:
- (a) is only eligible to receive one energy rebate; and
 - (b) is not entitled to receive an energy rebate if he or she has received an energy credit as the holder of an eligible account.
- (5) Where SaskPower receives more than one application for an energy rebate in relation to the same residence, it has the sole and exclusive authority to determine which application it will accept.

Payments deemed to be provided pursuant to regulations

8 Any energy credit or energy rebate provided by SaskPower, Saskatoon or Swift Current before the coming into force of these regulations that was purportedly provided pursuant to the energy credit and energy rebate program established pursuant to these regulations is deemed to have been provided pursuant to these regulations.

Coming into force

9 These regulations come into force on the day they are filed with the Registrar of Regulations.

Expiry

10 These regulations expire and are repealed one year after the day on which they come into force.

CHAPTER L-4.1 REG 1*The Land Surveys Act, 2000*

Section 85

Order in Council 464/2001, dated June 21, 2001

(Filed June 25, 2001)

PART I

Preliminary Matters**Title**

1 These regulations may be cited as *The Land Surveys Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Land Surveys Act, 2000*;
- (b) “**client number**” means:
 - (i) an identification number assigned by the Controller to any person who applies to the land surveys directory; or
 - (ii) a client number assigned to a person by the Registrar of Titles pursuant to *The Land Titles Regulations, 2001*;
- (c) “**customer service centre**” means a customer service centre maintained for the purposes of the land registry and the land surveys directory;
- (d) “**descriptive plan**” means:
 - (i) a type one descriptive plan; or
 - (ii) a type two descriptive plan;
- (e) “**enlargement**” means a magnification of an area shown on a plan proper for the purpose of providing information in greater detail;
- (f) “**lot monument**” means a monument described in section 37;
- (g) “**marker**” means a device used in accordance with section 39 for the purpose of preserving and recognizing a monument;
- (h) “**mineral disposition**” means any interest in minerals;
- (i) “**mineral parcel**” means a mineral parcel as defined in *The Land Titles Act, 2000*;
- (j) “**plan proper**” means that portion of a plan that represents the survey, but does not include any enlargement;

- (k) “**primary subdivision**” means the division of land, based on a primary survey, into:
- (i) sections; and
 - (ii) quarter-sections;
- (l) “**provincial lands**” means lands designated as provincial lands pursuant to *The Provincial Lands Act*;
- (m) “**remote sensing images**” means images captured by a means of remote sensing technology that has been approved by the Controller, and includes:
- (i) aerial photographs; and
 - (ii) satellite images;
- (n) “**secondary subdivision**” means a subdivision of previously subdivided land;
- (o) “**standard monument**” means a monument described in section 36;
- (p) “**subdivision**” means the division of land into surface parcels or mineral parcels;
- (q) “**title block**” means the area on a plan that provides particulars respecting the subdivision shown on the plan;
- (r) “**type one descriptive plan**” means a descriptive plan prepared in accordance with subsection 26(2);
- (s) “**type two descriptive plan**” means a descriptive plan prepared in accordance with subsection 26(3);
- (t) “**unpatented land**” means unpatented land as defined in clause 69(1)(b) of *The Land Titles Act, 2000*;
- (u) “**unsurveyed provincial lands**” means provincial lands that have not been previously surveyed.

Application of regulations

3 In accordance with section 3 of the Act, these regulations apply to all lands in Saskatchewan:

- (a) that are located in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 87 of the Act as an area to which the Act applies; and
- (b) that are within the legislative competence of the Legislature.

Documents included in the land surveys directory

4 For the purposes of section 4 of the Act, the following documents or categories of documents are part of the land surveys directory:

- (a) with respect to documents relating to a former land registration district and that are in existence on the day before the coming into force of an order pursuant to section 87 of the Act respecting the former land registration district:
 - (i) all copies of plans and field notes in the possession of the Chief Surveyor appointed pursuant to *The Land Titles Act*;

- (ii) all field notes in the possession of the Controller of Surveys appointed pursuant to *The Land Surveys Act*;
- (iii) all orders:
 - (A) of the minister;
 - (B) of the Controller of Surveys appointed pursuant to *The Land Surveys Act*; and
 - (C) of the Master of Titles appointed pursuant to *The Land Titles Act*;
- (iv) all records respecting the examination and approval of plans;
- (b) with respect to documents submitted to the Controller pursuant to the Act:
 - (i) all planning approvals required by *The Planning and Development Act, 1983*;
 - (ii) all original or certified field notes;
 - (iii) all affidavits;
 - (iv) all notices;
 - (v) all certifications, signatures and attestations required by the Act or any other Act;
 - (vi) any other record submitted to the Controller related to the examination and approval of a plan;
- (c) with respect to documents generated by the Controller pursuant to the Act:
 - (i) all records respecting examination and approval of plans;
 - (ii) all instructions for surveyors with respect to:
 - (A) conducting surveys;
 - (B) preparing plans; and
 - (C) submitting plans to the Controller.

Hours of operation

5(1) The Controller's office and every customer service centre is to be open to the public from 8:00 a.m. to 4:30 p.m. on all days except:

- (a) Saturdays and Sundays; and
- (b) New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day or any day authorized by the chairperson of the Public Service Commission to be observed as a holiday respecting any of those days.

(2) The electronic land surveys directory is to be open to the public from 8:00 a.m. to 4:30 p.m. on all days except:

- (a) Saturdays and Sundays; and
- (b) New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day or any day authorized by the chairperson of the Public Service Commission to be observed as a holiday respecting any of those days.

(3) Notwithstanding subsections (1) and (2), the Controller may alter the hours of operation of the Controller's office, a customer service centre, the electronic land surveys directory, or all of them, where the Controller considers it necessary:

- (a) to meet the public interest;
- (b) to recognize Saskatchewan public service holidays; or
- (c) to meet emergency or unforeseen circumstances.

Forms to be used

6(1) Unless otherwise permitted by the Controller, where the use of an application or other form is required by these regulations, the application or other form must be in the form provided by the Controller, whether in printed or electronic format.

(2) The Controller may refuse to accept an application or any other form if it is not completed to the satisfaction of the Controller.

Identification numbers

7(1) In this section, "**packet**" means one or more applications, and any plans and supporting materials, that are submitted together to the Controller.

(2) For identification purposes, the Controller shall assign:

- (a) a client number to every person who applies to the land surveys directory;
- (b) a packet number to every packet submitted to the Controller;
- (c) a plan number to every approved plan; and
- (d) a parcel number to every parcel created pursuant to an approved plan.

Controller's instructions

8 For the purposes of meeting the Controller's responsibilities pursuant to the Act, the Controller may issue instructions for surveyors, not inconsistent with the Act or these regulations, respecting survey methods and respecting the manner of submitting and approving plans.

PART II Submission of Plans

Submission of plans

9(1) Any person who wishes to have a plan approved by the Controller must submit to the Controller:

- (a) an application in the form provided;

- (b) the plan prepared in accordance with:
 - (i) these regulations; and
 - (ii) any instructions issued by the Controller;
- (c) all supporting documents for the plan, including any approval required by *The Planning and Development Act, 1983*; and
- (d) any certificate, signature or attestation required by:
 - (i) these regulations;
 - (ii) the Act; or
 - (iii) any other Act.

(2) All documents submitted to the Controller pursuant to subsection (1) other than plans must be printed, or formatted to print, on 8 ½ inches by 11 inches bond paper.

Electronic submission

10(1) Subject to subsection (2), the following persons may submit the documents mentioned in section 9 to the Controller in electronic format:

- (a) surveyors;
 - (b) approved Crown utility representatives;
 - (c) any other person or category of persons approved by the Controller.
- (2) Any person submitting documents to the Controller in electronic format must:
- (a) use one of the following formats for submitting plans:
 - (i) dwg;
 - (ii) dxf;
 - (iii) tif;
 - (iv) any other format approved by the Controller;
 - (b) use one of the following formats for submitting documents other than plans:
 - (i) tif;
 - (ii) a doc format that is Microsoft Word 97 or a more recent version;
 - (iii) pdf;
 - (iv) any other format by approved by the Controller; and
 - (c) use one of the following media:
 - (i) a compact disk;
 - (ii) a 3 ½ inch floppy disk;
 - (iii) an electronic message to the address designated by the Controller for that purpose;
 - (iv) any other media approved by the Controller.

(3) The printed copy of any document submitted to the Controller in electronic format must meet the requirements for that document as set out in the Act and these regulations.

PART III
General Requirements for Plans

DIVISION 1
Plan Format

Application of Division

11 This Division applies to all plans submitted to the Controller for approval pursuant to section 34 of the Act.

Plan format

12(1) Subject to section 10, a plan must be drawn in black ink on bond paper.

(2) A plan must not exceed:

- (a) 860 millimetres in width; or
- (b) 3,000 millimetres in length.

(3) An area of at least 20 millimetres around all edges of a plan must be kept clear of any information.

(4) The text size used in a plan must not be smaller than the minimum sizes listed in Appendix 1.

(5) All road allowances on a plan, including those within a right-of-way, must be shown as solid lines.

(6) No free-hand drawing is permitted on a plan without the prior approval of the Controller.

Plan contents

13(1) Every plan must use the appropriate abbreviations and symbols listed in Appendix 2.

(2) If an abbreviation or symbol that is not listed in Appendix 2 is used on a plan, that abbreviation or symbol must be placed in a legend on the plan.

(3) Every plan must contain a north arrow to indicate the orientation of the plan.

(4) Where a new parcel is created from an existing secondary subdivision, the plan number of the existing secondary subdivision must be clearly placed on the plan.

(5) Subject to subsection (6), every plan must show the boundaries, in their entirety, for any parcel that is altered by a new parcel.

(6) Where permitted by instructions issued by the Controller, the boundaries of a parcel altered by a new parcel may be shown in a key on a plan in a scale different from the scale used in the plan proper.

- (7) Every parcel shown on a plan must be identified by a parcel identifier, being a combination of letters or numbers, or both, approved by the Controller for that purpose.
- (8) Every plan must show the plan numbers for the parcels that are adjacent to the new parcel.
- (9) Where sufficient space does not exist at the scale of the plan proper to show any information that is required to be shown on a plan, that information:
 - (a) may be shown in an enlargement drawn to a size that is sufficient to clearly show that information; and
 - (b) if shown as permitted by clause (a), is not required to be drawn to scale.

Rejection of plans

14(1) All plans submitted to the Controller for approval must be capable of being converted to an electronic image by the Controller.

- (2) The Controller may reject any plan:
 - (a) that the Controller is unable to convert to an electronic image; or
 - (b) that the Controller is unable to read after converting the plan to an electronic image.

Title block

15(1) A title block must appear on every plan.

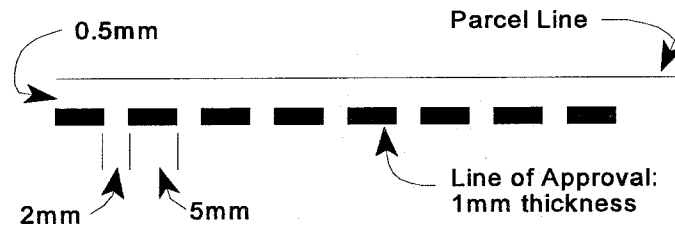
- (2) Every title block must specify:
 - (a) that the plan is:
 - (i) a plan of survey;
 - (ii) a type one descriptive plan; or
 - (iii) a type two descriptive plan;
 - (b) that the plan is:
 - (i) for the surface;
 - (ii) for the minerals; or
 - (iii) for an interest;
 - (c) the approved purpose of the plan, selected from a list of approved purposes set out in instructions issued by the Controller;
 - (d) the scale of the plan; and
 - (e) the year in which the plan was prepared.

Demarcation of approval area

16(1) In this section:

- (a) **“approval area”** means the area on a plan that shows new parcels or interests but does include parcels for which the boundaries have been altered by the new parcels;

- (b) **“line of approval”** means the line used to demarcate the approval area on a plan.
- (2) The line of approval used to demarcate an approval area on a plan must be parallel to and offset 0.5 millimetre outside the parcel or interest lines that bound the approval area.
- (3) A line of approval must be represented by a heavy dashed line as follows:



- (4) All information on a plan must be placed so that it is not obscured by the line of approval.

DIVISION 2 Plan of Survey Format

Application of Division

- 17(1) This Division applies to all plans of survey submitted to the Controller for approval pursuant to section 34 of the Act.
- (2) In addition to the requirements set out in Division 1, every plan of survey must meet the requirements set out in this Division.

Accurate representation

- 18 All information shown on a plan of survey must be a true and accurate representation of the survey from which the plan is derived.

Monument description

- 19(1) A plan of survey must provide the following information respecting every monument found, re-established or established at the time of the survey:
- (a) the type of monument;
 - (b) for any monument found that is not in good condition, the condition of the monument at the time of the survey;
 - (c) a notation detailing any markings on a monument;
 - (d) where applicable, a description of the manner in which the monument was re-established;
 - (e) whether a marker was used or found in relation to a monument.
- (2) Where a monument is removed by a surveyor in accordance with the Act, a note must be included on the plan of survey:
- (a) stating that the monument was removed; and
 - (b) detailing why it was necessary to remove the monument.

Title block

20(1) The title block for a plan of survey must include:

- (a) the legal description of the area affected by the plan of survey; and
- (b) the name of the surveyor who conducted the survey.

(2) A note must appear under the title block stating that the plan of survey has been shown in metres to the third decimal.

Angles

21 All angles included on a plan of survey must be shown in degrees, minutes and seconds.

Reference line

22 Where no lines of the current survey can be connected to a previously surveyed line, an azimuth of one of the current survey lines must be given on the plan of survey.

Curves

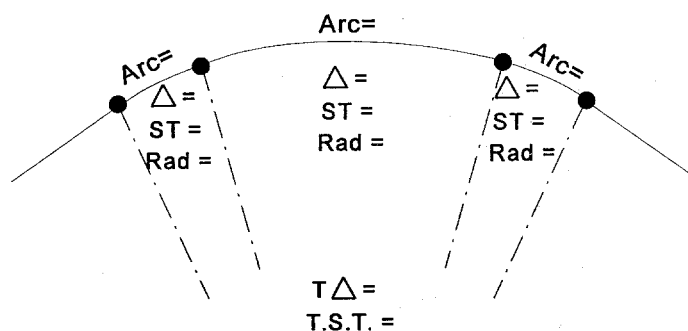
23(1) All curves shown on a plan of survey must include:

- (a) arc distance;
- (b) sub-tangent distance;
- (c) radius distance; and
- (d) delta angle.

(2) In the case of a compound curve, a plan of survey must also include:

- (a) the total sub-tangent distance; and
- (b) the total delta angle.

(3) The following diagram must be followed when recording the information required by this section on a plan of survey:



Bank or centre line of a water body

24(1) Where a traverse line is used to determine the position of a bank or centre line of a water body, the following information must be included on the plan of survey:

- (a) the angles and distances on the traverse line;
 - (b) the lengths of offsets;
 - (c) the angles that the offsets make with their respective traverse lines.
- (2) Subject to subsection (4), the information mentioned in subsection (1) must be noted on the plan of survey along the respective courses of the traverse.
- (3) Subject to subsection (4), where the position of a bank or centre line of a water body is determined by direct readings on the ground without using the method mentioned in subsection (1):
- (a) a schedule must be included on the plan of survey showing:
 - (i) the coordinates that determined the position of the bank or centre line at the time of survey; and
 - (ii) the coordinates of at least two survey monuments that are shown on the plan of survey; and
 - (b) a note must be placed below the title block of the plan of survey specifying:
 - (i) the coordinate system used;
 - (ii) the datum used; and
 - (iii) how the coordinates were derived.
- (4) Where the information mentioned in subsection (2) or (3) cannot be noted clearly on the plan of survey:
- (a) the information must be shown on a schedule attached to the plan of survey; and
 - (b) the schedule and the plan of survey must contain the page number in the upper right hand corner using the format, "Sheet __ of __ Sheets".
- (5) A schedule attached to a plan of survey in accordance with subsection (4) is part of that plan.
- (6) Where remote sensing images are used to determine the position of a bank or centre line of a water body, a note must be placed below the title block of the plan of survey specifying:
- (a) that the bank or centre line of the water body shown on the plan of survey was plotted from remote sensing images;
 - (b) the type of remote sensing image used; and
 - (c) the unique identification numbers of the remote images.

(7) Where all or a portion of a parcel being surveyed is bounded by a body of water, the plan of survey must contain a note specifying:

- (a) with respect to a bank boundary, "The bank is taken as the boundary. For the definition of bank, see section 32 of *The Land Surveys Regulations*"; or
- (b) with respect to a centre line boundary, "The centre line of the water body is taken as the boundary. For the definition of centre line, see section 32 of *The Land Surveys Regulations*".

Certificate of surveyor

25(1) Every plan of survey must be accompanied by a certificate of the surveyor, in the form provided, certifying:

- (a) the date the survey was performed;
 - (b) that the survey represented by the plan of survey was made in accordance with the Act and these regulations; and
 - (c) that the plan is correct and true to the best of the surveyor's knowledge and belief.
- (2) The certificate mentioned in subsection (1) must include:
- (a) the signature of the surveyor who conducted the survey;
 - (b) the date the certificate was signed; and
 - (c) the location where the certificate was signed.

DIVISION 3
Descriptive Plan Format

Categories of descriptive plans

26(1) The following categories are prescribed as categories of descriptive plans:

- (a) type one descriptive plans;
 - (b) type two descriptive plans.
- (2) A type one descriptive plan must:
- (a) be prepared by a surveyor; and
 - (b) be prepared in conjunction with a survey.
- (3) A type two descriptive plan is not required to be:
- (a) prepared by a surveyor; or
 - (b) prepared in conjunction with a survey.

Requirements for descriptive plans

27(1) This Division applies to all descriptive plans submitted to the Controller for approval pursuant to section 34 of the Act.

(2) In addition to the requirements set out in Division 1, a descriptive plan must meet the requirements set out in the following provisions, as the case requires:

- (a) Divisions 4 to 7 of Part VII;
- (b) section 108 of Part IX;
- (c) Divisions 2, 4 and 5 of Part XI.

PART IV
General Requirements for Surveys

DIVISION 1
Survey Methods

Application of Division

28 Every survey conducted in connection with a plan submitted to the Controller for approval pursuant to the Act is to be conducted in accordance with this Division.

Standard of accuracy

29(1) The standard of accuracy with respect to a monument re-established at a boundary corner or established at a previously unmonumented boundary corner is a circle centred on the intended position of the boundary corner.

- (2) The radius of a circle mentioned in subsection (1) is to be determined from:
- (a) the accuracy factor set out in subsection (3) for the year of the survey pursuant to which, as the case may be:
 - (i) the monument is re-established at the boundary corner; or
 - (ii) the monument is established at the previously unmonumented boundary corner; and
 - (b) the distance being measured.
- (3) For the purposes of clause (2)(a):
- (a) for a survey performed in 1950 or earlier, the accuracy factor is 1,500;
 - (b) for a survey performed between 1951 and 1975, the accuracy factor is 2,500; and
 - (c) for a survey performed in 1976 or later, the accuracy factor is 5,000.
- (4) The radius of a circle is calculated as the distance mentioned in clause (2)(b) divided by the appropriate accuracy factor set out in subsection (3).
- (5) If survey measurements determine that the position of a monument re-established at a boundary corner or established at a previously unmonumented boundary corner is not within the circle determined pursuant to subsection (4), the monument is outside the standard of accuracy.
- (6) For the purposes of the Act, if a monument is established or re-established or a measurement is made:
- (a) within the standard of accuracy prescribed in this section, the monument is to be considered as established or re-established or the measurement is to be considered to have been made within the prescribed tolerance for error;
 - (b) outside the standard of accuracy prescribed in this section, the monument is to be considered as established or re-established or the measurement is to be considered to have been made outside the prescribed tolerance for error.

Establishing boundaries

30(1) Subject to subsection (2) and sections 42 and 43, every surveyor who conducts a survey in connection with a plan to be submitted to the Controller for approval shall:

- (a) mark the position of the boundary lines to be established by establishing monuments on boundary lines:
 - (i) at every change of direction and at the beginning and end of every curve;
 - (ii) where a previously surveyed parcel will be changed by the new survey, at every intersection of the new boundary lines with the existing surveyed boundary lines; and
 - (iii) in any other location required by instructions issued by the Controller;
 - (b) where a previously surveyed parcel is to be changed by the new survey, make all measurements necessary to show the positions of the monuments established and the boundary lines to be established, relative to the existing surveyed boundary lines;
 - (c) when surveying a right-of-way, road or railway that is to be bounded by parallel lines that are not more than 62 metres apart:
 - (i) establish monuments on only one boundary line of the road right-of-way or railway right-of-way; and
 - (ii) where possible, establish the monuments mentioned in subclause (i) on the southerly and westerly boundary of the right-of-way, road or railway; and
 - (d) establish every curve at a constant radius.
- (2) When surveying the boundaries of condominium units, other than bare land units within the meaning of *The Condominium Property Act, 1993*, a surveyor is not required to mark the boundary lines of the units by the establishment of monuments.

Misclosures

31(1) In this section, “**misclosure**” means the linear difference between the positions of:

- (a) a point determined from the calculations of a series of surveyed courses; and
 - (b) the point that the surveyed courses are intended to end on.
- (2) A misclosure may be represented:
- (a) as a distance; or
 - (b) as a ratio.
- (3) A misclosure ratio is calculated as the misclosure distance divided by the total distance of all the surveyed courses used to determine the misclosure.
- (4) A misclosure must not exceed the greater of:
- (a) a distance of 0.02 metre; and
 - (b) a ratio of 1:5,000.

(5) If a disclosure exceeds the maximums mentioned in subsection (4), the surveyor shall:

- (a) consult with the surveyor who conducted any adjoining survey; or
- (b) report the circumstances to the Controller.

Natural monuments - bodies of water

32(1) In this section:

- (a) **“bank”** means, with respect to a body of water, the line where the bed of the body of water ceases;
 - (b) **“bed of the body of water”** means that land that has been covered by water for a period long enough to:
 - (i) change the nature of the vegetation;
 - (ii) make a distinct impression on the vegetation; or
 - (iii) make a distinct impression on the soil;
 - (c) **“centre line”** means, with respect to a body of water, the line midway between the opposing banks of the body of water.
- (2) When determining the position of a natural monument that is a bank of a body of water, a surveyor shall determine the position of the line where the bed of the body of water ceases.
- (3) When determining the position of a natural monument that is a centre line of a body of water, a surveyor shall determine the position of the line midway between the opposite banks of the body of water.

Surveying boundaries of bodies of water

33(1) Where a survey is required to determine the boundaries of a parcel of land bounded by a body of water, the position of the boundary is to be determined in accordance with section 32 and measured in accordance with this section.

(2) In the case of positioning a boundary mentioned in subsection (1) by a traverse line with offsets, the surveyor shall:

- (a) establish a standard monument pursuant to section 36:
 - (i) at the beginning and end of the traverse; and
 - (ii) at every intersection of the traverse line with the monumented boundaries of any surveyed parcel of land;
- (b) where possible, begin and end the traverse line on a previously surveyed boundary;
- (c) take sufficient offset ties to give an accurate representation of the boundary;
- (d) take angular and linear measurements for every traverse and offset line; and
- (e) take angular and linear measurements to connect any intersections monumented pursuant to subclause (a)(ii).

(3) In the case of positioning a boundary mentioned in subsection (1) by taking direct readings on the ground without using the method mentioned in subsection (2), the surveyor shall:

- (a) take sufficient readings to give an accurate representation of the boundary; and
- (b) take readings on at least two existing survey monuments that are near the boundary.

(4) In the case of positioning a boundary mentioned in subsection (1) by remote sensing images, the surveyor shall comply with any instructions issued by the Controller.

Field notes

34(1) In this section:

- (a) “**corrected data**” means raw data that has been corrected for environmental, instrumental or systematic errors;
- (b) “**raw data**” means a measurement as measured in the field and that has not been corrected for environmental, instrumental or systematic errors;
- (c) “**reduced data**” means the data created or left behind after the raw data has been manipulated.

(2) For the purposes of clause 13(a) of the Act, a surveyor’s field notes must include the following information with respect to a survey conducted by that surveyor:

- (a) the date of observation, location and purpose of the survey;
- (b) the names of each member of the field crew involved in conducting the survey;
- (c) a description of all monuments found, re-established or established during the survey;
- (d) a sketch of all physical evidence found during the survey;
- (e) all raw data in connection with the survey;
- (f) a diagram representing the survey;
- (g) any other information that is pertinent to the survey.

(3) Every surveyor shall make and keep his or her field notes:

- (a) in printed format;
- (b) in electronic format; or
- (c) in a combination of the formats mentioned in clauses (a) and (b).

(4) Where a surveyor makes and keeps his or her field notes in electronic format, the surveyor must keep a record of:

- (a) all:
 - (i) raw data; or
 - (ii) corrected data; and
- (b) all reduced data, if any.

DIVISION 2
Monuments and Markers

Monuments

35(1) Subject to subsection (2), a monument established or re-established pursuant to the Act and these regulations must be:

- (a) a standard monument; or
- (b) a lot monument.

(2) Where, due to the location of a boundary, it is not practical, in the Controller's opinion, to use a standard monument or a lot monument, a surveyor may use any device or object acceptable to the Controller to mark, reference or witness the boundary.

Standard monument

36 A standard monument is a round post of solid iron that:

- (a) is two centimetres nominal diameter;
- (b) is at least 76 centimetres long;
- (c) has a point at one end; and
- (d) has a top at least 15 centimetres long and two centimetres, nominal, square.

Lot monument

37 A lot monument is a round or square post of solid iron that:

- (a) is 13 millimetres, nominal, wide;
- (b) is at least 45 centimetres long; and
- (c) has a point at one end.

Using monuments

38(1) A standard monument established in accordance with the Act must be used to mark, reference or witness the following boundaries:

- (a) boundaries requiring monumentation in all primary surveys;
- (b) boundaries signifying all block corners;
- (c) boundaries signifying all parcel corners;
- (d) boundaries of all right-of-way surveys.

(2) A standard monument or a lot monument may be used to mark, reference or witness the boundaries signifying lot corners.

(3) Where a standard monument or a lot monument is used, the monument must be:

- (a) flush with the ground surface;
- (b) countersunk to 15 centimetres in areas where the monument may pose a hazard; or
- (c) cut to the appropriate length and firmly attached to solid rock.

(4) A standard monument used to establish or re-establish a primary subdivision corner must be permanently and legibly marked with:

- (a) in the case of section corners, numerals to indicate the section, township, and range;
- (b) in the case of quarter-section corners, "1/4"; and
- (c) in the case of the centre of a section, "1/4".

(5) Where it is necessary to establish standard monuments on the same boundary within a distance of 1.0 metre or less of each other, the monuments must be marked with letters to distinguish them from one another.

Markers

39(1) A marker may be used for the purpose of preserving and recognizing a monument, but no marker shall be used in substitution for a monument.

(2) Unless the Controller issues instructions to the contrary, a marker may be used:

- (a) with primary monuments as defined in clause 10(a) of the Act; or
- (b) with monuments used to establish the boundary of a road right-of-way survey.

(3) The Controller may issue instructions respecting the dimensions of a marker and any metal plate associated with a marker.

(4) The Controller may issue instructions for the wording to be placed on the metal plate mentioned in subsection (3).

(5) Where a marker is used in the course of a survey, the marker must be approximately 0.30 metre from the monument it is intended to mark.

Monuments on correction lines

40 In the case of a township, section or quarter-section corner on a correction line, monuments are to be established independently for the township on each side of the correction line.

Monuments along different systems of survey

41 In the case of a township, section or quarter-section corner along the boundary of different township systems of survey, monuments are to be established independently for the township on each side of the division line.

Witness monuments

42(1) In this section, "**primary corner**" means the corner of a boundary established in a primary survey.

(2) Where a primary corner in a township survey is located where it is impractical to establish a monument, the primary corner is to be referenced by:

- (a) establishing a standard monument on one of the boundaries of the parcel that intersects at the referenced primary corner;
- (b) establishing the monument mentioned in clause (a) at a suitable place that is distant a full multiple of 0.1 metre from the referenced primary corner; and

(c) legibly and permanently marking the monument mentioned in clause (a) with the following information in the following order:

- (i) the letters "WIT";
- (ii) the distance, in metres, to the referenced primary corner;
- (iii) the letter "M";
- (iv) the direction to the referenced primary corner using one of the following abbreviations:
 - (A) "N" for north;
 - (B) "S" for south;
 - (C) "E" for east;
 - (D) "W" for west.

Reference monuments

43(1) Subject to section 42, where it is impractical to establish a monument at a boundary corner, a standard monument may be established to reference the location of the boundary corner.

- (2) Only one monument may be used to reference a boundary corner.
- (3) The monument must be established on one of the boundaries that define the corner being referenced.
- (4) The monument must be permanently engraved with the initials "RM".

**DIVISION 3
Protection of Monuments**

Protection of monuments during improvements

44 Before work commences on an improvement mentioned in section 27 of the Act, the municipality or other person responsible for the improvement must notify the Controller, in the form provided, of the intended work.

**DIVISION 4
Unsurveyed Provincial Lands**

Unsurveyed provincial lands

45(1) Surveys performed on unsurveyed provincial lands must include:

- (a) a connection to control monuments in accordance with instructions issued by the Controller; and
- (b) in the case of:
 - (i) a subdivision or lease:
 - (A) the determination of the latitude and longitude coordinates of at least two exterior boundary corners; and
 - (B) a calculated or observed azimuth of one of the exterior boundaries of the subdivision or lease; and

- (ii) a right-of-way:
 - (A) the determination of the latitude and longitude coordinates of each end of the survey; and
 - (B) a calculated or observed azimuth for the ends of the survey.
- (2) A plan of survey with respect to a survey performed on unsurveyed provincial lands must include:
 - (a) the appropriate information set out in subsection (1);
 - (b) a key to allow the location of the survey to be determined on maps and aerial photographs; and
 - (c) the names and locations of all the named lakes and streams within 200 metres of the survey site.

PART V
Additional Circumstances Where Plans Required

DIVISION 1
Plans of Survey

Application of sections 47 and 48

46 The circumstances mentioned in section 47 and 48 are prescribed for the purposes of clause 31(1)(f) of the Act as additional circumstances in which a plan of survey must be submitted to the Controller for approval.

Utility lines in urban municipalities

47 A public utility must submit a plan of survey to the Controller for approval where the public utility installs:

- (a) a transmission line in an urban municipality; or
- (b) a distribution line in an urban municipality where the distribution line is not parallel to a parcel shown on an existing plan of survey.

Utility lines in rural municipalities

48(1) Subject to subsection (2), a public utility must submit a plan of survey to the Controller for approval where the public utility installs a transmission line in a rural municipality.

(2) A public utility is not required to submit a plan of survey in accordance with subsection (1) where the transmission line being installed in a rural municipality falls within a road right-of-way.

DIVISION 2
Descriptive Plans

Interpretation of Division

49 In this Division:

- (a) “**street**” means a street, lane, road or road allowance vested in the Crown;

(b) **“intersection”** means:

- (i) the area where two or more streets meet; or
- (ii) the line where a quarter-section line or a section line crosses a street.

Application of sections 51 and 52

50 The circumstances mentioned in section 51 and 52 are prescribed for the purposes of clause 33(1)(b) of the Act as additional circumstances in which a descriptive plan, instead of a plan of survey, may be submitted to the Controller for approval.

Type one descriptive plans

51(1) For the purposes of subclause (2)(b)(i), a first secondary subdivision does not include a road right-of-way that is parallel to a road allowance.

(2) A type one descriptive plan may be submitted to the Controller for approval for any of the following purposes:

- (a) for a boundary re-arrangement for a lot where:
 - (i) the re-arranged boundary is from an adjacent lot;
 - (ii) the lot is not used for commercial purposes;
 - (iii) the new boundary is a straight line; and
 - (iv) it is the only boundary re-arrangement by a descriptive plan within an adjacent lot;
- (b) for a subdivision of a single parcel out of a quarter-section in a rural municipality where:
 - (i) the subdivision is the first secondary subdivision in a quarter-section;
 - (ii) the new parcel is intended for the severance of an existing farm site from the quarter-section;
 - (iii) the parcel is a parallelogram in shape; and
 - (iv) the parcel abuts a public road;
- (c) for a lease for a portion of a parcel as shown on a plan of survey where the lease is for residential purposes;
- (d) for a lease for a parcel of unpatented land.

Type two descriptive plans

52 A type two descriptive plan may be submitted to the Controller for approval for any of the following purposes:

- (a) for a closure of a street where:
 - (i) the closure is for the full length of the street between any two intersections;
 - (ii) the closure is for the full length of the street between the street's end and any intersection; or
 - (iii) the closure is for the full length of the street between the ends of the street;

- (b) for a closure of an intersection;
- (c) for consolidating two or more parcels, as shown on any plan of survey, into one parcel;
- (d) for a mineral parcel where the mineral parcel has the same boundaries as an existing surface parcel;
- (e) for a plan deemed to have been approved pursuant to Part XIV;
- (f) for a right-of-way for a distribution line of a public utility in an urban municipality:
 - (i) where the right-of-way is:
 - (A) immediately adjacent to one or more surveyed boundaries as shown on a plan approved by the Controller; and
 - (B) parallel with the boundaries mentioned in paragraph (A); and
 - (ii) where the width of the urban distribution line only changes at the boundaries of an existing surface parcel;
- (g) for a change of parcel ownership where the parcel already exists on a plan and the ownership changes:
 - (i) from publicly owned to privately owned; or
 - (ii) from privately owned to publicly owned.

PART VI Primary Subdivisions

DIVISION 1 Interpretation

Interpretation of Part

53 In this Part, “**other primary subdivision**” means the division of land, based on a primary survey, into parcels other than sections and quarter-sections.

DIVISION 2 Township Subdivisions

Application of Division

54 Township surveys are to be conducted in accordance with this Division, and township plans are to be prepared in accordance with instructions issued by the Controller.

Sections

55(1) Subject to Division 3, provincial lands are to be subdivided into quadrilateral townships.

(2) Every township is to contain 36 sections of as nearly 1609.34 metres square as the convergence of meridians permits.

(3) The sections in a township are to be arranged and numbered as shown by the following diagram:

N					
31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1
S					

Road allowances

56(1) Every township subdivided pursuant to section 55 must have:

- (a) road allowances running north to south:
 - (i) adjacent to the meridian bounding the township to the west; and
 - (ii) between all other sections in the township; and
 - (b) road allowances running east to west:
 - (i) adjacent to the chord of parallel of latitude bounding the township to the south;
 - (ii) adjacent to the south side of sections 13 through 18 inclusive; and
 - (iii) adjacent to the south side of sections 25 through 30 inclusive.
- (2) The road allowances mentioned in subsection (1) must be:
- (a) 20.117 metres wide; or
 - (b) any other approved width.

Placement of monuments

57(1) In a township subdivision, only a single row of monuments to indicate the corners of a township, section or quarter-section is to be established on a boundary.

(2) On the north-south lines, the monuments are to be established on the west limit of the road allowances.

(3) On the east-west lines, the monuments are to be established on the south limit of the road allowances.

(4) In all cases, the monuments are to reference or witness the position of the boundary corner between the adjoining townships, sections or quarter-sections on the opposite side of the road allowance.

Township boundaries

58(1) The lines bounding townships on the east and west sides are meridians.

(2) The lines bounding townships on the north and south sides are chords to parallels of latitude.

Numbering of townships and ranges

59 Townships are:

(a) to be numbered, in regular order, northerly from the 49th parallel of latitude; and

(b) to lie in ranges numbered west from the principal, second and third meridians.

Width of townships

60(1) Townships are to be given their width as set out in the Supplement to the Manual of Instructions for the Survey of Canada Lands (1953) and published by the Department of Mines and Technical Surveys (Canada).

(2) The meridians between townships are to be drawn across the base lines mentioned in section 61, northerly and southerly to the depth of two townships to the correction lines.

Base lines

61(1) The first base line is the 49th parallel of latitude.

(2) The second base line is between townships 4 and 5.

(3) The third base line is between townships 8 and 9.

(4) The fourth base line is between townships 12 and 13.

(5) The fifth base line and each subsequent base line continue northerly in regular succession in the pattern established by this section.

Correction lines

62(1) The jog resulting from the convergence of meridians is to be allowed on the correction lines.

(2) The first correction line is between townships 2 and 3.

(3) The second correction line is between townships 6 and 7.

(4) The third correction line is between townships 10 and 11.

(5) The fourth correction line and each subsequent correction line continue northerly in regular succession in the pattern established by this section.

Quarter-sections

63 Subject to the other provisions of this Division and to section 73, each section is to be divided into quarter-sections of 64.75 hectares, more or less.

North and south deficiency or surplus

64(1) Subject to subsection (2), the north and south deficiency or surplus in closing on a correction line:

- (a) from the north is to be allowed in the quarter-sections adjoining the north side of the correction line; or
- (b) from the south is to be allowed in the quarter-sections adjoining the south side of the correction line.

(2) In the case of the north and south deficiency or surplus in those townships between the first and second base lines, the deficiency or surplus is to be left in the quarter-sections adjoining the first base line.

East and west deficiency or surplus

65 The east and west deficiency or surplus is to be distributed equally among all quarter-sections involved.

Centre of section

66 If a monument has not been established at the centre of a section, the position of that centre is the point of intersection of the east-west and north-south quarter-section division lines as established pursuant to section 73.

DIVISION 3 Other Primary Subdivisions

Other primary subdivisions

67(1) Subject to The Planning and Development Act, 1983, the Controller may direct that lands be subdivided and monuments be established for other primary subdivisions where a township subdivision is impractical.

(2) In this section, “**other primary subdivisions**” includes:

- (a) lots;
- (b) blocks;
- (c) parcels;
- (d) roads;
- (e) streets;
- (f) lanes;
- (g) public reserves; and
- (h) any other approved subdivision.

DIVISION 4 Re-establishing Lost Primary Monuments

Interpretation re clause 29(3)(b) of Act

68 A plan of the re-establishment of a lost monument mentioned in clause 29(3)(b) of the Act must include a report to the Controller outlining:

- (a) the circumstances surrounding the lost monument, as known by the surveyor; and
- (b) the method of re-establishment used by the surveyor.

Re-establishing a lost monument on the outline or interior meridian of a township

69(1) If a lost monument is on the outline or on one of the interior meridians of a township, the nearest section or quarter-section corners are to be found on the outline or the interior meridian section line that are on opposite sides of the lost monument.

(2) A straight line is to be used to connect the monuments found in accordance with subsection (1).

(3) The straight line mentioned in subsection (2) is to be divided into the number of quarter-sections contained in the original township survey.

(4) Every quarter-section determined pursuant to subsection (3) is to be given a breadth proportionate to that shown on the latest township plan of survey.

Re-establishing a quarter-section monument on an east-west section line

70(1) If a quarter-section monument on an east-west section line is lost, the opposite corners on the meridian boundaries of the section are to be found or re-established.

(2) A straight line is to be used to connect the monuments mentioned in subsection (1).

(3) The straight line mentioned in subsection (2) is to be divided into two parts.

(4) Each part determined pursuant to subsection (3) is to be given a breadth proportionate to that shown on the latest township plan of survey.

DIVISION 5**Establishing Primary Division Lines****Interpretation of “blind line”**

71 In this Division, “**blind line**” means a division line between two sections of land where there is no road allowance.

Establishing a blind line

72(1) Where it is necessary to establish a blind line, a surveyor shall establish the blind line in accordance with this section.

(2) If both section corner monuments are found, the surveyor shall establish the blind line by connecting the monuments with a straight line.

(3) If one or both of the section corner monuments are lost or were not established in the original township survey, before establishing the blind line in the manner set out in subsection (2), the surveyor shall establish or re-establish the section corner monuments in the manner set out in section 69.

(4) If one of the section corner monuments cannot be determined because one of the meridian boundaries has not been established, the surveyor shall locate the blind line on a bearing proportionate to the bearings of the north and the south boundaries of the two adjacent sections as measured on the ground.

(5) Where the bearings mentioned in subsection (4) cannot be measured, the surveyor shall establish the blind line on a bearing proportionate to the bearings shown on the latest township plan of survey.

- (6) Where no bearings are shown on the township plan of survey mentioned in subsection (5), the surveyor shall establish the blind line on the theoretical bearing.
- (7) For the purposes of subsections (2) and (3):
- (a) each quarter-section on the blind line is to be given equal breadth;
 - (b) where a quarter-section on the blind line has been reduced from its normal breadth in a fractional township, each quarter-section on the blind line is to be given a breadth proportionate to the breadths of the quarter-sections of the north and the south boundaries of the two adjacent sections as shown on, or deduced from, the latest township plan; or
 - (c) where a quarter-section on the blind line has been reduced from its normal breadth in a fractional township and the township plan gives no information for the breadths of the quarter-sections, the breadths of the quarter-sections on the blind line are to be established proportionate to the theoretical breadths.
- (8) For the purposes of subsections (4), (5) and (6):
- (a) the breadth of the quarter-sections on the blind line are to be made proportionate to the breadths of the quarter-sections as shown on, or deduced from, the latest township plan; or
 - (b) where no information for the breadths of the quarter-sections are shown on the township plan mentioned in clause (a), the breadths of the quarter-sections on the blind line are to be proportionate to the theoretical breadths.

Establishing a division line between quarter-sections

- 73(1)** Where it is necessary to establish a division line between two quarter-section monuments, the surveyor shall establish the line in accordance with this section.
- (2) If both quarter-section corner monuments are found, the surveyor shall establish the division line by connecting the quarter-section corner monuments with a straight line.
- (3) If one or both of the quarter-section corner monuments are lost or were not established in the original township survey, before establishing the quarter-section line in the manner set out in subsection (2), the surveyor shall establish or re-establish the quarter-section corner monuments:
- (a) in the manner set out in section 69 or 70 for quarter-section corner monuments adjacent to a road allowance; or
 - (b) in the manner set out in section 72 for quarter-section corner monuments on the blind line between sections.
- (4) If one of the quarter-section corner monuments on an east-west quarter line cannot be determined because the boundary it is on has not been established, the surveyor shall locate the east-west quarter line on a bearing proportionate to the bearings of the north and the south boundaries of the section as measured on the ground.
- (5) Where the bearings mentioned in subsection (4) cannot be measured, the surveyor shall establish the east-west quarter line on a bearing proportionate to the bearings shown on the latest township plan.

(6) Where no bearings are shown on the township plan mentioned in subsection (5), the surveyor shall establish the east-west quarter line on the theoretical bearing.

(7) If one of the quarter-section corner monuments on a north-south quarter-section line cannot be determined because the boundary it is on has not been established, the surveyor shall locate the north-south quarter line on a bearing proportionate to the bearings of the east and the west boundaries of the section as measured on the ground.

(8) Where the bearings mentioned in subsection (7) cannot be measured, the surveyor shall establish the north-south quarter line on a bearing proportionate to the bearings shown on the latest township plan.

(9) Where no bearings are shown on the township plan mentioned in subsection (8), the surveyor shall establish the north-south quarter line on the theoretical bearing.

Establishing lines in other primary subdivisions

74(1) Subject to subsection (2), in laying out other primary subdivisions, a surveyor shall give to the subdivision its proportionate share of the frontage and interior breadth, according to the approved plan for the subdivision.

(2) Where no distances are shown on the plan mentioned in subsection (1), the frontage and interior breadth are to be divided equally and the boundary is to be defined by joining the terminal points.

Allowance for road widths

75 Where a surveyor places a monument to re-establish a lost monument, the surveyor shall take into account any allowance for a road.

PART VII
Secondary Subdivisions

DIVISION 1
General

Scale

76(1) Subject to subsection (2), the scale of a plan of survey for a secondary subdivision must be:

- (a) 1:1,000;
- (b) 1:2,000; or
- (c) an approved scale.

(2) Where sufficient space does not exist at the scale of the plan proper to show any information that is required to be shown on a plan, that information:

- (a) may be shown in an enlargement drawn to a size that is sufficient to clearly show that information; and
- (b) if shown as permitted by clause (a), is not required to be drawn to scale.

Information on plan of survey

77 A plan of survey for a secondary subdivision must contain:

- (a) street names;
- (b) plan numbers for any adjoining plans;
- (c) the perpendicular width of all roads, streets and lanes;
- (d) a note identifying the nature of the monuments used to mark the lot corners;
- (f) the angular and linear measurements for each new boundary;
- (g) the angular and linear measurements for each connection to an existing boundary; and
- (h) any other information that assists in the identification of:
 - (i) the new parcels shown on the plan of survey for that secondary subdivision; and
 - (ii) the former parcels that are being subdivided.

Survey requirements

78 When surveying a new secondary subdivision, a surveyor shall:

- (a) establish monuments at all block, parcel and lot corners in accordance with section 38; and
- (b) achieve a closure ratio for the perimeter of the secondary subdivision as set out in section 31.

DIVISION 2**Re-establishing Lost Monuments in Secondary Subdivisions****Re-establishing a block corner at a deflection on the exterior
or adjacent to the exterior of a secondary subdivision**

79(1) A surveyor shall determine the position of a block corner using the method set out in subsection (2) if the monument is lost for the block corner at:

- (a) a deflection of an exterior boundary of the secondary subdivision; or
 - (b) a deflection of the inner limits of a street adjoining an exterior boundary.
- (2) On each of the boundary lines mentioned in subsection (1), the surveyor shall:
- (a) find the two nearest block corner monuments; and
 - (b) connect the monuments mentioned in clause (a) in the manner shown on the plan that established those boundaries.
- (3) The surveyor shall re-establish a standard monument at the intersection of lines produced from the monuments connected pursuant to clause (2)(b).

Re-establishing a block corner that is not at a deflection on the exterior or adjacent to the exterior of a secondary subdivision

80(1) A surveyor shall determine the position of the block corner using the method set out in subsection (2) where the monument lost is not for a block corner mentioned in section 79 but is for a block corner:

- (a) on one of the exterior boundaries of the secondary subdivision; or
 - (b) adjacent to the exterior boundary of the secondary subdivision in cases where no block corners were established on the exterior boundary.
- (2) On the boundary line mentioned in subsection (1), the surveyor shall:
- (a) find the nearest block corner monument on each side of the lost monument;
 - (b) connect the monuments mentioned in clause (a) in the manner shown on the plan that established the boundary; and
 - (c) proportion the block widths, between the monuments connected in clause (b), in the same ratio as shown on the plan that established the boundary.
- (3) The surveyor shall re-establish a standard monument at the position of the block corner as determined pursuant to clause (2)(c).

Re-establishing all other block corners in a secondary subdivision

81(1) If a monument is lost for a block corner not mentioned in section 79 or 80, the surveyor shall determine the position of the block corner using the method set out in subsection (2).

- (2) On each of the street lines that intersect at the block corner, the surveyor shall:
- (a) find the nearest block corner monument on each side of the lost monument; and
 - (b) connect the monuments mentioned in clause (a) in the manner shown on the plan that established the block corner.
- (3) The surveyor shall re-establish a standard monument at the intersection of the street lines established pursuant to subsection (2).

Re-establishing lot corners in a secondary subdivision

82(1) If a monument is lost for a lot corner, the surveyor shall re-establish the lost monument using the method set out in subsection (2).

- (2) On the block boundary where the lot corner is located, the surveyor shall:
- (a) find the nearest lot or block corner monument on each side of the lost monument;
 - (b) connect the monuments mentioned in clause (a) in the manner shown on the plan that established the block boundary; and
 - (c) proportion the lot widths, between the monuments connected pursuant to clause (b), in the same ratio as shown on the plan that established the block boundary.

(3) The surveyor shall re-establish a standard monument or a lot monument at the position of the lot corner as determined pursuant to clause (2)(c).

(4) If no lot or block corner monument can be found on the block boundary on either or both sides of the lost monument, the surveyor shall first re-establish the block corner monument and then proceed using the method set out in subsection (2).

DIVISION 3 Surveyed Lines

Surveyed lines

83(1) Any plan of survey for surveyed lines submitted to the Controller for approval must be in a format acceptable to the Controller.

(2) A survey of a surveyed line must be conducted in accordance with any instructions issued by the Controller.

DIVISION 4 Lot Boundary Re-arrangement

Information on descriptive plan

84(1) A descriptive plan may be submitted to the Controller for approval for a lot boundary re-arrangement.

(2) The descriptive plan mentioned in subsection (1) must contain:

- (a) any monuments found, re-established or established;
- (b) the position of the new boundary shown by referring to distances from the existing boundaries; and
- (c) only angles that were measured in the field.

(3) In the case of a boundary that has not been measured for the current plan mentioned in subsection (1), the surveyor shall mark, in a manner acceptable to the Controller, the dimensions of the boundary with the distance shown on the plan of survey that created that boundary, followed by the abbreviation "Cop".

(4) In the case of a boundary that has been measured for the current plan mentioned in subsection (1), the surveyor shall mark, in a manner acceptable to the Controller, the dimensions of the boundary with the distance shown on the plan of survey that created that boundary.

Survey requirements

85(1) Notwithstanding Division 1 of this Part but subject to Division 2 of Part V, where a surveyor conducts a lot boundary re-arrangement:

- (a) a new boundary for the re-arrangement must be a single straight line ending on existing lot boundary lines; and
- (b) subject to subsection (2), at least one survey monument must be found, re-established or established on a corner of the re-arranged lot.

(2) If no block monuments can be found within two blocks of the lot being re-arranged, the boundary corners of the lot being re-arranged are not required to be monumented.

DIVISION 5
Existing Farm Site Subdivision

Information on descriptive plan

86(1) A descriptive plan may be submitted to the Controller for approval for the subdivision of an existing farm site.

(2) The descriptive plan mentioned in subsection (1) must contain:

- (a) any monuments found, re-established or established;
- (b) only angles that were measured in the field; and
- (c) the linear dimensions of the boundaries for the new parcel.

(3) In the case of a boundary that has been measured for the current plan mentioned in subsection (1), the surveyor shall mark, in a manner acceptable to the Controller, the dimensions of the boundary with the distance shown on the plan of survey that created that boundary.

Survey requirements

87(1) Notwithstanding Division 1 of this Part but subject to Division 2 of Part V, where a surveyor surveys a new parcel for an existing farm site:

- (a) the new parcel must be a parallelogram in shape; and
- (b) subject to subsection (2), at least one survey monument must be:
 - (i) found or re-established on an existing boundary corner of the parcel,
or
 - (ii) established on a new corner of the parcel.

(2) If no monuments are found within 1,800 metres of the new parcel, the boundary corners of the new parcel are not required to be monumented.

DIVISION 6
Street or Intersection Closure

Information on descriptive plan

88(1) A descriptive plan may be submitted to the Controller for approval for the closure of a street or intersection.

(2) The descriptive plan mentioned in subsection (1) must contain:

- (a) a note in the title block specifying that all distances shown for the dimensions of the surface parcels are copied; and
- (b) a sufficient number of parcels adjacent to the street or intersection closure so as to indicate the geographical context of the new street or intersection closure.

(3) A notice of road closure submitted to the Controller pursuant to subsection 44(1) of the Act by the member of the Executive Council responsible for *The Highways and Transportation Act, 1997* respecting the closure of a street or intersection vested in the Crown:

- (a) is to be in the form provided; and
- (b) constitutes a descriptive plan of the road closure.

DIVISION 7
Parcel Consolidation

Information on descriptive plan

89(1) A descriptive plan may be submitted to the Controller for approval for the consolidation of parcels.

(2) The descriptive plan mentioned in subsection (1) must contain:

(a) a note in the title block that all distances shown for the dimensions of the surface parcels are copied;

(b) a fine dashed line to show the boundaries that are being eliminated by the consolidation of the parcels; and

(c) a sufficient number of parcels adjacent to the new parcel so as to indicate the geographical context of the new parcel.

(3) In the case of a boundary that existed before the consolidation that forms the boundaries of the new parcel, other than any boundary being eliminated, the surveyor shall mark, in a manner acceptable to the Controller, the dimensions of the boundary with the distance shown on the plan of survey that created that boundary.

(4) The descriptive plan mentioned in subsection (1) is not to contain overall dimensions.

PART VIII
Road and Railway Right-of-way

DIVISION 1
Road Right-of-way

Interpretation of “public improvement”

90 In this Division, “**public improvement**” means a public improvement as defined in *The Highways and Transportation Act, 1997*.

Adjoining surveys

91 Where a maintenance survey and a road right-of-way survey are adjoining, they must be shown on one plan of survey.

Notations

92(1) Subject to subsection (2), on a plan of survey for a road right-of-way, the width, in metres, of the standard road allowances shown on the plan must be noted under the title block.

(2) If a plan of survey for a road right-of-way contains road allowances of more than one standard width, the plan proper is to show the width of all the road allowances.

Angles

93 On a plan of survey for a road right-of-way, angles must be shown:

(a) at the intersection of all lines of survey;

(b) at deflection points; and

(c) at all monuments established on the right-of-way.

Enlargements

94(1) Subject to subsection (2), road monuments, distances and angles must be shown on the plan proper for a plan of survey for a road right-of-way.

(2) Where sufficient space does not exist at the scale of the plan proper to show road monuments, distances and angles, they may be shown in an enlargement.

(3) Enlargements for the purposes mentioned in this section must be numbered or lettered in a consecutive manner and, where possible, shown adjacent to the quarter-section affected by the road right-of-way.

Scale

95(1) Subject to subsection (2), the scale of a plan of survey for a road right-of-way or for a public improvement must be:

- (a) 1:1,000;
- (b) 1:2,000;
- (c) 1:5,000; or
- (d) an approved scale.

(2) Where sufficient space does not exist at the scale of the plan proper to show any information that is required to be shown on a plan, that information:

- (a) may be shown in an enlargement drawn to a size that is sufficient to clearly show that information; and
- (b) if shown as permitted by clause (a), is not required to be drawn to scale.

Plans that include a break in the survey

96(1) Where, due to the course of the road right-of-way, it would be impractical to capture the entire survey in one plan of survey, the survey shown on the plan of survey may be broken to accommodate the entire survey in one plan.

(2) The break mentioned in subsection (1) must be done at:

- (a) a section line;
- (b) a quarter-section line; or
- (c) the boundary of a parcel that is shown on an approved plan.

(3) The break mentioned in subsection (1) must be done in a manner so that:

- (a) all the area information for one quarter-section is shown in one place; and
- (b) the quarter-section is drawn entirely to scale.

Township and range

97 Where a plan of survey for a new road right-of-way crosses a township line or range line, the township or range, as the case may be, must be identified on each side of the road allowance using a minimum text size of 4.5 millimetres.

Monument descriptions

98 Where an established or re-established monument is shown on the plan of survey for a new road right-of-way, the plan of survey must include, as a notation next to the monument:

- (a) the standard abbreviation for cultivated, if the monument was established or re-established in a cultivated area and no marker was used; or
- (b) the standard abbreviation for pasture, if the monument was established or re-established in a pasture area and no marker was used.

Right-of-way widths

99(1) The width of a new road right-of-way must be shown at least once for each section.

(2) Subject to subsection (3), the width of the parcels for the following items must be shown on the plan of survey near the intersection of section boundaries:

- (a) new road right-of-ways;
- (b) other roads;
- (c) streets and lanes;
- (d) pipelines;
- (e) railways.

(3) Subject to section 92, the width of a road allowance does not need to be shown on the plan proper.

Text size

100(1) A minimum text size of 4.5 millimetres must be used to show:

- (a) for each quarter-section:
 - (i) that the road right-of-way takes an area from one of:
 - (A) "NE";
 - (B) "SE";
 - (C) "NW", and
 - (D) "SW";
 - (ii) followed by the appropriate section number; and
- (b) all areas taken for:
 - (i) road right-of-ways; and
 - (ii) public improvements.

(2) The text size used to show block and lot designations must be as large as spacing permits.

Survey requirements

101(1) Where a road right-of-way survey intersects a number of lots adjacent to one another, connections are not required to be made with every boundary of every lot, but a reasonable number of connections with some of the boundaries are to be made and monumented in order to accurately determine the position of non-monumented boundaries.

- (2) The Controller may issue instructions for the surveying and plan preparation of road right-of-way surveys.

DIVISION 2
Railway Right-of-way

Scale

102(1) Subject to subsection (2), the scale of a plan of survey for a railway right-of-way must be:

- (a) 1:1,000;
 - (b) 1:2,000;
 - (c) 1:5,000;
 - (d) 1:10,000; or
 - (e) an approved scale.
- (2) Where sufficient space does not exist at the scale of the plan proper to show any information that is required to be shown on a plan, that information:
- (a) may be shown in an enlargement drawn to a size that is sufficient to clearly show that information; and
 - (b) if shown as permitted by clause (a), is not required to be drawn to scale.

Information on plan of survey

103 Every plan of survey for a railway right-of-way must contain:

- (a) a note identifying the nature of the monuments used to mark, reference or witness the corners;
- (b) plan numbers for any adjoining plans;
- (c) the perpendicular width of the right-of-way shown:
 - (i) at any change in width;
 - (ii) in each section; or
 - (iii) where there are no sections included on the plan, at intervals of 800 metres;
- (d) the angular and linear measurements for every new boundary;
- (e) the angular and linear measurements for every connection to an existing boundary; and
- (f) any other information that assists in the identification of:
 - (i) the new railway right-of-way; and
 - (ii) the original parcels being subdivided by the current plan of survey.

Survey requirements

104(1) Subject to sections 30 and 38, all monuments established for a railway right-of-way survey must be standard monuments that are permanently and legibly marked with the initial letters of the words composing the name of the railway company that owns the railway right-of-way.

(2) Where a railway right-of-way survey intersects a number of lots adjacent to one another, connections are not required to be made with every boundary of every lot, but a reasonable number of connections with some of the boundaries must be made and monumented in order to accurately determine the position of non-monumented boundaries.

(3) Subject to subsection (2) and notwithstanding section 30, where a railway right-of-way survey intersects lots and blocks as shown on a plan of subdivision, a standard monument must be established at each intersection of both limits of the railway right-of-way.

(4) The maximum distance between monuments established for the purposes mentioned in this section must not exceed 1,000 metres.

Establishing boundaries for a non-monumented railway

105(1) Where the boundaries as shown on a plan for a railway right-of-way have not been monumented, the boundaries are to be determined in relation to the railway right-of-way centre line.

(2) For the purposes of subsection (1):

(a) in the case of a railway right-of-way that has tracks, the centre line is the midpoint between opposite tracks; and

(b) in the case of a railway right-of-way that does not have tracks, the position of the centre line is to be determined by the information shown on the plan for the railway right-of-way.

(3) The distance from the centre line, determined pursuant to subsection (2), to the boundaries of the railway right-of-way must be that distance shown on the plan for the railway right-of-way.

PART IX Mineral Subdivisions

Scale

106(1) Subject to subsection (2), the scale of a plan of survey for a mineral subdivision must be:

(a) 1:1,000;

(b) 1:2,000; or

(c) an approved scale.

(2) Where sufficient space does not exist at the scale of the plan proper to show any information that is required to be shown on a plan, that information:

(a) may be shown in an enlargement drawn to a size that is sufficient to clearly show that information; and

(b) if shown as permitted by clause (a), is not required to be drawn to scale.

Information on plan of survey

107 Every plan of survey for a mineral subdivision must contain:

(a) the plan numbers for any adjoining plans;

(b) a note identifying the nature of the monuments used to mark, reference or witness the corners;

- (c) the angular and linear measurements for every new boundary;
- (d) the angular and linear measurements for every connection to an existing boundary; and
- (e) any other information that assists in the identification of:
 - (i) the new parcels shown on the plan of survey; and
 - (ii) the original parcels being subdivided by the plan of survey.

Information on descriptive plan

108(1) A descriptive plan may be submitted to the Controller for approval for a mineral subdivision where the mineral parcel has the same boundaries as an existing surface parcel.

- (2) The descriptive plan mentioned in subsection (1) must contain:
 - (a) a note in the heading specifying that all distances shown for the dimensions of the surface parcels are copied; and
 - (b) a sufficient number of parcels adjacent to the new parcel so as to indicate the geographical context of the new parcel.

Survey requirements for plans of survey

109 When surveying a new mineral subdivision, a surveyor shall:

- (a) achieve a closure ratio for the perimeter of the mineral subdivision as set out in section 31; and
- (b) where the outline of the new mineral subdivision is coincident with an existing boundary, determine the existing boundary.

PART X Condominiums

Bare land condominium

110(1) In this Part, "bare land unit" means a bare land unit within the meaning of *The Condominium Property Act, 1993*.

- (2) Every plan of survey for a bare land unit must be prepared in accordance with the requirements for plans of survey as set out in Division 1 of Part VII.
- (3) Every plan of survey for a bare land unit must clearly show the boundaries of every condominium unit by reference to the external boundaries of the parcel.

Survey requirements

111 When surveying a new bare land unit, a surveyor shall:

- (a) subject to section 38, monument all unit corners;
- (b) achieve a closure ratio for the perimeter of the new condominium as set out in section 31; and
- (c) where the outline of the new condominium is coincident with an existing boundary, determine the existing boundary.

Amendment of approved plan

112 For the purposes of clause 42(1)(d) of the Act, where there is a redivision of condominium units and on receipt of evidence satisfactory to the Controller, the Controller may, by order, amend an approved plan.

PART XI
Interests
DIVISION 1
Right-of-way

Scale

113(1) Subject to subsection (2), the scale for a plan of survey for an interest in land based on a right-of-way agreement must be:

- (a) 1:1,000;
- (b) 1:2,000;
- (c) 1:5,000;
- (d) 1:10,000; or
- (e) an approved scale.

(2) Where sufficient space does not exist at the scale of the plan proper to show any information that is required to be shown on a plan, that information:

- (a) may be shown in an enlargement drawn to a size that is sufficient to clearly show that information; and
- (b) if shown as permitted by clause (a), is not required to be drawn to scale.

Information on plan of survey

114(1) Every plan of survey for an interest based on a right-of-way agreement must clearly show:

- (a) the area of the right-of-way within each parcel;
- (b) an angular and linear connection at each intersection of the posted boundary of the right-of-way with all boundary lines for titled parcels, except for:
 - (i) a quarter-section boundary that has not been previously surveyed;
 - (ii) a legal subdivision boundary that has not been previously surveyed; or
 - (iii) the unmonumented side of a road, road allowance or railway right-of-way;
- (c) that the nearest section monument or quarter-section monument on each side of the right-of-way has been found or re-established;
- (d) the manner in which the boundaries of the titled parcel were established or re-established, except where the titled parcel consists of:
 - (i) a quarter-section boundary that has not been previously surveyed;
 - (ii) a legal subdivision boundary that has not been previously surveyed; or
 - (iii) the unmonumented side of a road, road allowance or railway right-of-way;

- (e) the plan numbers of any plans of survey that contain a parcel that is crossed by the right-of-way; and
 - (f) the perpendicular width of the right-of-way:
 - (i) at every change in width; and
 - (ii) in each section or, where there are no sections included on the plan, at intervals of 800 metres.
- (2) Where a section or quarter-section monument falls in the right-of-way or so close to the right-of-way that it is likely to be destroyed on usage of the right-of-way, the plan of survey for the interest based on the right-of-way agreement must show angular and linear connections from the section or quarter-section monument to the nearest monument on the opposite side of the right-of-way.

Survey requirements

115(1) Subject to sections 30 and 38, all monuments established during a right-of-way survey must be standard monuments that are permanently and legibly marked with:

- (a) the letters "RW"; or
 - (b) the initial letters of the words composing the name of the company that has the interest in the right-of-way.
- (2) For a right-of-way on unsurveyed provincial lands, the maximum distance between monuments must not exceed 1,000 metres.

DIVISION 2**Urban Distribution Line for a Public Utility****Information on descriptive plan**

116 A descriptive plan prepared for an urban distribution line in accordance with clause 52(f) must contain:

- (a) a note in the title block specifying that all distances shown for the dimensions of the surface parcels are copied;
- (b) the boundaries of the right-of-way; and
- (c) the width of the right-of-way shown:
 - (i) at the beginning of the right-of-way;
 - (ii) at the end of the right-of-way;
 - (iii) at any change in width of the right-of-way; and
 - (iv) at other locations that may be needed to ensure clarity of the right-of-way width.

DIVISION 3**Mineral Dispositions****Information on plan of survey**

117 The Controller may issue instructions respecting plan of survey requirements for mineral dispositions.

Survey requirements

118 Surveys of mineral dispositions are to be conducted in accordance with any instructions issued by the Controller.

DIVISION 4**Lease for a Portion of an Existing Surveyed Parcel****Information on descriptive plan**

119 A descriptive plan prepared for a lease of a portion of an existing surveyed parcel must contain:

- (a) a note in the heading specifying that all distances shown for the dimensions of the surface parcels are copied; and
- (b) the position of the lease boundaries by referring to distances from the surface parcel boundaries.

Survey requirements

120 Surveys of leases for a portion of an existing surveyed parcel must be conducted in accordance with any instructions issued by the Controller.

DIVISION 5**Lease of Unpatented Land****Information on descriptive plan**

121 A descriptive plan prepared for a lease of unpatented land must contain:

- (a) the position for at least two corners:
 - (i) with reference to distances from an adjacent existing lease;
 - (ii) in latitude, longitude format; or
 - (iii) in a coordinate system acceptable to the Controller; and
- (b) all linear and angular dimensions for the lease boundaries.

Survey requirements

122 Surveys of leases on unpatented lands must be conducted in accordance with any instructions issued by the Controller.

PART XII**Maintenance Information****DIVISION 1****Maintenance Plans of Survey****Information on plan of survey**

123 A maintenance plan of survey must be submitted in a format acceptable to the Controller.

Survey requirements

124 Surveys of maintenance plans must be conducted in accordance with any instructions issued by the Controller.

DIVISION 2
Reference Plans of Survey

Information on plan of survey

125 A reference plan of survey must be submitted in a format acceptable to the Controller.

Survey requirements

126 A reference plan survey must be conducted in accordance with any instructions issued by the Controller.

DIVISION 3
Restoration Plans of Survey

Restoration plans of survey

127 A restoration plan of survey must be submitted in a format acceptable to the Controller.

Survey requirements

128 A restoration plan of survey must be conducted in accordance with any instructions issued by the Controller.

PART XIII
Miscellaneous

Interpretation of Act

129(1) For the purposes of clause 52(1)(c) and subclause 55(a)(iii) of the Act, “**land titles registry**” includes the abstract directory established pursuant to *The Land Titles Act, 2000*.

(2) For the purposes of subsection 81(3) of the Act, “**the Controller or the Registrar of Titles may waive any fees, charges or taxes**” means the Controller or the Registrar of Titles may waive any fees, charges or taxes in whole or in part.

PART XIV
Transition and Conversion

Interpretation of Part

130(1) For the purposes of this Part, “**certificate of title**” as mentioned in subsection 89(2) of the Act includes any record of unpatented land.

(2) For the purposes of this Part, where a certificate of title has been issued for a title containing a metes and bounds description, “**certificate of title issued pursuant to *The Land Titles Act***” contained in subsection 89(2) of the Act includes:

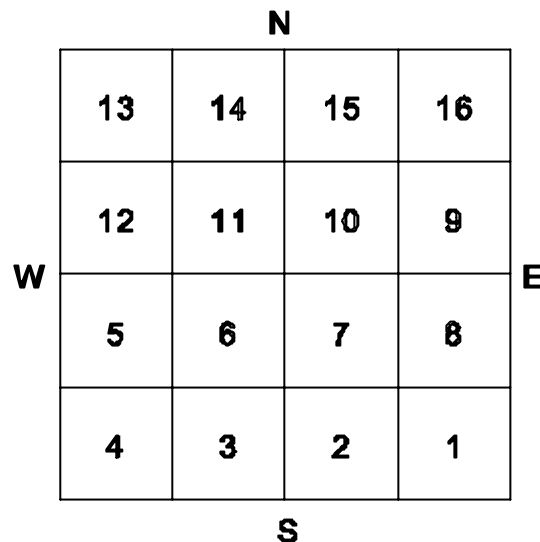
- (a) any worksheet attached by the Registrar or other restatement of the description of the parcel by the Registrar on conversion; and
- (b) any description or notation added by the Registrar to the certificate of title.

- (3) For the purpose of subsection (2), a metes and bounds description includes:
- (a) “metes and bounds description” as defined in subclause 131(1)(a);
 - (b) any metes and bounds description prescribed in subsection 131(4); and
 - (c) any other approved land description on a certificate of title.
- (4) For the purposes of this Part, “**parcel**” as defined in clause 2(u) of the Act includes a land description on a certificate of title mentioned in clause 133(1)(c).

Conversion of metes and bounds descriptions

131(1) In this section:

- (a) “**metes and bounds description**” means a description of a parcel of land, in words or numbers, for which a certificate of title has been issued pursuant to *The Land Titles Act*;
 - (b) “**legal subdivision**” means the deemed division of a quarter-section of land into four parts, each of 16.19 hectares, more or less.
- (2) Legal subdivisions are to be arranged and numbered as shown by the following diagram:



- (3) If monuments have not been established to mark the corners of legal subdivisions, the corners are the midpoints of the boundaries of the quarter-sections and the intersections of the east-west and north-south lines joining those midpoints.
- (4) For the purposes of subsection 89(1) of the Act, the following may be metes and bounds descriptions acceptable to the Controller:
- (a) a description that delineates the boundaries of a parcel by reference to a succession of directions and distances in relation to existing boundaries and a known starting point;

- (b) a description that delineates the boundaries of a parcel by reference to distances from existing boundaries;
- (c) a description that delineates the boundaries of a parcel by reference to natural features;
- (d) a legal subdivision;
- (e) a multi-parcel condominium title;
- (f) a northern tile and any other projected area; or
- (g) any other description of an area of land approved by the Controller.

(5) On the coming into force of an order pursuant to section 87 of the Act designating an area of Saskatchewan as an area to which the Act applies, a metes and bounds description on a certificate of title issued pursuant to *The Land Titles Act* for land within that area that was in existence on the day before the coming into force of the order, is deemed to be a descriptive plan.

(6) A descriptive plan mentioned in subsection (5) is to be imaged and recorded in the land surveys directory.

Consolidation of parcels on conversion

132(1) For the purposes of subsection 90(1) of the Act, “**consolidation**” means consolidation or subdivision.

(2) For the purposes of clause 90(1)(c) of the Act, the Controller may order a consolidation or subdivision of parcels during conversion where:

- (a) the consolidation has been requested in writing by the owner of the parcels and approved by the Controller;
- (b) the consolidation is of more than one contiguous parcel where the title to each parcel is owned by the Crown;
- (c) the subdivision is of a parcel on an approved plan that extends across more than one quarter-section of land where the title is owned by the Crown;
- (d) the subdivision into more than one parcel is required for the purposes of the Act and *The Land Titles Act, 2000* because the title to the parcel being converted contains land which is non-contiguous; or
- (e) the subdivision into more than one parcel is required for the purposes of the Act and *The Land Titles Act, 2000* for mineral parcels.

Approved plan for the purposes of section 86 of the Act

133(1) For the purposes of subsection 86(3) of the Act, “**any plan filed or registered in a land titles office**” includes:

- (a) plans that have been cancelled by the Controller;
- (b) a compilation of filed or registered plans compiled by the Controller; and
- (c) a certificate of title that:
 - (i) is cancelled by virtue of an order pursuant to section 191 of *The Land Titles Act, 2000* designating a land registration district or former land registration district as an area to which that Act applies; and
 - (ii) that does not contain a metes and bounds description as defined in section 131.

(2) A certificate of title mentioned in clause (1)(c) is deemed to be a descriptive plan for the purposes of defining a parcel and shall be referred to as a compiled plan.

Housing of certain approved plans

134(1) For the purposes of clause 4(2)(a) of the Act, “**all plans filed or registered in the land titles office or the former land registration district**” does not include a compiled plan mentioned in subsection 133(2).

- (2) The plans mentioned in subsection (1) are to be:
- (a) maintained in the land titles registry;
 - (b) without reference to plan number, or inclusion in the land surveys directory; and
 - (c) searches of those plans are to be conducted in the land titles registry.

PART XV
Searches of the Land Surveys Directory

DIVISION 1
Searches

Interpretation of “applicant”

135 In this Part, “**applicant**” means the person who requests a search pursuant to this Part.

Form of search requests

- 136(1)** An applicant may request a search of the land surveys directory:
- (a) electronically, in the form provided, pursuant to subsection (2);
 - (b) in person by attending at any customer service centre or at the Controller’s office;
 - (c) by mailing a search request, in the form provided, to the address provided by the Controller;
 - (d) by sending a search request, in the form provided, to the Controller’s office by facsimile transmission; or
 - (e) by telephoning the Controller’s office.
- (2) Any person who, pursuant to an agreement with the Controller, has been assigned an electronic access account for the land surveys directory, may conduct an electronic search of the land surveys directory.
- (3) Where an applicant requesting a search in accordance with clause (1)(b) or (c) does not have a client number, the applicant must include his or her name and mailing address with the search request.

Current survey searches

137 A search of the land surveys directory may be performed:

- (a) by any of the following attributes of a plan:
 - (i) plan site;
 - (ii) plan purpose;
 - (iii) corner legal land description;
 - (iv) quarter-section legal land description;
 - (v) urban legal land description;
 - (vi) National Topographic System (NTS) Mapsheet;
 - (vii) name of Indian reserve;
 - (viii) riverlot;
- (b) by feature;
- (c) by the identification number of:
 - (i) a plan; or
 - (ii) a highway plan; or
- (d) by any other method permitted by the Controller.

Searches of the land surveys directory

138 Where an applicant requests a search of the land surveys directory for a plan mentioned in clause 4(2)(a) of the Act, the search results may include:

- (a) the plan; or
- (b) a copy of the plan that was provided to the Chief Surveyor pursuant to *The Land Titles Act*.

Search results

139(1) The Controller shall provide to the applicant a search result by any one of the following methods:

- (a) by mail;
 - (b) by electronic transmission;
 - (c) by personal delivery where the applicant attends at a customer service centre.
- (2) Subject to section 140, search results provided by the Controller:
- (a) are to include information actively maintained in the land surveys directory corresponding to the search criteria specified by the applicant; and
 - (b) may include information actively maintained in the land surveys directory corresponding to search criteria similar to the search criteria specified by the applicant.

Printed search results

140 For the purposes of subsection 69(1) of the Act, a search result is a printed search result if it is a certified copy provided by the Controller obtained pursuant to section 141.

DIVISION 2
Documents and Evidence

Obtaining certified copies

141 For the purposes of subsections 72(1) and (2) of the Act, the Controller may certify a copy of a printed document in the land surveys directory or a printout of a document recorded and stored in the land surveys directory:

- (a) by:
 - (i) affixing the Controller's seal to the copy or printout;
 - (ii) signing the copy or printout; and
 - (iii) affixing to the copy or printout the date it was prepared; or
- (b) by printing the document on security paper of the land surveys directory.

PART XVI
Repeal and Coming into Force

Sask. Reg. 182/65 repealed

142 The Survey Markers Regulations, being Saskatchewan Regulations 182/65, are repealed.

Coming into force

143 These regulations come into force on the day on which section 1 of *The Land Surveys Act, 2000* comes into force.

Appendix 1

Minimum Text Sizes

[Subsection 12(4)]

Heading	6mm
Sub-heading	4.5mm
Survey Information	2mm
Section Numbers	6mm
Surveyor's Certificate	2mm
Area	4.5mm
All other text	2mm

Appendix 2

Abbreviations and Symbols

[Subsections 13(1) and (2)]

Appr	Approach	Mer	Meridian
Az	Azimuth	Mkd	Marked
BC	Beginning of curve	Mon	Monument
BM	Bench Mark	Mr	Marker Post
BT	Bearing Tree	P	Post with Brass Cap
Bdy	Boundary	Past	Pasture
Blk	Block	PCC	Point of compound curvature
cs	Countersunk	PI	Point of intersection
CSM	Control Survey Monument	Pit	Four Pits
Cal	Calculated	Pl	Planted
ch	Chord	Pr	Principal
chd	Check measured	R	Road Monument
Conc	Concrete	R/W	Right-of-way
Cop	Copied	RM	Reference Monument
Cor	Corner	Rad	Radius
Cult	Cultivation	Re-est	Re-established
Ded	Deduced	Res	Restored
EC	End of curve	Rge	Range
Evid	Evidence	Sec	Section
F	Found	ST	Subtangent
Frac	Fractional	St	Stone
ha	Hectare	T	Trench
IP	Iron Post	TST	Total Subtangent
IR	Indian reserve	Twp	Township
LS	Legal Subdivision	WO	Wooden
M	Mound	WOP	Wooden Post
		Wit	Witness

Standard symbols

- ◆ found or deteriorating monument
- established, re-established or reference monument
- ▲ control survey monument or control reference monument
- ⊙¹²³ position and point number for co-ordinate based survey plans
- △ curve delta
- T△ total curve delta

CHAPTER L-5.1 REG 3*The Land Titles Act, 2000*

Section 187

Order in Council 465/2001, dated June 21, 2001

(Filed June 25, 2001)

PART I**Title and Application****Title**

1 These regulations may be cited as *The Land Titles Consequential Amendment Regulations, 2001*.

Application of regulations

2(1) Subject to subsection (2), in accordance with section 3 of *The Land Titles Act, 2000*, these regulations apply to transactions and any other matters regulated by that Act that have effect or that may have effect in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 191 of that Act as an area to which that Act applies.

(2) Part V of these regulations applies to every area of Saskatchewan insofar as a writ or maintenance order, as defined in *The Land Titles Act, 2000*, has effect or may have effect in that area.

PART II***The Builders' Lien Regulations*****R.R.S. c.B-7.1 Reg 1 amended**

3 *The Builders' Lien Regulations* are amended in the manner set forth in this Part.

Section 11 repealed

4 **Section 11 is repealed.**

Appendix amended

5(1) The Appendix is amended in the manner set forth in this section.

(2) Form F is amended:

(a) **by striking out** "To the Registrar of Land Titles for the _____ Land Registration District" **and substituting** "To the Registrar of Titles"; **and**

(b) **by striking out** "Land Titles Office for the said land registration district as instrument" **and substituting** "Land Titles Registry as interest number or interest register".

(3) Forms G and H are repealed.

(4) Form L is amended:

(a) by striking out “To: The Registrar of Land Titles for the Land Registration District” **and substituting** “To: The Registrar of Titles”; **and**

(b) by striking out “Land Titles Office of the said land registration district as instrument” **and substituting** “Land Titles Registry as interest register”.

(5) Form M is amended:

(a) by striking out “To: The Registrar of Land Titles for the Land Registration District” **and substituting** “To: The Registrar of Titles”; **and**

(b) by striking out “Land Titles Office of the said land registration district as instrument” **and substituting** “Land Titles Registry as interest”.

(6) Form N is amended:

(a) by striking out “To: The Registrar of Land Titles for the Land Registration District” **and substituting** “To: The Registrar of Titles”; **and**

(b) by striking out “Land Titles Office of the said land registration district as instrument” **and substituting** “Land Titles Registry as interest register”.

PART III

*The Conservation Easements Regulations***R.R.S. c.C-27.01 Reg 1 amended**

6 *The Conservation Easements Regulations* are amended in the manner set forth in this Part.

Section 5 amended

7 **Clause 5(b) is amended by striking out** “metes and bounds” **and substituting** “descriptive plan”.

Appendix amended

8(1) The Appendix is amended in the manner set forth in this section.

(2) Form A is amended:

(a) by striking out “*appearing on the certificate of title*” **and substituting** “*registered against the title*”;

(b) by striking out “*metes and bounds*” **and substituting** “*descriptive plan*”; **and**

(c) by striking out “Land Titles Office for registration against the certificate of title” **and substituting** “Land Titles Registry for registration against the title”.

(3) Form B is amended:

(a) in the portion preceding Part A by striking out “TO THE REGISTRAR: Land Registration District, Saskatchewan” **and substituting** “TO THE REGISTRAR OF TITLES”;

(b) in paragraph 1 of Part A by striking out “metes and bounds” and substituting “descriptive plan”; and

(c) in paragraph 2(a) of Part B by striking out “appearing on the certificate of title” and substituting “registered against the title”.

(4) Form C is amended:

(a) by striking out “TO THE REGISTRAR: Land Registration District , Saskatchewan” and substituting “TO THE REGISTRAR OF TITLES”;

(b) by striking out “Land Titles Office for the Land Registration District as Instrument No.” and substituting “Land Titles Registry as interest number”; and

(c) by striking out “The Land Titles Act” and substituting “The Land Titles Act, 2000”.

(5) Form D is amended:

(a) by striking out “TO THE REGISTRAR: Land Registration District , Saskatchewan” and substituting “TO THE REGISTRAR OF TITLES”;

(b) by striking out “Instrument No.” and substituting “interest number”; and

(c) by striking out “metes and bounds” and substituting “descriptive plan”.

PART IV

The Dependent Adults Forms Regulations

R.R.S. c.D-25.1 Reg 1, Appendix amended

9(1) The Appendix to *The Dependent Adults Forms Regulations* is amended in the manner set forth in this section.

(2) Form F is amended:

(a) by striking out “To the Registrar, Land Titles Office , Saskatchewan” and substituting “To the Registrar of Titles”; and

(b) by striking out “with respect to the following land: (land description(s))” and substituting “with respect to the following titles and interests: (list by title number or interest number)”.

(3) Form G is amended by striking out “To the Registrar, Land Titles Office , Saskatchewan” and substituting “To the Registrar of Titles”.

(4) Form H is amended:

(a) by striking out “To the Registrar, Land Titles Office , Saskatchewan” and substituting “To the Registrar of Titles”; and

(b) by striking out “You are hereby required to register this notice and to enter a memorandum of it on the Certificate of Title to the following described land in your Land Registration District in which, in my opinion, the dependent adult has an interest: *(land description(s))*” **and substituting** “I submit this form pursuant to subsection 29(1) of *The Dependent Adults Act* with my application to be registered as the property guardian of the above named person with respect to the following titles and interests in which, in my opinion, the dependent adult has an interest: *(list by title number or interest number)*”.

PART V

The Personal Property Security Regulations

R.R.S. c.P-6.2 Reg 1 amended

10 *The Personal Property Security Regulations* are amended in the manner set forth in this Part.

New section 16

11 **Section 16 is repealed and the following substituted:**

“Writs of execution

16(1) A registrant shall insert the words “all of the goods and lands of the debtor within Saskatchewan” in the “General Collateral” area of a financing statement where the registrant wishes to register:

- (a) a writ of execution issued out of the Court of Queen’s Bench; or
- (b) a writ of execution issued out of the Court of Queen’s Bench to enforce a maintenance order.

(2) A registrant shall insert the words “all of the lands of the debtor within Saskatchewan” in the “General Collateral” area of a financing statement where the registrant wishes to register a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*.

(3) Where a registrant wishes to register a writ of execution issued out of the Federal Court of Canada, the registrant shall insert the words “all of the goods of the debtor within Saskatchewan” or “all of the goods and lands of the debtor within Saskatchewan”, as the case may be, in the “General Collateral” area of a financing statement”.

Section 35 amended

12 **Subsection 35(2) is repealed.**

Section 36 amended

13 **Section 36 is amended:**

- (a) **by renumbering it as subsection 36(1);**
- (b) **in the portion preceding clause (1)(a) by striking out “8:30 a.m.” and substituting “8:00 a.m.”; and**

(c) by adding the following subsection after subsection (1):

“(2) Notwithstanding subsection (1), the registrar may alter the hours of operation of the registry office where the registrar considers it necessary:

- (a) to meet the public interest; or
- (b) to meet emergency or unforeseen circumstances”.

Section 37 amended

14 Section 37 is amended:

(a) by renumbering it as subsection 37(1);

(b) in the portion preceding clause (1)(a) by striking out “8:30 a.m.” and substituting “8:00 a.m.”; and

(c) by adding the following subsection after subsection (1):

“(2) Notwithstanding subsection (1), the registrar may alter the hours of operation of the electronic registry system where the registrar considers it necessary:

- (a) to meet the public interest; or
- (b) to meet emergency or unforeseen circumstances”.

Section 38 amended

15(1) Subsections 38(1) and (2) are repealed and the following substituted:

“(1) A registration pursuant to section 49 of the Act of a security interest in goods that are or may become fixtures, or in crops that are or may become growing crops, is to be effected by registering an interest in the Land Titles Registry against the title to the land to which the goods are affixed or are to be affixed or on which the crops are growing or are to be growing, as the case may be.

“(1.1) An application to register an interest in the Land Titles Registry pursuant to subsection (1) must be accompanied by Form C of Appendix C.

“(2) Where a secured party who has registered a security interest in accordance with subsection (1) wishes to amend or renew registration of that interest, or where the secured party assigns, discharges or subordinates the security interest or releases part of the collateral from the security interest, the secured party shall apply to the Registrar of Titles to amend the registration of that interest accordingly.

“(2.1) An application pursuant to subsection (2) must be accompanied by Form D of Appendix C”.

(2) Subsection 38(3) is amended by striking out “A notice filed pursuant to this section” and substituting “Where Form C or D of Appendix C is used in accordance with this section, the Form”.

(3) Subsection 38(4) is amended by striking out “notice filed” and substituting “Form submitted to the Registrar of Titles”.

(4) Subsection 38(5) is amended by striking out “a notice mentioned in subsection (1) or (2)” **and substituting** “Form C or D of Appendix C”.

Appendix C amended

16(1) Appendix C is amended in the manner set forth in this section.

(2) Form C is amended:

(a) by striking out “To: The Registrar of Land Titles at _____, Saskatchewan” **and substituting** “To: The Registrar of Titles”; **and**

(b) by striking out “Land Titles Office at _____, Saskatchewan” **and substituting** “Land Titles Registry”.

(3) Form D is amended:

(a) by striking out “To: The Registrar of Land Titles at _____, Saskatchewan” **and substituting** “To: The Registrar of Titles”; **and**

(b) by striking out “Instrument Number” **wherever it appears and in each case substituting** “interest number”.

Appendix E amended

17 Table 1 of Appendix E is amended by adding the following clause after item 1(d):

“(e) Maintenance Order as defined in *The Enforcement of Maintenance Orders Act, 1997* \$10”.

PART VI

The Provincial Lands Regulations

Sask. Reg. 145/68 amended

18 *The Provincial Lands Regulations*, being Saskatchewan Regulations 145/68, are amended in the manner set forth in this Part.

Part II, section 7 amended

19 Subsection 7(17) of Part II is amended by striking out “*The Land Titles Act*” **and substituting** “*The Land Surveys Act, 2000*”.

Part VII, section 10 amended

20(1) Subsection 10(1) of Part VII is amended:

(a) in clause (a) by striking out “Land Titles Office” **and substituting** “Land Titles Registry”; **and**

(b) in clause (b) by striking out “upon receipt of a certificate from the registrar of such office of his acceptance of such transfer” **and substituting** “on receiving verification of registration of the transfer in the Land Titles Registry”.

(2) Subsection 10(2) of Part VII is amended by striking out “at the Land Titles Office” **and substituting** “in the Land Titles Registry”.

(3) Subsection 10(3) of Part VII is amended:

(a) by striking out “Land Titles Office” and substituting “Land Titles Registry”; and

(b) by striking out “upon receipt of evidence of the acceptance of the transfer in the said office” and substituting “on receiving verification of registration of the transfer in the Land Titles Registry”.

(4) Subsection 10(4) of Part VII is amended by striking out “at the Land Titles Office without cost to the transferee” and substituting “in the Land Titles Registry”.

PART VII

*The Public Trustee Regulations, 1999***R.R.S. c.P-43.1 Reg 2 amended**

21 *The Public Trustee Regulations, 1999* are amended in the manner set forth in this Part.

New section 13.1

22 **The following section is added after section 13:**

“Fee for accepting service of land titles document

13.1 The Public Trustee may charge a fee of \$50 for accepting service of a document served on the Public Trustee pursuant to clause 115(3)(a) of *The Land Titles Act, 2000*”.

Section 24 amended

23 **Section 24 is amended:**

(a) in clause (a) by striking out “clause 172(1)(a) of *The Land Titles Act*” and substituting “clause 71(2)(c), 71(4)(a), 72(2)(c) or 72(3)(a) of *The Land Titles Regulations, 2001*”;

(b) in clause (b) by striking out “clause 172(1)(a) of *The Land Titles Act*” and substituting “clause 71(2)(c), 71(4)(a), 72(2)(c) or 72(3)(a) of *The Land Titles Regulations, 2001*”;

(c) in clause (e) in the portion preceding subclause (i) by striking out “clause 172(1)(b) of *The Land Titles Act*” and substituting “clause 71(4)(b) or 73(3)(b) of *The Land Titles Regulations, 2001*”; and

(d) in clause (j) by striking out “general consent given pursuant to subsection 172(2) of *The Land Titles Act*” and substituting “general consent of the public trustee given for the purposes of section 71 or 72 of *The Land Titles Regulations, 2001*”.

PART VIII

*The Resource Lands Regulations, 1989***R.R.S. c.P-31 Reg 3, section 8 amended**

24 Subsection 8(2) of *The Resource Lands Regulations, 1989* is amended by striking out “registered in the land titles office for the appropriate Land Registration District” and substituting “approved by the Controller of Surveys”.

PART IX

*The Subdivision Regulations***R.R.S. c.P-13.1 Reg 1, section 7 amended**

25 Section 7 of *The Subdivision Regulations* is amended in the portion preceding clause (a) by striking out “a metes and bounds description that is sufficient for Land Titles purposes and”.

PART X

*The Water Rights Regulations***Sask. Reg. 905/68, section 5 repealed**

26 Section 5 of the Regulations for the Administration of Water Rights under The Water Rights Act, being Saskatchewan Regulations 905/68 and made by Order-in-Council 1359/43, is repealed.

PART XI

Coming into Force

Coming into force

27 These regulations come into force on the day on which section 1 of *The Land Titles Act, 2000* comes into force.

CHAPTER L-5.1 REG 4*The Land Titles Act, 2000*

Section 187

Order in Council 466/2001, dated June 21, 2001

(Filed June 25, 2001)

PART I**Title****Title**

1 These regulations may be cited as *The Land Titles Consequential Amendment Regulations, 2001 (No.2)*.

PART II***The Enforcement of Maintenance Orders Regulations, 1998*****R.R.S. c.E-9.21 Reg 1 amended**

2 *The Enforcement of Maintenance Orders Regulations, 1998* are amended in the manner set forth in this Part.

Section 7 amended

3 **Section 7 is amended by adding** “or the Saskatchewan Writ Registry” **before** “pursuant to”.

Appendix amended

4(1) The Appendix is amended in the manner set forth in this section.

(2) Form K is amended:

(a) **by striking out** “goods (*or lands or goods and lands*)” **and substituting** “goods and lands”; **and**

(b) **by striking out** “debtor’s land” **and substituting** “debtor’s title or interest against which this writ is registered”.

(3) Form L is amended:

(a) **by striking out** “lands (or goods and lands, as the case may be)” **and substituting** “goods and lands”;

(b) **by striking out** “debtor’s land” **and substituting** “debtor’s title or interest against which this writ is registered”; **and**

(c) **by striking out** “registrar for each land registration district in which the writ of execution is registered” **and substituting** “Registrar of Titles”.

CHAPITRE L-5,1 RÉGL. 4*The Land Titles Act, 2000*

Article 187

Décret 466/2001, en date du 21 juin 2001

(déposé le 25 juin 2001)

PARTIE I

Titre

Titre

1 *Règlement de 2001 apportant des modifications corrélatives à la loi intitulée The Land Titles Act, 2000 (n° 2).*

PARTIE II

Règlement de 1998 sur l'exécution des ordonnances alimentaires**Modification du R.R.S., ch. E-9,21, Règl. 1**

2 Le *Règlement de 1998 sur l'exécution des ordonnances alimentaires* est modifié de la manière énoncée dans la présente partie.

Modification de l'article 7

3 L'article 7 est modifié par l'adjonction des mots « ou au Réseau d'enregistrement des brefs de la Saskatchewan » **avant les mots** « conformément au ».

Modification de l'appendice

4(1) L'appendice est modifié de la manière énoncée au présent article.

(2) La formule K est modifiée :

a) par la suppression des mots « les objets (*ou* les biens-fonds *ou* les objets et biens-fonds) » et leur remplacement par les mots « les objets et les biens-fonds » ;

b) par la suppression des mots « les biens-fonds du débiteur » et leur remplacement par les mots « le titre ou l'intérêt du débiteur qui est grevé par le bref ».

(3) La formule L est modifiée :

a) par la suppression des mots « des biens-fonds (ou des objets et biens-fonds, selon le cas) » et leur remplacement par les mots « des objets et des biens-fonds » ;

b) par la suppression des mots « les biens-fonds du débiteur » et leur remplacement par les mots « le titre ou l'intérêt du débiteur qui est grevé par le bref » ;

c) par la suppression des mots « registrateur de chaque district d'enregistrement des biens-fonds où le bref d'exécution est enregistré » et leur remplacement par les mots « registraire des titres fonciers ».

PART III
The Queen's Bench Regulations

R.R.S. c.Q-1.01 Reg 1, Appendix amended

5 Part II of the Appendix to *The Queen's Bench Regulations* is amended by repealing Item 2(a) of Table 4 and substituting the following:

“(a) each arrest, execution or similar writ or order and return and\$ 10 for services provided pursuant to *The Land Titles Act, 2000* with respect to:

- (i) an application for the registration or discharge of a writ in the Land Titles Registry; or
- (ii) an application for the registration or removal of a writ in the Saskatchewan Writ Registry”.

PART IV
Coming into Force

Coming into force

6 These regulations come into force on the day on which section 1 of *The Land Titles Act, 2000* comes into force.

SASKATCHEWAN REGULATIONS 39/2001

The Education Act, 1995

Section 370

Order in Council 456/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

1 These regulations may be cited as *The Electronic Meeting Procedures Amendment Regulations, 2001*.

R.R.S. c.E-0.2 Reg 6 amended

2 *The Electronic Meeting Procedures Regulations* are amended in the manner set forth in these regulations.

Section 3 is repealed

3 Section 3 is repealed.

Section 5 amended

4 Section 5 is amended by striking out the portion preceding clause (a) and substituting the following:

“Where a board of education or the conseil scolaire conducts electronic meetings, it shall.”.

Coming into force

5 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

PARTIE III
Règlement sur la Cour du Banc de la Reine

Modification du R.R.S., ch. Q-1,01, Règl. 1, appendice

5 La partie II de l'appendice du *Règlement sur la Cour du Banc de la Reine* est modifiée par l'abrogation de l'alinéa 2a) du barème 4 et son remplacement par ce qui suit :

- « a) chaque bref d'arrestation, d'exécution ou chaque bref ou 10 \$
ordonnance ou rapport semblable et pour les services fournis
conformément à la loi intitulée *The Land Titles Act, 2000*
relativement à :
- (i) une demande d'enregistrement ou de mainlevée d'un bref
au Réseau d'enregistrement des titres fonciers,
 - (ii) une demande d'enregistrement ou de mainlevée d'un bref
au Réseau d'enregistrement des brefs de la Saskatchewan ».

PARTIE IV
Entrée en vigueur

Entrée en vigueur

6 Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 1 de la loi intitulée *The Land Titles Act, 2000*.

RÈGLEMENT DE LA SASKATCHEWAN 39/2001

Loi de 1995 sur l'éducation

Article 370

Décret 456/2001, en date du 21 juin 2001

(déposé 25 juin 2001)

Titre

1 *Règlement de 2001 modifiant le Règlement sur la procédure régissant les téléréunions.*

Modification du R.R.S. ch. E-0,2, Règl. 6

2 Le *Règlement sur la procédure régissant les téléréunions* est modifié de la manière énoncée dans le présent règlement.

Abrogation de l'article 3

3 L'article 3 est abrogé.

Modification de l'article 5

4 L'article 5 est modifié par suppression du membre de phrase qui précède l'alinéa a) et son remplacement par ce qui suit :

« Toute commission scolaire ou le conseil scolaire qui tient des téléréunions : ».

Entrée en vigueur

5 Le présent règlement entre en vigueur le jour de son dépôt auprès du registraire des règlements.

SASKATCHEWAN REGULATIONS 40/2001*The Agri-Food Act*

Sections 5 and 12

Order in Council 457/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

1 These regulations may be cited as *The Saskatchewan Flax Development Plan Amendment Regulations, 2001*.

R.R.S. c.A-15.2 Reg 5 amended

2 *The Saskatchewan Flax Development Plan Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 Section 2 is amended:

- (a) **in clause (c) by striking out** “and includes the interim commission”;
- (b) **by repealing clause (d) and substituting:**
“(d) ‘**director**’ means a director of the commission elected in accordance with sections 19 and 20”; **and**
- (c) **by repealing clause (f).**

Section 6 amended

4 Subsections 6(3) to (5) are repealed and the following substituted:

“(3) The commission consists of a board of directors consisting of six registered producers elected in accordance with sections 19 and 20”.

New sections 10 and 10.1

5 Section 10 is repealed and the following substituted:

“Chairperson and vice-chairperson

10(1) The commission shall elect a chairperson and vice-chairperson from among the directors of the commission at their first meeting in each year after new directors have been elected.

(2) The chairperson or, in the absence of the chairperson, the vice-chairperson shall preside at all meetings of the commission.

“Quorum

10.1 For the transaction of business at a meeting of the commission:

- (a) a majority of the directors constitutes a quorum; and
- (b) a decision of a majority of those directors comprising a quorum is a decision of the commission”.

Section 15 amended

6(1) Subsection 15(1) is amended by striking out “calculated in accordance with this section” **and substituting** “determined in accordance with subsection (2)”.

(2) Subsections 15(2) and (3) are repealed and the following substituted:

- “(2) The check-off mentioned in subsection (1) is to be:
- (a) determined by order of the commission; and
 - (b) based on a fixed rate for every tonne of flax seed and tonne of flax straw marketed”.

Section 16 amended

7 Subsection 16(7) is amended by striking out “members” and substituting “directors”.

Section 17 amended

8(1) Clause 17(2)(b) is amended by striking out “at the time of registration”.

(2) Subsection 17(3) is repealed and the following substituted:

- “(3) Except as provided in subsection (2), voting by proxy is prohibited.
- “(4) Each registered producer is entitled to one vote”.

Section 18 repealed

9 Section 18 is repealed.

Section 19 amended

10(1) The following subsection is added after subsection 19(1):

- “(1.1) A registered producer is disqualified from standing for election as a director if:
- (a) in accordance with subsection 15(4), the registered producer has submitted a written request to the commission for a refund of a check-off within the 12 months preceding the date fixed for receiving nominations; or
 - (b) the registered producer is disqualified pursuant to clause 20(5)(b)”.

(2) Subsection 19(3) is amended by striking out “together with evidence satisfactory to the commission that the candidate is a producer”.

(3) Subsection 19(12) is amended by striking out “board” and substituting “commission”.

Section 20 amended

11(1) Subsection 20(1) is amended by striking out “Subject to section 18, a director” and substituting “A director”.

(2) The following subsections are added after subsection 20(3):

- “(4) Every director shall pay to the commission the check-off required pursuant to subsections 15(1) and (2).
- “(5) Where, in accordance with subsection 15(4), a director submits a written request to the commission for a refund of a check-off, the director:
- (a) is deemed to resign his or her office of director as at the date the request is received by the commission; and
 - (b) is disqualified from standing for election at the next election of directors”.

Appendix repealed**12 The Appendix is repealed.****Coming into force****13** These regulations come into force on the day on which they are filed with the Registrar of Regulations.**SASKATCHEWAN REGULATIONS 41/2001***The Farm Financial Stability Act*

Sections 22 and 24

Order in Council 458/2001, dated June 21, 2001

(Filed June 25, 2001)

Title**1** These regulations may be cited as *The Agricultural Income Disaster Assistance Program Amendment Regulations, 2001*.**R.R.S. c.F-8.001 Reg 14 amended****2** *The Agricultural Income Disaster Assistance Program Regulations* are amended in the manner set forth in these regulations.**Section 1 amended****3 Section 1 is amended by striking out “*The Agricultural Income Disaster Assistance Program Regulations*” and substituting “*The AIDA and CFIP Program Regulations*”.****Part II, heading amended****4 The heading for Part II is amended by striking out “Program” and substituting “Programs”.****Section 2 amended****5 Section 2 is amended:****(a) by striking out “Agricultural Income Disaster Assistance Account established” and substituting “AIDA and CFIP Account continued”; and****(b) by repealing clause (c) and substituting the following:****“(c) ‘AIDA program’ means the Agricultural Income Disaster Assistance Program established pursuant to section 3;****“(d) ‘CFIP program’ means the Canadian Farm Income Program established pursuant to section 3.1;****“(e) ‘program’ means the AIDA program or the CFIP program”.****Section 3 amended****6 Subsection 3(2) is amended by adding “AIDA” before “program”.****New section 3.1****7 The following section is added after section 3:****“CFIP program established****3.1(1)** The Canadian Farm Income Program is established pursuant to subsection 22(1) of the Act.**(2)** The purpose of the CFIP program is to facilitate the participation of Saskatchewan in a federal-provincial initiative to enhance or stabilize the income of farmers”.

Section 4 amended**8(1) Subsection 4(1) is repealed and the following substituted:**

“(1) The Agricultural Income Disaster Assistance Account established in the fund pursuant to clause 24(2)(a) of the Act is continued as the AIDA and CFIP Account for the purpose of administering the programs”.

(2) Subsection 4(2) is amended by striking out “program pursuant to an agreement” and substituting “programs pursuant to the agreements”.

(3) Clause 4(3)(b) is amended by striking out “program” and substituting “programs”.

(4) Subsection 4(4) is amended by striking out “program” and substituting “programs”.

Section 5 amended

9(1) Subsection 5(1) is amended by striking out “program” and substituting “programs”.

(2) Subsection 5(2) is amended:

(a) by striking out “program” and substituting “programs”; and

(b) by striking out “an agreement” and substituting “the agreements”.

(3) Subsection 5(3) is amended by striking out “program” and substituting “programs”.

(4) Subsection 5(4) is amended:

(a) by striking out “federal-provincial initiative mentioned in subsection 3(2)” and substituting “CFIP program”; and

(b) by striking out “the program” and substituting “the programs”.

Section 6 amended

10 Section 6 is amended by striking out “program” and substituting “programs”.

Coming into force

11 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 42/2001*The Health Districts Act*

Section 40

Order in Council 460/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

1 These regulations may be cited as *The Health Districts Amalgamation Amendment Regulations, 2001*.

R.R.S. c.H-0.01 Reg 1, Appendix amended

2 Part I of the Appendix to *The Health Districts Amalgamation Regulations* is amended by adding the following list after List L:

“List M

Melville Ambulance Association Inc.”.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 43/2001

The Saskatchewan Medical Care Insurance Act

Sections 14 and 48

Order in Council 461/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

1 These regulations may be cited as *The Saskatchewan Medical Care Insurance Payment Amendment Regulations, 2001 (No. 2)*.

R.R.S. c.S-29 Reg 19, section 3 amended

2 Subclause 3(d)(iii) of *The Saskatchewan Medical Care Insurance Payment Regulations, 1994* is amended:

- (a) by striking out “and” after paragraph (C);**
- (b) by adding “and” after paragraph (D); and**
- (c) by adding the following paragraph after paragraph (D):**

“(E) the Saskatchewan Health Physician’s Newsletter Number 20, dated June 15, 2001”.

Coming into force

3(1) Subject to subsection (2), these regulations come into force on June 15, 2001.

(2) If these regulations are filed with the Registrar of Regulations after June 15, 2001, these regulations come into force on the day on which they are filed with the Registrar of Regulations, but are retroactive and are deemed to have been in force on and from June 15, 2001.

SASKATCHEWAN REGULATIONS 44/2001

The Land Titles Act, 2000

Section 187

Order in Council 462/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

1 These regulations may be cited as *The Land Titles Amendment Regulations, 2001*.

R.R.S. c.L-5.1 Reg 1 amended

2 *The Land Titles Regulations, 2001* are amended in the manner set forth in these regulations.

Section 4 repealed

3 Section 4 is repealed.

New section 69.1

4 The following section is added after section 69:

“Transfers of uncertified mineral titles in designated areas

69.1 Pursuant to subsection 48(2) of the Act, a transfer respecting an uncertified mineral title may be registered in the land titles registry where the title that is the subject of the transfer is not within a township listed in Appendix 3”.

New section 107.1

5 The following section is added after section 107:

“Statutory vesting

107.1(1) Where a person becomes vested with a title in the manner mentioned in section 100 of the Act, the person must apply to the Registrar for a transfer of title in accordance with section 31 of these regulations.

(2) Where a person becomes vested with an interest in the manner mentioned in section 100 of the Act, the person must apply to the Registrar for an assignment of the interest in accordance with section 42 of these regulations.

(3) An application mentioned in subsection (1) or (2) must include evidence satisfactory to the Registrar that the title or interest, as the case may be, is vested in the applicant”.

New Appendix 3

6 The following Appendix is added after Appendix 2:

“Appendix 3

[Section 69.1]

Battleford former land registration district:

Township

S T48R19W3M

S T48R19W3M

S T51R19W3M

S T50R20W3M

S T58R20W3M

S T51R21W3M

S T53R21W3M

S T47R23W3M

S T47R24W3M

S T52R24W3M

S T44R25W3M

S T48R25W3M

S T53R25W3M

S T49R26W3M

S T58R26W3M

S T62R26W3M

S T44R27W3M

S T47R27W3M

S T49R28W3M

Humboldt former land registration district:

Township

S T32R17W2M

S T33R23W2M

Moose Jaw former land registration district:

Township

S T02R24W2M

S T06R25W2M

S T02R27W2M

S T03R28W2M

S T05R28W2M

S T26R15W3M

S T25R18W3M

Prince Albert former land registration district:

Township

S T52R19W2M

S T52R19W2M

S T52R21W2M

S T51R22W2M

Regina former land registration district:

Township

S T03R30W1M

S T07R30W1M

S T15R30W1M

S T03R31W1M

S T05R31W1M

S T06R31W1M

S T16R31W1M

S T19R31W1M

S T03R32W1M

S T07R32W1M

S T18R32W1M

S T19R32W1M

S T05R33W1M

S T20R33W1M

S T03R01W2M

S T07R01W2M

S T19R01W2M

S T03R02W2M

S T08R02W2M

S T09R02W2M

S T04R03W2M

S T03R04W2M

S T08R04W2M

S T01R05W2M

S T08R05W2M

S T01R06W2M
S T02R06W2M
S T05R06W2M
S T08R07W2M
S T02R08W2M
S T06R08W2M
S T08R08W2M
S T11R08W2M
S T03R09W2M
S T09R09W2M
S T04R10W2M
S T10R10W2M
S T05R11W2M
S T08R11W2M
S T06R12W2M
S T05R13W2M
S T02R14W2M
S T08R14W2M
S T08R14W2M
S T05R15W2M
S T02R19W2M
S T13R20W2M
S T19R21W2M
S T19R22W2M

Saskatoon former land registration district:

Township

S T34R01W3M
S T35R01W3M
S T34R02W3M
S T35R07W3M
S T34R08W3M
S T32R19W3M
S T28R20W3M
S T33R20W3M
S T40R22W3M
S T40R22W3M
S T32R23W3M
S T34R23W3M
S T38R24W3M
S T31R25W3M
S T37R25W3M
S T29R26W3M
S T33R26W3M
S T37R26W3M
S T40R26W3M
S T29R27W3M
S T36R27W3M
S T38R27W3M
S T39R27W3M
S T39R28W3M
S T31R29W3M

Swift Current former land registration district:

Township

S T12R12W3M
 S T13R13W3M
 S T17R16W3M
 S T14R17W3M
 S T18R17W3M
 S T08R18W3M
 S T13R19W3M
 S T17R19W3M
 S T03R20W3M
 S T08R20W3M
 S T12R20W3M
 S T13R21W3M
 S T12R23W3M
 S T05R25W3M
 S T17R26W3M
 S T04R27W3M
 S T14R27W3M
 S T19R29W3M

Yorkton former land registration district:

Township

S T22R32W1M
 S T22R01W2M
 S T22R01W2M ”.

Coming into force

7(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Land Titles Amendment Act, 2001* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Land Titles Amendment Act, 2001* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 45/2001*The Land Titles Act*

Section 263

Order in Council 467/2001, dated June 21, 2001

(Filed June 25, 2001)

Title

1 These regulations may be cited as *The Land Titles (Miscellaneous) Amendment Regulations, 2001*.

R.R.S. c.L-5 Reg 1 amended

2 *The Land Titles (Miscellaneous) Regulations* are amended in the manner set forth in these regulations.

Section 22 amended

3(1) Clause 22(1)(c) is repealed.

(2) The following subsection is added after subsection 22(2):

“(3) With respect to an electronic search of a grant, the fee payable:

- (a) to view the list of grant results is \$0;
- (b) to view the details of the grant is \$3; and
- (c) to view the image of the grant is \$2”.

Section 23 amended

4 Section 23 is amended:

(a) by repealing clause (d); and

(b) by adding the following clauses after clause (i):

“(j) to obtain results to a search request mentioned in subsection 22(3) by means of a facsimile machine or by electronic mail is \$3 in addition to the amount prescribed by that subsection;

“(k) to obtain a certified copy of a document mentioned in subsection 22(3):

- (i) printed on security paper of the Saskatchewan Land Titles Registry is \$5;
- (ii) manually certified where a certified copy pursuant to subclause (i) is not available is \$5; and
- (iii) manually certified where a certified copy pursuant to subclause (i) is available is \$10”.

Section 32 repealed

5 Section 32 is repealed and the following substituted:

“Other fees payable

32(1) The fee payable:

- (a) to view a list of available plans electronically is \$2;
- (b) to view a plan report is \$0;
- (c) to view a plan or the image of a plan is \$4;
- (d) to view a Master of Titles’ order list is \$2;
- (e) to view a Master of Titles’ order or the image of a Master of Titles’ order is \$2;
- (f) to view the list of support documents is \$0;
- (g) to view a support document or the image of a support document is \$2;
- (h) to view an image of the field notes index is \$0;
- (i) to view the field notes or the image of field notes is \$2;
- (j) in addition to the amounts mentioned in clauses (a) to (i), where a search is conducted in the Chief Surveyor’s Office is \$2.

- (2) The fee payable:
- (a) to obtain a copy by electronic mail of the document mentioned in clause (1)(g) is \$2;
 - (b) to obtain a paper copy of the document mentioned in clause (1)(g) is \$3;
 - (c) to obtain a digital copy of the document mentioned in clause (1)(c) is \$5;
 - (d) to obtain a paper copy by mail, or to obtain a copy on CD-ROM, of the document mentioned in clause (1)(c) is \$10;
 - (e) to obtain a paper copy of the document mentioned in clause (1)(c), where requested in person, is \$7;
 - (f) to obtain a certified copy of any other documents mentioned in clauses (1)(a) to (i):
 - (i) printed on security paper is \$5;
 - (ii) manually certified where a certified copy pursuant to subclause (i) is not available is \$5; and
 - (iii) manually certified where a certified copy pursuant to subclause (i) is available is \$10.
- (3) The fee payable for the services of the Chief Surveyor in consultation as to surveys, plans, cancellations, amendments or descriptions is, at the discretion of the Chief Surveyor:
- (a) \$100; or
 - (b) an amount calculated at the rate of \$100 per hour.
- (4) The fee payable for the services of the Chief Surveyor in the preparation of descriptions is, at the discretion of the Chief Surveyor:
- (a) \$100; or
 - (b) an amount calculated at the rate of \$100 per hour”.

Coming into force

6 These regulations come into force on the day on which section 1 of *The Land Titles Act, 2000* comes into force.