

Tips for Submitting Survey Plans for Registration

1. List all of your documents in the correct order on the registration details application (RDA)

- **Do not list** supporting documents such as the **certificate of approval** and **checklist**. These documents form part of the plan. If it's listed on the RDA it will receive a registration number.
- Include all affected title and instrument numbers for all instruments you list.
- If you are registering a plan of subdivision and a plan of easement list both plans.
- Use the **correct document code**

DF: (Full discharge) Releases all of the lands affected by an instrument. No titles and no lands will have been entered in box 3.

APD: (All part discharge) Releases all of the lands in some but not all of the titles affected by an instrument. Title numbers but no lands will have been entered in box 3.

PD: (Part discharge) Releases only some of the lands in titles affected by an instrument. Title numbers and lands will have been entered in box 3.

E: (Easement) Agreement between parties where the land is under different ownership. *Do not use the code ROA.

ED: (Easement declaration) A **declaration** made where the dominant and servient lands are owned by the same party. *Do not use the code RWD.

TREQ: (Transmission/request) Cause titles to issue for streets, reserves, lots, parcels and residual lands.

AAL: (Amending agreement to add land) Amending agreement that adds additional lands to the instrument being amended (Box 5 will have been completed).

AA: (Amending Agreement) Amends the terms of an instrument but does not add additional lands to it.

2. Provide requests (TREQ) using the request/transmission form to issue title for:

Streets, lanes and etc.

Title is issue to Her Majesty the Queen in Right of the Province of Manitoba. Fee
Include all streets, lanes, etc. in one request.
Do not include public or crown reserves.

Public reserves or crown reserves

Title is to issue to the municipality for public reserves. Fee
Title is to issue to Her Majesty the Queen in Right of the Province of Manitoba for Crown reserves.
Do not include streets, lanes, etc.

Lots or parcels created by the plan

Fee

Residual lands

Any lands left in a title once the lands in the plan of subdivision has been removed Fee

Lots included under Section 117 (5)(b) and (9) of *The Real Property Act*

No fee

3. Encumbrances that have the power to subdivide must be dealt with

Encumbrances that have power to subdivide **cannot be carried forward** to only part of a newly created lot. You have three options for dealing with them:

- ✓ Fully discharge the encumbrance
- ✓ Partially discharge to release the encumbrance from the lot that is not entirely affected by the encumbrance
- ✓ Make the portion of the lot that was not initially affected by the encumbrance become affected by registering an amending agreement to add land

4. Subdivisions that require transfers of land and consolidations to issue title for an entire lot/parcel

When entire lots/parcels issuing from a plan are not owned by the same parties, you must register a transfer containing a consolidation request.

Here is an example legal description that can be used when part of a lot is being transferred and consolidated to issue title for an entire lot:

ALL THAT PORTION OF
LOTS 2 AND 3 PLAN 1234 WLTO IN SW ¼ 1-1-1 WPM
EXC ALL MINES AND MINERALS AS SET FORTH IN THE ORIGINAL GRANT
FROM THE CROWN
NOW CONTAINED WITHIN THE LIMITS OF LOT 2 PLAN _____WLTO
(DEPOSIT NO. 123/19)

In the *Title Issuing Instructions* box 6 (transferor) or 14 (transferee) of the transfer form, add:

Please consolidate with all of Title 1234567/1

Be mindful of the fair market value provided in the transfer in these situations.

Where you are only transferring part of a title, the fair market value in the transfer must be for the value of the land changing hands. It is not to be either the value of the land once consolidated or should the value of the all the land in the affected title.

5. The documents provided must comply with conditions on the certificate of approval

- ✓ Ensure the dates of all agreements exactly match the dates in the condition of the certificate of approval.
- ✓ Ensure the required document type is registered.

Example: If it requires that an easement be registered pursuant to s. 76 of *The Real Property Act*, **do not attach** the easement to a caveat. The registration requirements for an easement registered pursuant to s. 76 are more stringent than for an easement caveat.

6. Statutory easement tips

- ✓ The document code for a statutory easement is E (easement), even if the statutory easement is attached to a caveat.
- ✓ The statutory easement must be dated.
- ✓ An affidavit of witness must provide the names of the people whose signatures were witnessed, not the name of any corporation.
- ✓ Only provide one copy of the statutory easement.

7. Development agreement tips

The agreement must be between the municipality and the party who will be the owner of the land at the moment the caveat is registered. Transfers registered prior to development agreements can change this ownership.

8. Amending agreement adding land tips

- ✓ Amending agreements must be double sided.
- ✓ Only describe the land to be added in box 5. See the example in tip 4 above as a model of a land description affecting part of a lot.
- ✓ *The Homesteads Act* evidence is required from all registered owners in box 9.
- ✓ The consent of subsequent encumbrancers may be required in box 13. This includes:
 1. Encumbrances that are registered against any of the lands already affected by the instrument being amended; and
 2. Encumbrances affecting the lands being added over which the instrument being added will have registration priority.