

BACKGROUND

A plan subdividing volumetric space, other than mines and minerals lying on or under the surface of land, into strata spaces may be registered pursuant to section 86 of the Land Titles Act, R.S.A. 2000, c. L-4. Unlike a condominium plan which, except for bare land condominiums, requires the boundaries of units to be shown in relation to an existing physical structure, strata space boundaries are independent of physical structures and are determined by vertical, horizontal or inclined planes or curved surfaces having defined geodetic elevation. (1) A portion of a building may be located within a strata space but conceptually it is like a building constructed on a surface parcel and therefore subject to the possibility of encroachment beyond the defined boundaries.

REGISTRATION PROCEDURE

1. The general requirements for plans as outlined in the procedure on Surveys - Examination of Plans [SUR-1](#) apply, except as otherwise provided.
2. The land affected by the plan must be shown as a single parcel on a plan of survey registered under the Land Titles Act. (2)

It is important to note that the single parcel referred to in Strata Space Subdivisions must be indivisible. When a Certificate of Title for the land that is subject to a Strata Space Subdivision consist of multiple lots created on a Plan of survey registered prior to July 1st, 1950, these lots are to be consolidated into a single lot by a Plan of Survey. (2)

3. **Heading** - "Plan showing Strata Space Subdivision of _____".
4. **Designation of Strata Space** - Each strata space shall be designated as "Strata Lot _____", "Strata Block _____". (3)

It is not necessary to show the volume of the strata space.

5. **Boundaries** - The boundaries of a strata space may consist of vertical, horizontal or inclined planes or cylindrical surfaces which shall have axes which are either vertical or horizontal. The boundaries of strata spaces shall conform to or lie within the boundaries of the single parcel referred to in item 2.

A top view and cross sections of the strata spaces must be shown on the plan. The cross section is to show the elevation of each corner or angle of the strata space in relation to monuments of known elevation or survey control markers in accordance with the Surveys Act. (4)

All strata spaces created on a Strata Plan shall consist of closed volumetric spaces, bounded on all planes or cylindrical surfaces. A strata space may not be “open ended”.

6. Certificate of Titles cancelled and created – On the registration of the Strata Space Plan, the Registrar shall cancel the existing Certificate of Title to the extent necessary and issue new Certificates of Titles to the strata spaces shown on the plan. There shall be a certificate of title issued to the remainder of the parcel. (5)

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Strata Plan

The code used for registration at Land Titles is: STRP

7. Legend - The following is to be added to the legend:

“Elevations are geodetic and are derived from ASCM _____
(elevation _____) and _____ (elevation _____). Volumetric
space to be registered shown thus _____.”

It is not necessary to show the total volume affected by the plan.

8. Approval - The approvals required are the same as those listed in the procedure on Surveys - Examination of Subdivision Plans [SUR-2](#).

9. Registered Owner Information – The name of the registered owner(s) must be drafted on the plan.

10. Subdivision Authority Information – The following is to be drafted on the plan:

Name of the Subdivision Authority
File No.
Date approved

11. Consolidation of Strata Spaces – Any registered owner who owns 2 or more strata spaces adjacent to one another may consolidate the strata spaces by registering a Plan of Survey. Their Certificates of Title are cancelled in full and a new Certificate of Title is issued for the new Strata Space shown on the plan.

The examination process is the same as outlined in SUR 2.2 (Examination of Consolidation Plans), except that all relative geodetic elevations associated with the external boundaries of the new strata space are to be shown on plan.

Note: Non-strata lots and strata lots cannot be consolidated to form one parcel.

Consents are required from all persons with interest on the affected Certificates of Titles. (6)

12. **Fees** - [Tariff item 8\(1\)](#) is charged for the registration of the plan. In addition, except for plans within the City of Calgary, a cadastral mapping fee is charged pursuant to Alberta Regulation 94/2000 made pursuant to Surveys Act.

STATUTE AND CASE REFERENCES

Statute references are to the Land Titles Act, R.S.A. 2000, c. L-4, unless otherwise indicated.

1. s. 86(1) and (2)
2. s. 86(3)
3. s. 85(5)(d)
4. s. 86(5)(a) and (c)
5. s. 86(6)
6. s. 85(1)