



REGISTRAR GENERAL'S OFFICE
DEPARTMENT OF LANDS

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STRATA TITLE APPLICATIONS

There have been many complaints by promoters of strata schemes regarding unnecessary delays in the issue of titles after the buildings have been completed. Priority has always been given by this Office, to the processing of these applications and the time taken to issue strata titles has been minimal provided the application and plan has been in order.

Many of the applications have requisitions either on the instruments or on the plans and to assist brokers, solicitors and surveyors in recognising problems at an earlier stage, this Office has drawn up a list of items pertinent to strata schemes which may be of assistance. This information may allow remedial action to be taken before buildings are completed or, if applicable, before building has commenced.

It must be borne in mind that the boundaries of strata units are based on their fixing to actual monuments on the parcel and it is therefore essential that these features are satisfactorily defined before an application is lodged. Liaison between builder, surveyor and promoter is therefore of utmost importance.

1. Is the land, the subject of the parcel, clearly defined on the ground?
 2. Have the boundaries been clearly marked by a Licensed Surveyor?
 3. Are there encroachments? Do they warrant action?
 4. Do party walls exist and have such rights been documented?
 5. Will a fully certified survey be required? Surveyor to advise.
 6. Will dominant easements be required to be registered?
(Provision for stormwater drainage etc.).
- Are all the titles, the subject of the parcel, in the same name or names and do the proprietors hold each title in the same interest (Joint Tenants or Tenants in Common)?
- Transfers may be required to be lodged prior to Strata Applications.

In an existing Scheme where proprietors are registered in a fiduciary capacity the method of holding should be retained in schedule of mode of issue.

8. Will a title or titles require a change of name or a correction of name to be registered? (Not only estate in fee simple but estate in any encumbrance) - not necessary in an existing Scheme as regards a registered proprietor not described in Schedule of mode of issue.
9. Do all the titles the subject of the parcel, have similar dominant rights?
10. Will further rights be required to be negotiated or existing rights relinquished?
11. If the title or titles have dominant rights over streets, delineated in an L.T.O. or G.R.O. Plan, which are not Public Roads then action may have to be taken to have such streets declared Public Roads.
12. If all the titles are not subject to the same encumbrances or if a title is subject to a mortgage over portion and a collateral over the remaining portion, action will be necessary to rectify the situation prior to registration of the application.
13. If an existing scheme, substituted instruments required in lieu of registered instruments protecting any interest in land.
14. Will the building encroach on any servient easement? If so anticipate the necessary documentation. If easement created by Statute then an application for extinguishment or variation may be required. If created by grant, then owner of easement will be required to consent to Strata Application and produce his duplicate Certificate of Title for partial extinguishment.
15. Are any of the titles full of endorsements which will necessitate the issue of a new Certificate of Title before the application or any preceding instruments may be registered? If so anticipate and lodge a request for a new Certificate of Title whilst units are being erected.

16. Does the title have endorsed upon it any resubdivision application which will require action as regards any condition thereon? (Rights may have to be created and one cannot grant rights to oneself).
17. Is there any encumbrance on the land or a condition on a Land Grant restricting the use of the land? (The encumbrance may have to be discharged or an application made to the Minister of Lands to waive the condition).
18. Is the parcel the whole of the land in a title or titles? (See Section 223ma).

Before lodging the Strata Application check the following:-

1. Has the application been stamped?
2. Has the contribution to the S.P.A. Fund been paid and is receipt available for production?
3. Have signatures of consenting parties been proved and is instrument certified correct?
4. If application is signed by a Solicitor or Broker as agent for the registered proprietors - signature must be witnessed.
5. Make sure the executions by corporate bodies are complete.
6. Have the Strata plans been signed by the surveyor?
7. Are the prints accompanying the Certificates from both the Director and the Council identified with the date of the Certificate and have all the prints been signed by the appropriate party? (See Regulation 46).
8. Has the application been drawn in the correct form?
If the most recent approval of plans and specifications is after 22/2/68 then new scheme. (Although major construction may have been completed prior to 22/2/68 additions may have been approved after that date).
9. Have all the necessary consents been obtained and the relevant duplicate instruments of title produced?

10. If the scheme is an existing one, are the lessee's and lessor's copies of the lease available? If the lessee's copy lost then an application to dispense with its production must accompany the strata application but advertising is dispensed with and no advertising fees charged.

If the lessor's copy lost then attach a letter or endorse on the back of the strata application stating the reason for its unavailability.

11. Is the strata application drawn in the correct form as laid down in the schedule to the Act? Pay particular attention to the consent form and make sure that the particulars of estate or interest are adequately described and are in "box type" layout.

12. Check that the address given for the Corporation is the actual address of the parcel and if the Council cannot supply a postal number the Broker or Solicitor could save a referral by adding a note to that effect on the back of the Strata Application.