

INTERPRETIVE BULLETIN

Strata Parent Parcel Requirements – Survey and Plan Rules 7-2, 7-3(3) and 7-6(1)

Version 1.1, Published February 10, 2023

Ensuring that the boundaries of the parent parcel of a proposed building strata are properly defined and monumented prior to the creation of the strata is important for the survey fabric and is in the public interest. The *Strata Property Act* does not have any authority to create, re-establish and monument parent parcel boundaries; this authority lies in the *Land Title Act*. It is also important to ensure that once the strata is completed, as much of the parent parcel monumentation as possible is still in the ground. These concepts are represented in Rules 7-2, 7-3(3) and 7-6(1) in the Survey and Plan Rules.

There are two components to the parent parcel requirements in the Rules – pre-strata requirements and strata plan requirements. Relevant Rules are copied below.

Pre-Strata Requirements

7-2 Parent Parcel Requirements

Prior to registration of the strata plan, the parent parcel title must be defined by a plan based on a survey, which fulfills the following:

- (1) The parent parcel has been fully monumented.
- (2) Any boundary discrepancies have been resolved.
- (3) Natural boundaries must be based on their present location.

The requirements within Rule 7-2 ensure that the parent parcel boundaries are unambiguously defined, fully monumented and represent current extent of ownership, prior to creation of the strata. The *Strata Property Act* doesn't contain provisions to resurvey parent parcel boundaries to rectify boundary issues, so it's important that these issues be resolved under the *Land Title Act*.

These requirements will have been met if a subdivision or reference plan has recently been prepared to comply with Section 240 of the *Strata Property Act* and all survey evidence remains in place when the strata plan is prepared.

It has been common practice that building strata plans (particularly small developments) have been prepared and registered on older titles without a refreshed parcel definition. In these circumstances, a *Land Title Act* plan is likely necessary to either re-establish boundaries or refresh monumentation. A few examples may serve to clarify these requirements:

- A parcel where there are no significant discrepancies with the underlying plan and there is missing monumentation can be dealt with by preparing a Reference Plan pursuant to Section 100(1)(a) of the *Land Title Act*, or a Posting Plan pursuant to Section 68 of the *Land Title Act*.
- Any parcels where there are significant discrepancies when compared to the underlying plan will require a Reference Plan pursuant to Section 100(1)(a) of the *Land Title Act*. The determination of what constitutes a “significant discrepancy” requires professional judgement.
- If the present natural boundary does not agree with the location of the natural boundary shown on the underlying plan, the discrepancy must be resolved so that the parent parcel plan represents the current extent of ownership. This means that, with respect to the parent parcel plan, application to the Surveyor General may need to be made pursuant to Sections 94(1)(c) or 94(1)(d) of the *Land Title Act*. There are no mechanisms to account for accretion or to rectify a problem with the location of a natural boundary under the *Strata Property Act*. This can create problems for the future strata corporation if not dealt with before the strata plan is registered. It is in the public interest to ensure that the strata plan is prepared respecting the current extent of ownership.

Strata Survey and Plan Requirements

Once the parent parcel is properly defined and monumented under the *Land Title Act*, the following requirements apply to the strata survey and plan.

7-3 Field procedures

...

- (3) Any parent parcel corners that have been destroyed must be reset in accordance with the parent parcel plan. In the case of a phased strata plan, only corners relevant to the phase under survey need be replaced.

7-6 Sheet one

The first sheet must contain the following additional information.

- (1) The type of monumentation found or reset at every corner of the land that is subject to the strata plan except phased boundaries which do not require posting.

The expectation is that any monuments that have been destroyed by construction/development of the strata will be reset. Even if construction is ongoing the goal is to ensure as much monumentation of the parent parcel remains in place once the strata survey has been completed.

Questions should be directed to the Practice Advisory Department.

VERSION CONTROL HISTORY

Version #	Date (YYYY-MM-DD)	Modification
1.0	2018-	Initial version.
1.1	2023-02-10	SPR acronym changed to Rules. Document title changed from Interpretive Bulletin 2018-3 to current title.

