

**Saskatchewan Land Surveyors' Association
Survey Project # 3 – The Subdivision Process and Title
Transfer**

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1.0 Introduction

As part of the articling process for the Saskatchewan Land Surveyors' Association (SLSA), a student is required to complete one or more projects involving the principals and procedures of land surveying. These are intended to be a test for the student as they work to become a member of the Association.

This paper will deal with the subdivision process. In order to create a new parcel of land from a bigger parcel, the subdivision process must be engaged. This paper will explain the course of action taken from the beginning of such a process to the production and approval of a plan. Specifically, it will deal with the subdivision process known as **parcel tie code removal**. Though a little different than the standard subdivision process, many of the methods employed are the same.

It will also delve into the methods for transferring title. Although there are many different situations that can arise when transferring title, this paper will deal with the situation specific to this project. Although this service was not required by the client in this individual case, a theoretical example will be given to outline the methods involved.

2.0 Background

Part of the Town of Maple Creek is located in the NE ¼ Section 15-11-26 W3. Although much of this quarter section is subdivided and owned privately, there are portions of land which are still considered part of this original quarter section. Because of the nature and location of the subdivisions within the quarter, the remaining parcel for the NE 15 has areas which are physically separated from each other, but all still owned by

the Town. The *Planning and Development Act, 1983* states that **‘a parcel of land that has been divided into two or more separate areas by a natural boundary, railway, or an approved plan of survey is deemed to be a single parcel of land’**. Because of this, parcels fitting this description have what is called a parcel tie code. A person can check whether parcel ties exist by looking at the bottom of the title for a parcel of land. In the ‘Notes’ section at the bottom of the title, it will say whether the parcel is tied to other parcels, and if it is, give the number(s) of the parcel(s) it is tied to. This means that before one of the areas can be sold as its own parcel, this parcel tie code must be removed. As well, in order to transfer the title to only one of these areas, the parcel tie code must be removed.

For this project, a text book situation existed for this type of subdivision. There were four separate areas of land which possessed the legal land description (LLD) of NE 15-11-26 W3. The Town had garnered interest in one of these areas (Parcel Number 153926815) and wanted to sell the land to a local business. It was at this point that they approached our firm inquiring about a survey. To do this, as mentioned previously, this parcel would have to be ‘untied’, if you will, from the other three parcels (Parcel Numbers 153926815, 145959654 and 153926826). It was found that there were two methods in place to remove parcel ties that did not in fact require any field survey. A text plan could be produced which removed the tie code, created a new parcel and allowed for the transfer of title to a new owner. It could also be done graphically. This type of plan is called a Descriptive Plan Type II. For this project, the latter method was chosen.

3.0 Subdivision Process

In order for this new parcel to be created, the subdivision process was carried out.

The basic subdivision process has three main steps:

- Obtaining approval from a Planning Approval Authority;
- Preparing a plan showing the new parcel; and
- Submitting that plan to the Controller of Surveys for approval.

This section will outline each of these steps, and describe how this process applied to this specific project.

3.1 Community Planning Approval

Before a subdivision plan is approved, it must first be presented to a Planning Approval Authority for review. For some cities in Saskatchewan, councils are given planning authority. For these cases, a proposed subdivision can be reviewed and approved/rejected by the respective city councils. For the rest of the province (rural municipalities, villages and towns), there are two planning authorities that can approve/reject proposed subdivisions; one for the Saskatoon Region (based in Saskatoon) and one for the Southern Region (based in Regina). The Town of Maple Creek falls in the Southern Region, and therefore forwards any business dealing with subdivisions to the office in Regina.

To have a proposed subdivision reviewed by the Planning Authority, anyone can prepare and submit an application. This application must consist of a completed Application to Subdivide (supplied by Community Planning and signed by the

landowner) and, in most cases, a Plan of Proposed Subdivision, signed by a land surveyor or planner, outlining the following:

- **the proposed location of the subdivision;**
- **the proposed dimensions of the subdivision;**
- **the proposed area of the subdivision;**
- **the location of any permanent structures within the proposed subdivision; and**
- **the location of any utilities within the proposed subdivision;**

For this particular project, however, the process was a little different. Although the Application to Subdivide had to be submitted as normal, a Plan of Proposed Subdivision was not required, but simply a letter stating that our firm's client requested the parcel tie, for their parcel of interest, be removed. As mentioned earlier, there were in fact four separate parcels that were tied together prior to this subdivision. Attached to the letter then were the four parcel pictures, generated from searches on the ISC website, graphically representing each of the four tied parcels and showing which parcel number applied to each one. This is the only type of subdivision for which parcel pictures from ISC can be used to depict the parcel being subdivided. It is actually shown on the Application to Subdivide Land.

The second part of the application was in fact the Application to Subdivide Land. This is a standard form which inquires as to the nature of the subdivision. It poses questions about the following things:

- **the location of the parcel;**
- **access to the parcel;**
- **the physical state of the parcel;**
- **the use of the land (present and intended)**
- **existing buildings on the parcel;**
- **the state of water, sewer and utilities on the parcel; and**
- **the use of the land surrounding the parcel;**

At the end of the application, there is a place to identify the land owner of the parcel and the land surveyor/planner/lawyer/agent in charge of the subdivision. The landowner will sign this document stating that the answers to the questions posed above are in fact true. Because the landowner in this case was a corporate body, the signature was made by an officer within that corporate body who has signing authority. For this project, that person was the Administrator of the Town of Maple Creek. A copy of the application to Community Planning can be found in **Appendix 'A'**.

When the application is received by Community Planning, the first thing they do is issue a letter of acknowledgement stating that they have received the application. It will outline any contacts that Community Planning has to make regarding the proposed subdivision, and alert the surveyor that contact may be made with them by these interested agencies. A copy of the letter of acknowledgement for this project can be found in **Appendix 'B'**.

Following this, they will review the request and decide whether or not the proposed subdivision is one that acts in the best interest of everyone involved. At this stage, planning will forward the application to other bodies that may be affected by the subdivision for a review of their own. These bodies could be any number of people or authorities. Some of the main ones are as follows:

- **the municipality (regarding specific bylaws) in which the subdivision is located (not really applicable to this particular one);**
- **Saskatchewan Health;**
- **Saskatchewan Environment;**
- **Saskatchewan Highways and Transportation;**
- **SaskEnergy;**
- **TransGas**
- **SaskTel; and**
- **SaskPower;**

Although these do not cover every body that may have an interest in a particular subdivision, these are the main bodies that have an interest in any kind of development happening in Saskatchewan. With this contact, Community Planning ensures that nothing is overlooked before they issue their approval or rejection, however the case may be.

Though up to this point, rejection and approval have been the only to decisions mentioned, there is another decision referred to as a **conditional approval**. This is fairly self explanatory in that the subdivision would be approved, subject to certain conditions.

For this project, this appears to be the type of approval obtained. Of the list above, SaskTel, SaskPower, SaskEnergy and Saskatchewan Highways and Transportation were contacted, as outlined in the acknowledgement letter received from Community Planning. During the planning approval process, our firm received correspondence from both SaskEnergy and TransGas stating their approval, but outlining conditions to which their approval was subject. Copies of this correspondence can be found in **Appendix 'C'**.

In the end, however, the proposed subdivision was approved by Community Planning. When the subdivision was approved, a **Certificate of Approval (COA)** was forwarded to our firm from Community Planning. This certificate approved the subdivision, and outlined the conditions put forth by each of the utility companies along with Highways and Transportation. A copy of this COA can be found in **Appendix 'D'**.

One thing that should be noted with this project and with any survey that involves the subdivision process is the length of time that it takes for the whole thing to be approved. An average length of time for Community Planning to do all of its contacts and approvals from outside bodies is approximately 90 days. This has to be taken into consideration when informing the client of what exactly must take place.

A second note for this project is the span of time which elapsed from the date of the initial application to Community Planning to the date of when the approval was received from Community Planning. The last time I checked, my eyes were pretty good, and what I see is that the application was sent on September 11, 2006. The COA appears to have the date February 15, 2007. This is a little more than 90 days; in fact it is 157 days. In contacting Community Planning about this issue, it was found out that the application seemed to have been buried under a stack of paper and was not addressed until we contacted them.

As there is a price for everything, there are fees for this application to Community Planning as well. The fees are \$150 for the basic application, plus \$100 per lot to be subdivided. For this particular case, as noted in the letter of acknowledgement from Community Planning, the total fee was therefore \$250.

3.2 Preparing the Plan

Although a plan cannot be submitted to the Controller of Surveys for approval until Community Planning approval is obtained, the plan can be prepared in the 90 (157) days that planning has the application. For this particular project, as mentioned earlier, the plan type required is called a Descriptive Plan Type II (DPII). This type of plan can be done by anyone, and is therefore is the lowest in the hierarchy of plan types. However, it still takes the form of most plans of survey in that it requires the following things:

- **A title block indicating the type of plan, the purpose of the plan, the location of the plan, the name of the person who prepared the plan, the date and the scale of the plan;**
- **A legend explaining the information portrayed with the plan;**
- **A north arrow for orientation; and**

- **Any other information that is pertinent to the affected parcel;**

The main difference between a DPII and a regular Plan of Survey is that no measurements are required to be taken before preparing a DPII. This is the reason that a DPII can be prepared by anyone. In order to prepare a Plan of Survey, a Saskatchewan Land Surveyor must make measurements to be shown on the plan, and verify that they are in fact true to the best of their knowledge. As mentioned in the previous reports, a sworn affidavit is submitted by the surveyor stating exactly that. For a DPII, no measurements are required and therefore no affidavit is required either. The only exception to this is if for some reason, field measurements were taken by the surveyor and shown on the DPII. For this case, an affidavit is required. However, this project did not include any measurements, and for this reason, no dimensions were shown on the new parcel created by the tie code removal.

3.3 Submission for Approval

Once the COA has been generated by Community Planning and the DPII has been prepared, the plan can be sent to e-business at ISC for approval by the Controller. As with most plans submitted to e-business, a packet must be created. The packet consists of documents required by ISC. The number of pages in a packet can vary from survey to survey. The first three pages are standard forms provided by ISC:

- The **Plan Processing Packet Cover Page** is always the first page in the packet. It is a unique (bar code) form on which the surveyor identifies themselves and indicates the number of pages in the packet. It also supplies ISC with a client reference number.
- The **Plan Processing Request** is always the second page in the packet. It is a form on which the surveyor identifies themselves once again, indicates the number of plans and support documents that are

submitted for examination and indicates the type of plan that is to be examined.

- The **Begin Attachment Sheet** is always the third page in the packet. It is basically a separator between the ISC forms and the rest of the packet.

All of these sheets can be downloaded from the ISC website. The rest of the packet consists of the surveyors own documents. For this project's submission, the packet consisted of three more documents attached to the first three explained above. The fourth page was a cover letter indicating the type of plan that was enclosed. This letter also served as a notification that a parcel tie was to be removed as this is the only way a surface subdivision can be shown on a DPII. The fifth page was the actual Descriptive Plan Type II and the sixth to ninth pages were a copy of the Certificate of Approval from Community Planning. A copy of this packet (including the plan) can be seen in **Appendix 'D'**.

Once the packet has been submitted, e-business will send an acknowledgement that it was received and in queue for examination by ISC. The acknowledgement for this project can be seen in **Appendix 'E'**.

Following this acknowledgement, the plan is checked by an examiner at ISC. If there are issues with the plan, then a memorandum will be sent back outlining what corrections need to be made. If the plan is satisfactory, it will be approved by the Controller. Once the plan is approved, a letter will be sent from ISC indicating that the plan has been examined and approved by the Controller. This is a cover letter for what is called a **Transform Approval Certificate (TAC)**. This certificate will display a **transform number** for use in transferring the title from the old owner to the new one. As well, the new parcel created by the plan will be given a number and a new LLD (as is

shown on the plan). Both of these things will be referenced later in the titling section of this paper. Following the reception of a TAC, the surveyor's work, in most cases, is complete. If the surveyor intends to transfer the title themselves, the process will continue using the TAC as a reference. For this project, no memoranda were received from ISC, and the TAC Cover Letter and TAC were received after the first submission. Copies of the TAC Cover Letter and the TAC can be found in **Appendix 'F'**

As with Community Planning, there are fees for plan approval at ISC as well. The basic fee for approval of a subdivision is \$225. On top of this there is a fee of \$50 per lot that is being subdivided, in our case 1. Also there is a basic 'access fee', of sorts, of \$10 to submit a packet. So, as noted on the acknowledgement from ISC, the total fees for this submission were \$285.

4.0 Titling Process

As mentioned previously, the titling process, for this case, begins following the approval of a plan. Though not a Plan of Survey in this case, the same rules apply. For this particular process, titling was not required by our client and if it was, it would not be complete at this time. However, the steps that should be taken will be outlined in this section.

Because the Town of Maple Creek's intent was to sell this parcel to another owner, the title for the parcel will have to be transferred to the new owner. There are many different situations that can arise and methods involved when transferring title. When a plan is approved, and new parcels are titled, it is called a transform; thus the

Transform Approval Certificate generated by the approval of a plan. In order to transfer the title based on an approved plan, one must submit a packet similar to that for a plan to e-business at ISC. Each sheet within the packet can be downloaded from the ISC website, in the 'Forms' section. The main points to remember for this particular case are that the body transferring the title (Town of Maple Creek) is a corporate entity; and that the parcel is being created by an approved plan, and therefore is a transform. This information narrows down the type of application that needs to be submitted. The following is a list of things, in the order that they would be placed, that would be included in the packet for our case:

1. Land Registry Packet Cover Page → this is a standard form which is placed at the start of the packet. It is uniquely identified by a bar code in the top right corner. This is not to be confused with the Plan Processing Packet Cover Page which, as mentioned above, is used for the submission of plans. The information supplied on this page would include our firm's client number, account number, account password and our job, or reference number.

2. Application for Transfer (Part I – Surrender) → this portion of the packet is where the application starts. It is basically a way of identifying what parcel is being transferred. It supplies you with **SIX** different options to do this, only **ONE** of which has to be completed. The first option on the form is to use a **Transform Number**. This option can be used only when you are dealing with a transform. For this project, this is what would be used. The transform number is supplied on the TAC from ISC. Also on this form is a place to indicate the **Application Sequence Number**. Because we are only submitting one application, the sequence number will be 1.

3. Transform Authorization (Corporate Entity with Seal Affixed and Two Signing Officers) → as is quite obvious by the title of this form, there are many different situations that could arise at this stage. This form is where the current landowner authorizes the transform of the title and indicates to whom the title will be transformed. Because our case is dealing with a **Corporate Entity**, authorized signing officers are required to sign this form. For our case, these officers would more than likely be the **Mayor** and the **Town Administrator** for the Town of Maple Creek. When dealing with a corporate entity, the corporate seal may be placed on this form as well.

4. Transform Affidavit of Value → this form places a value on the title being created. This number is obtained from a person who is qualified to appraise the parcel of land created by the title and who can legally state that the information they are providing is accurate. In some cases, a subdivision of land creates both a new parcel, and a remainder parcel. For these cases, the values of both the new and remainder parcels are required. In this case, however, no remainder parcel will be created by this subdivision and therefore only the value of the new parcel is required. The reason for placing a value on the title is to ensure accuracy in the fees charged by ISC for the transfer. Their fee schedule for transferring titles is based on the actual value of that title. For our case, the value of the title can be obtained by an appraiser in Maple Creek, at the cost of the Town of Maple Creek. As well, there must be a witness to the signing of the affidavit by the appraiser. In most cases, this witness would be a lawyer.

5. Application of Transfer (Part II – Setup) → this is the final form of the packet. It is where you provide information about the new owner of the title. At the top of the form you must indicate the **Transform Number** and the **New Parcel Number**. The new parcel number can also be obtained from the TAC supplied by ISC. Secondly, you will indicate how the new owners will hold the title, and what portion of the title they will own. In our case, there will be a single owner who owns the whole parcel. There is also a section here for indicating the value of the title. This must match the Affidavit of Value described above. The next section gives you two options for identifying the new owner. One is for new owners **with client numbers**, and the other is for new owners **without client numbers**. In our case, the new owner will also be a corporate entity, and therefore will have a client number. Finally, the last section inquires as to what state the new owner would like the title to be in when it is transferred. There are three options here:

- Transferred with **No Conditions** (No changes);
- Transferred with **Specific Conditions** attached;
- Transferred **Free and Clear** of any interest(s) registered against the current title;

These are things that would be discussed between the transferor and the transferee before the deal went through. As this has not actually occurred yet, there is no information, specific to this project, regarding this.

Following the submission of this packet, assuming of course that everything is done correctly, the title will be transferred at ISC and the appropriate changes made to the Land Registry. There is in fact an optional extra sheet that can be attached to the

submitted packet requesting a print of the title after it is transferred. A sample packet for title transfer for this project is attached in **Appendix 'G'**.

It should be noted that the process for title transfer here was specific to this project. There are many different combinations of title transfer packets that can be submitted to ISC, depending on the circumstances involved with that particular situation. The main thing to remember, however, is that that the process for submitting a plan for approval and the process for transferring a title are individual processes.

5.0 Conclusions

This project has stepped through the processes involved in subdividing land; from the initial contact with the client to the transferring of the titles. Although this specific subdivision was not a standard one, it presented a situation that one might not see every day and explained the differences. The fact that the process has not been seen through to completion in terms of title transfer may have limited some knowledge as to what problems may be encountered when moving through the titling process. However, the basic procedure was outlined and has provided a base of knowledge so that any problems encountered could be dealt with in an orderly fashion.

The fact that the TAC was not received until two days before the due date for this project could be construed as a bit of a learning experience in itself in that it has presented a factor (the planning factor) that must be taken into consideration and communicated when dealing with subdivision clients.

Overall, I feel this project has enabled me to methodically move through the subdivision process and has provided skills so that I could explain the process to a person who is not familiar with the industry.