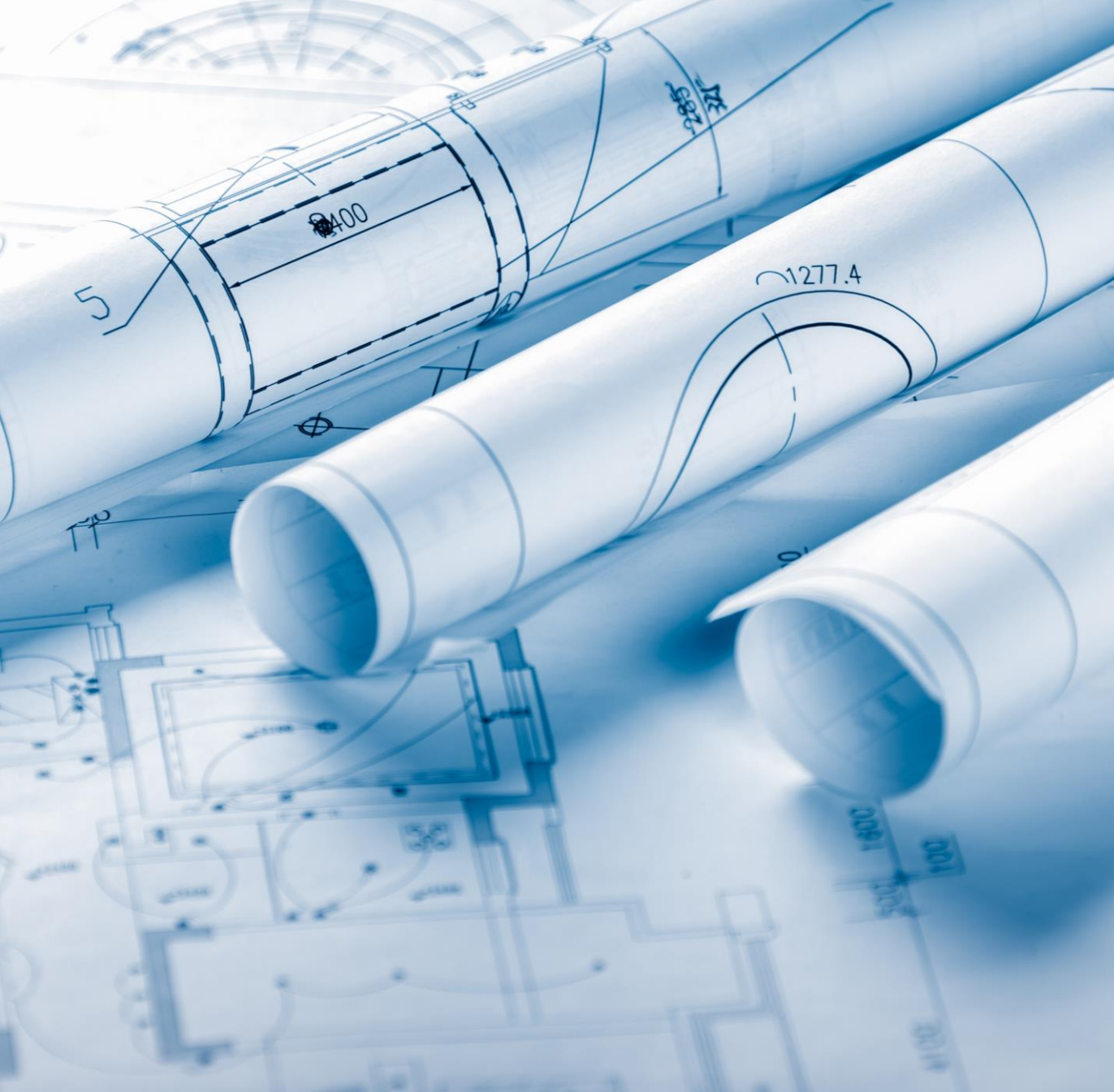




# **Jamaica Developers Association Applications and Services**

Presented by: Kelli-Ann Walker  
November 30, 2023



## OVERVIEW

- Deposited Plan Applications
- Surrender Section 77 Applications
- Restrictive Covenants
- Strata Title Applications
- Products & Services
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# 1. DEPOSITED PLAN APPLICATIONS

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# Deposited Plan Applications

- ☐ Subdivision plans must be deposited with the Registrar of Titles.
- ☐ The lots must not include unregistered land or encroachments.
- ☐ The lots and road alignment of the subdivision/ development must be done in full compliance with the approval of the relevant Municipal Corporation.
- ☐ The depositing of the subdivision plan does not confirm full compliance with the approved subdivision plan and conditions of approval.



# Deposited Plan Applications Cont'd

- I. **Application:** Cover Letter requesting Deposit of Plan
2. **Plan Subdivision Plan:** Prepared by a Commissioned Land Surveyor; showing the lots and roadways as well as marks on the ground of all lots and roadways and the alignment of the roadways in keeping with the approved subdivision plan. It must be pre-checked by the Director of Surveys before being deposited.
3. **Subdivision Approval and BluePrint:** Subdivision approval and blueprint, duly issued under the seal of the Municipal Corporation





# Deposited Plan Applications Cont'd

4. **Statutory Declaration re Road and Lot alignment:** Statutory declaration confirming road and lot alignment from Superintendent, Road & Works.
5. **Surveyor's Declaration:** Statutory declaration from a Commissioned Land Surveyor
6. **Registration Fees**
7. **Certificate of Compliance/Release of Titles:** directive to the Registrar to proceed with issuance of Titles (not mandatory at this time)\*\*\*





# **2. SECTION 77 SURRENDER APPLICATIONS**

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# Section 77 Surrender Applications

*What is a Section 77 surrender application?*

This application results in the issuance of splinter (subdivision) titles.

- The splinter titles will be issued in the name of the registered proprietor/ developer of the parent title.
- Encumbrances endorsed on the parent title are reflected (carried over) on the splinter titles
- Conditions of Approval and Restrictive Covenants are imposed from the Subdivision Approval



# Section 77 Surrender Applications Cont'd

## Required documents:

1. Application
2. Duplicate Certificate of Title
3. Plan- Deposited/Pre-Checked
4. Subdivision Approval & Blueprint
5. Certificate of Compliance/Release of Titles
6. Registration Fees
7. Statutory Declaration re Road and Lot alignment\*\*\*

## Section 77 Surrender Applications Cont'd

### *The Certificate of Title:*

- ❑ The land must be described by survey diagram
- ❑ Ensure that the parent title allows for subdivision and the type of development
- ❑ Where such covenants not to subdivide land allow for modification by the Municipal Corporation, then approval must be obtained from the Municipal Corporation prior to applying for splinter titles
- ❑ However where the covenant does not contain words to provide for modification by the Municipal Corporation, then an application must be made to the Supreme Court to modify the covenant



## Section 77 Surrender Applications Cont'd

### Sub-division Approval:

Consists of:

- ☐ Conditions of Approval
- ☐ Blueprint
- ☐ The developer must ensure that he/she is in full compliance with all conditions of approval.



## Section 77 Surrender Applications Cont'd

### *Statutory Declaration Re Road and Lot Boundaries:*

- ☐ Declaration usually from the Superintendent of Road and Works
- ☐ Confirms that the Road and Lot alignment have been checked and what exists on ground accords with the pre-checked plan submitted

## Section 77 Surrender Applications Cont'd

### *Certificate of Compliance/Release of Titles:*

- ❑ Conditions of approval usually direct that titles shall not be issued until the Municipal Corporation has certified that all works have been completed .
- ❑ Certificate of Compliance must be submitted along with the application to surrender in order for titles to be issued by the Registrar of Titles.
- ❑ If it is not submitted when the plan is deposited, Registrar will lodge caveat against the parent title.



# Section 77 Surrender Applications Cont'd

## Application Form:

- ☐ Description of Property
- ☐ Name of Applicant
- ☐ Portion being Surrendered (Area/Lots)
- ☐ Plan reference
- ☐ Value of Lots
- ☐ Execution
- ☐ Date



## Section 77 Surrender Applications Cont'd

### Amalgamation:

- ☐ The application can also be used to consolidate two or more parcels of land
- ☐ Parcels must be owned by the same registered proprietor(s)
- ☐ Once amalgamated, the subdivision requirements will now apply



# 3. RESTRICTIVE COVENANTS

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# Restrictive Covenants

## *What is a Restrictive Covenant?*

- ❑ An agreement between a Vendor and a Purchaser wherein the Purchaser covenants with the Vendor of land that he will not do certain acts in respect of the land.
- ❑ No covenant may be registered over land encumbered by a mortgage or charge, unless the consent of the encumbrancer is endorsed on the document.
- ❑ It is the responsibility of the attorneys and owners of land to obtain a copy of restrictive covenants to determine the condition of covenants.





# Restrictive Covenants Cont'd

## *Imposition of Restrictive Covenants*

Restrictive Covenants are usually imposed on a Certificate of Title by the :-

- ☐ Municipal Corporation; or
- ☐ Developer



# Restrictive Covenants Cont'd

## Modification or Removal of Restrictive Covenants

Restrictive Covenants may be modified on or removed from a Certificate of Title by:-

- ☐ An Agreement between the parties having an interest in the Covenant; or
- ☐ An Order of the Court





# Restrictive Covenants Cont'd

## Modification or Removal of Restrictive Covenants

The Agreement or Order of the Court must state:-

- ☐ The reference to the Certificate of Title.
- ☐ The number of the Restrictive Covenant to be modified or discharged.
- ☐ The nature of the modification (if applicable).







# 4. STRATA TITLE APPLICATIONS

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## *What is a Strata Title Application?*

- 
- GRAN CANAL**  
PARQUE RESIDENCIAL VIVIENDA SECTOR 1
- VARIANTE 1**
- DATOS DE VIVIENDA**
- |          |         |
|----------|---------|
| ESCALERA | 5       |
| VIVIENDA | PA      |
| PLANTA   | 1ª a 7ª |
| ESCALA   | 1:50    |
- SUPERFICIES DE VIVIENDA**
- | SUPERFICIES ÚTILES Planta 1ª a 7ª Excl. PA |               |
|--|---------------|
| 01 Salón-Comedor                           | 27.82         |
| 02 Cocina                                  | 10.15         |
| 03 Habitación 1                            | 13.52         |
| 04 Habitación 2                            | 10.08         |
| 05 Habitación 3                            | 10.16         |
| 06 Dorm. 1                                 | 3.74          |
| 07 Baño                                    | 3.79          |
| 08 Aseo                                    | 3.87          |
| 09 Terraza 1                               | 19.85         |
| 10 Terraza 2                               | 14.03         |
| <b>Total</b>                               | <b>117.12</b> |
- VARIANTE 2**
- DATOS DE VIVIENDA**
- |          |         |
|----------|---------|
| ESCALERA | 5       |
| VIVIENDA | PA      |
| PLANTA   | 1ª a 7ª |
| ESCALA   | 1:50    |
- SUPERFICIES DE VIVIENDA**
- | SUPERFICIES ÚTILES Planta 1ª a 7ª Excl. PA |               |
|--|---------------|
| 01 Salón-Comedor                           | 27.82         |
| 02 Cocina                                  | 10.15         |
| 03 Habitación 1                            | 13.52         |
| 04 Habitación 2                            | 10.08         |
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| 08 Aseo                                    | 3.87          |
| 09 Terraza 1                               | 19.85         |
| 10 Terraza 2                               | 14.03         |
| <b>Total</b>                               | <b>117.12</b> |



# Strata Title Applications Cont'd

## Registration (Strata Titles) Act:

- ❑ Facilitates individual ownership of units which form a part of multi-storied buildings.
- ❑ Provides an easy means of identifying the boundaries of strata lots; and
- ❑ Provides statutory easements and cross-easements of support and for the enjoyment of the property.



*Required Documents:*

1. Duplicate Certificate of Title
2. Application for Strata Titles
3. Strata Plan





# Strata Title Applications Cont'd

## Application Form:

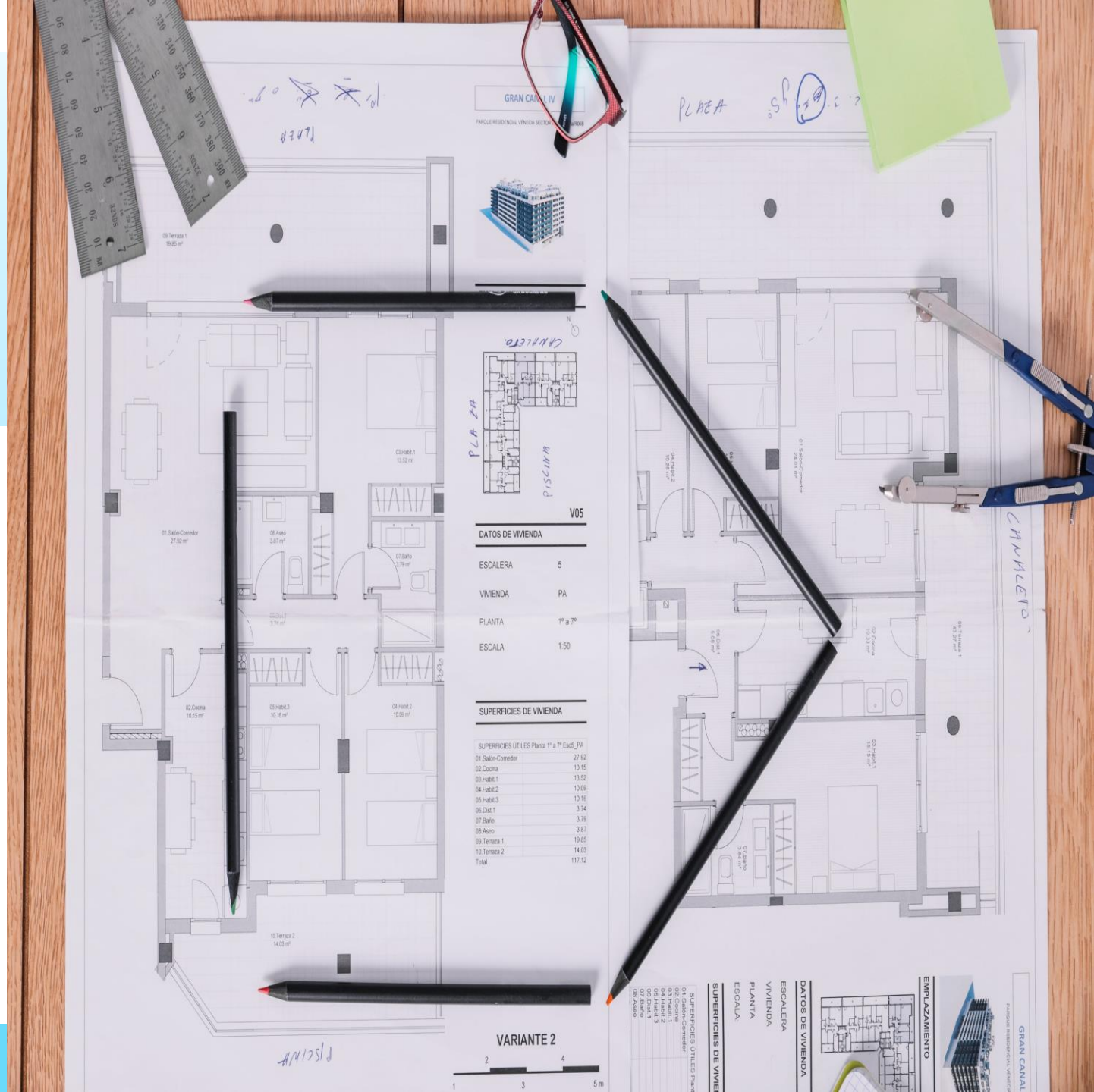
- ☐ Description of Property
- ☐ Name of Applicant
- ☐ Strata Lots
- ☐ Value of Lots
- ☐ Execution
- ☐ Date



# Strata Title Applications Cont'd

## Strata Plan:

- ❑ Delineates the strata lots of each building with boundaries defined by reference to the units' floors, walls and ceilings.
- ❑ In order to qualify as a strata one or more of the buildings on the Strata Plan must contain two or more floors having a separate entrance and ownership.
- ❑ Any part of the land and building comprised in a Strata Plan not included in a strata lot is common property







# Strata Title Applications Cont'd

## Unit Entitlement:

- ❑ This is an assessment of the approximate value of each unit in proportion to the value of the building.
- ❑ The strata plan contains a schedule specifying in whole numbers the unit entitlement of each strata lot and a number equal to the aggregate unit entitlement of all the strata lots.
- ❑ The unit entitlement of each strata lot is used to determine the proportion of the lot owner's contribution to maintenance and property taxes.
- ❑ It also determines each owner's share in the common property.





# Strata Title Applications Cont'd

## Strata Titles:

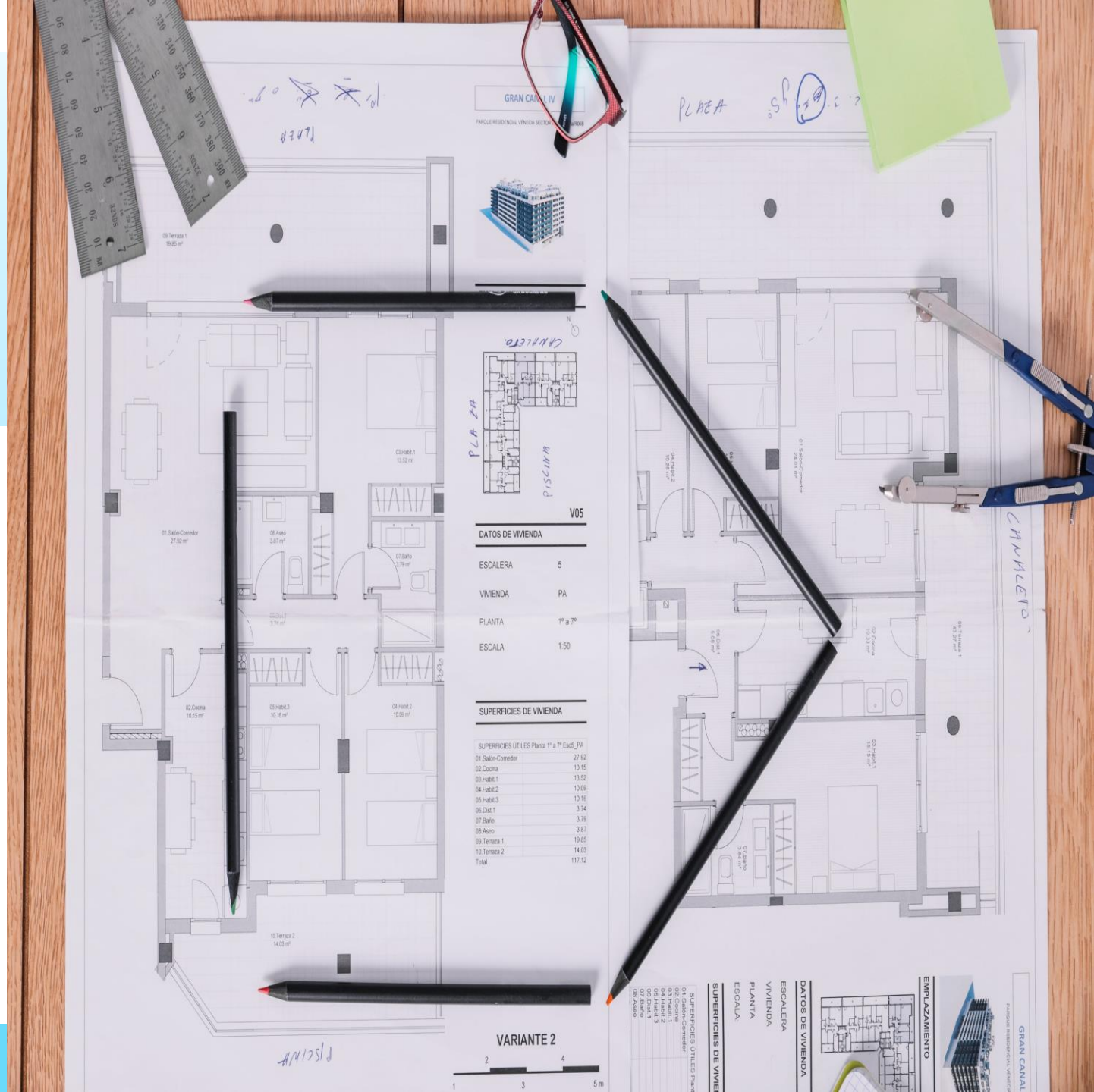
- ❑ Upon registration, any strata lot included in a Strata plan may be dealt with in the same manner and form as land under the Registration of Titles Act (i.e., mortgage, lease, transfer).
- ❑ The registered proprietor of a strata lot is also bound by the provisions of the Registration (Strata Titles) Act, e.g. payment of maintenance, adherence to by laws.



# Strata Title Applications Cont'd

## Strata Titles:

- ❑ The common areas are held by the strata lot owners as tenants-in-common in shares in accordance with their unit entitlement.
- ❑ The registered proprietor of each strata lot holds the strata lot subject to any interests affecting their strata lot **and** any amendment to strata lots or common property notified or shown on the registered Strata Plan.





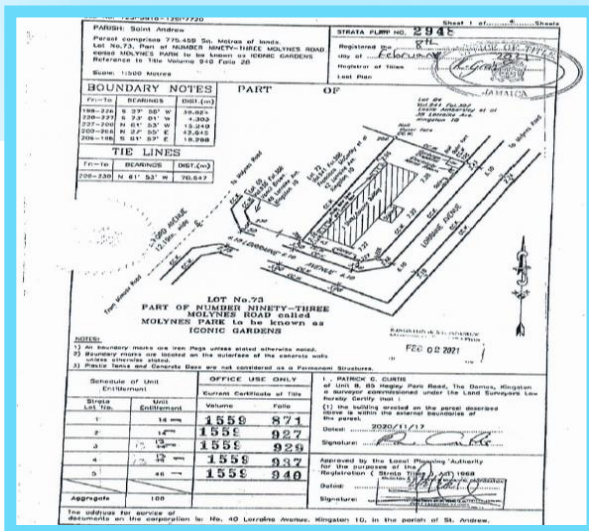
# Strata Title Applications Cont'd

## The Strata Corporation:

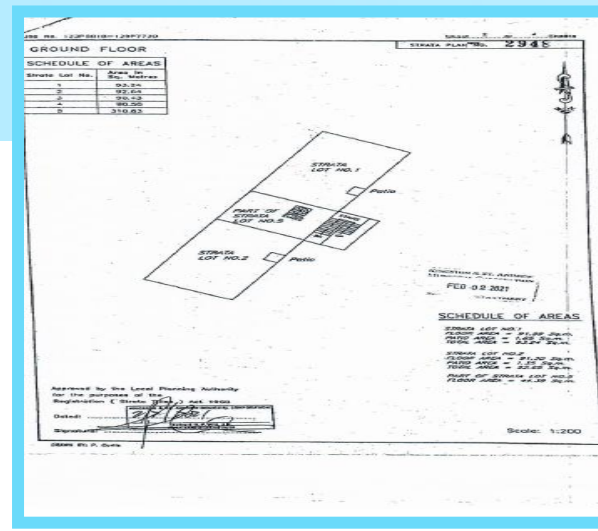
- ❑ Upon registration, the proprietors of all strata lots in the Strata Plan become a corporate body under the name "The Proprietors, Strata Plan No," ( with the appropriate number of the strata plan inserted in the blank space).



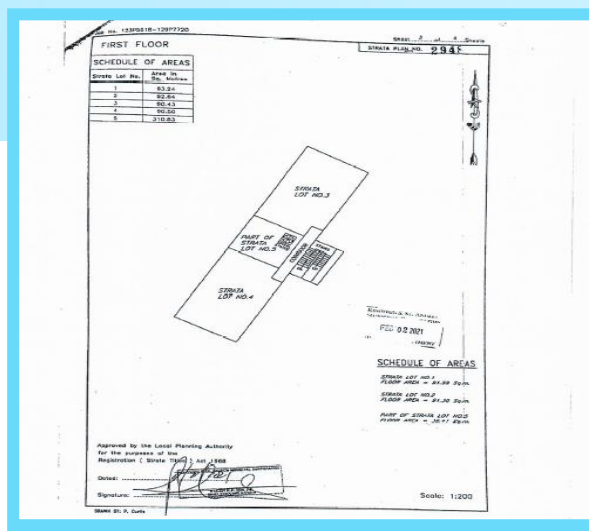
# STRATA SAMPLES



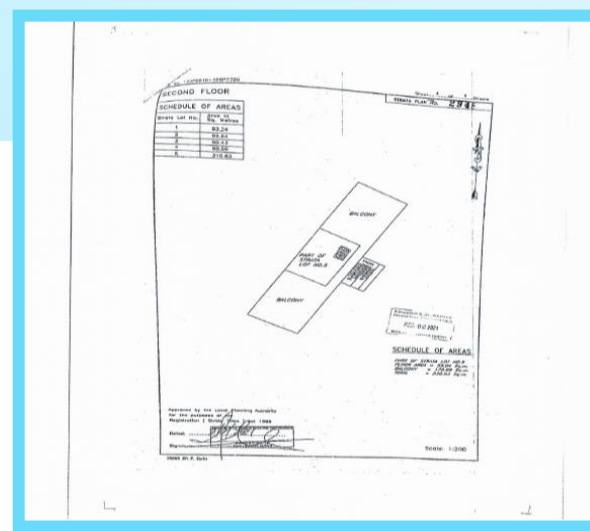
Boundary Plan



Ground Floor



First Floor



Second Floor



# Strata Title Applications Cont'd

## Key Elements of a Strata Plan:

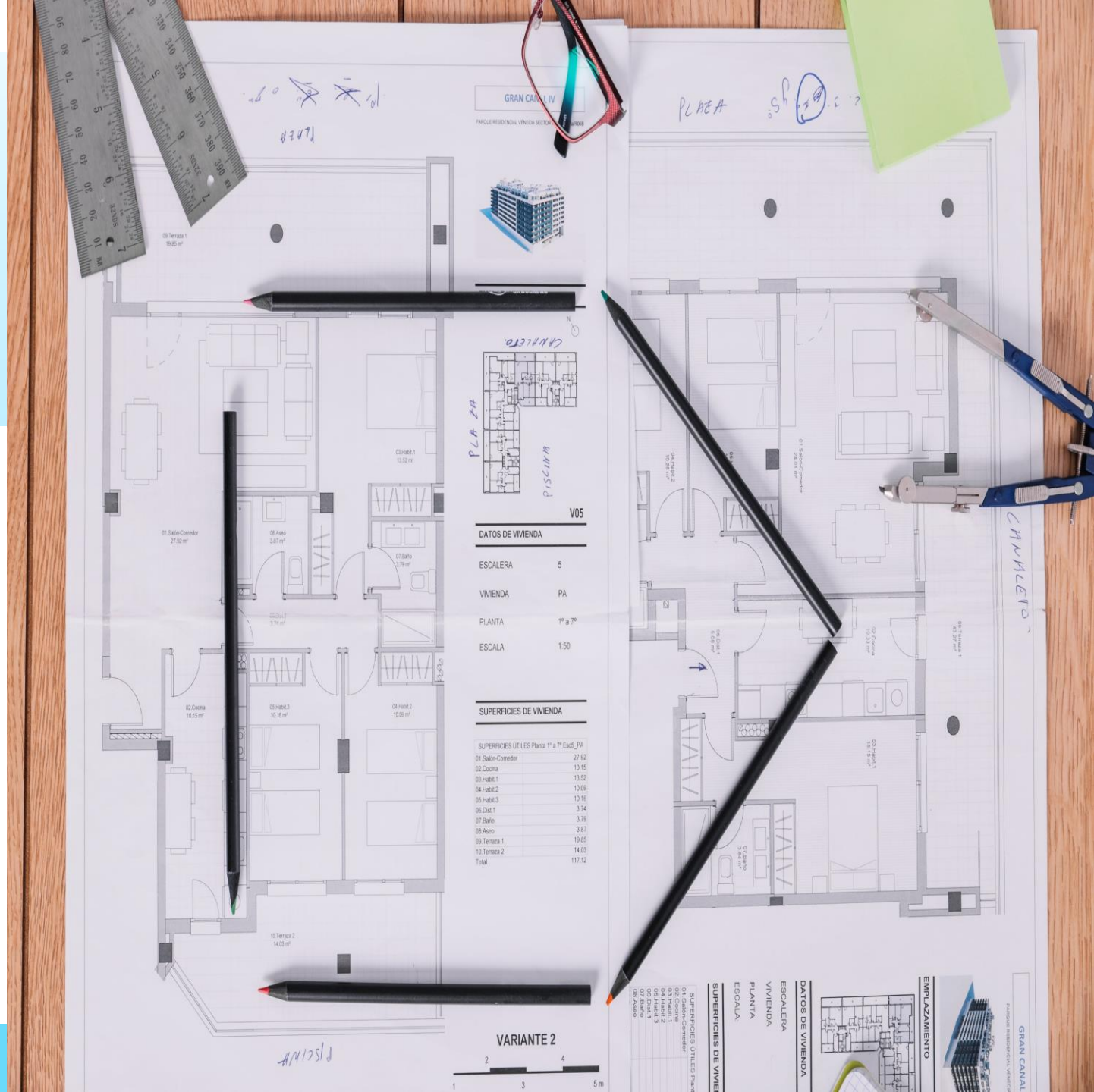
- ☐ Description of Property
- ☐ Unit Entitlement
- ☐ Address for Service
- ☐ Ensure that all Lots are accounted for



# Strata Title Applications Cont'd

## By Laws:

- ☐ By-laws regulate all aspects of strata ownership;
- ☐ provides for the control, management, administration, use and enjoyment of the strata lots and the common property of stratas;
- ☐ Strata lot owners and mortgagees are obligated under the Act to observe and perform the by-laws;





# Strata Title Applications Cont'd

## By Laws:

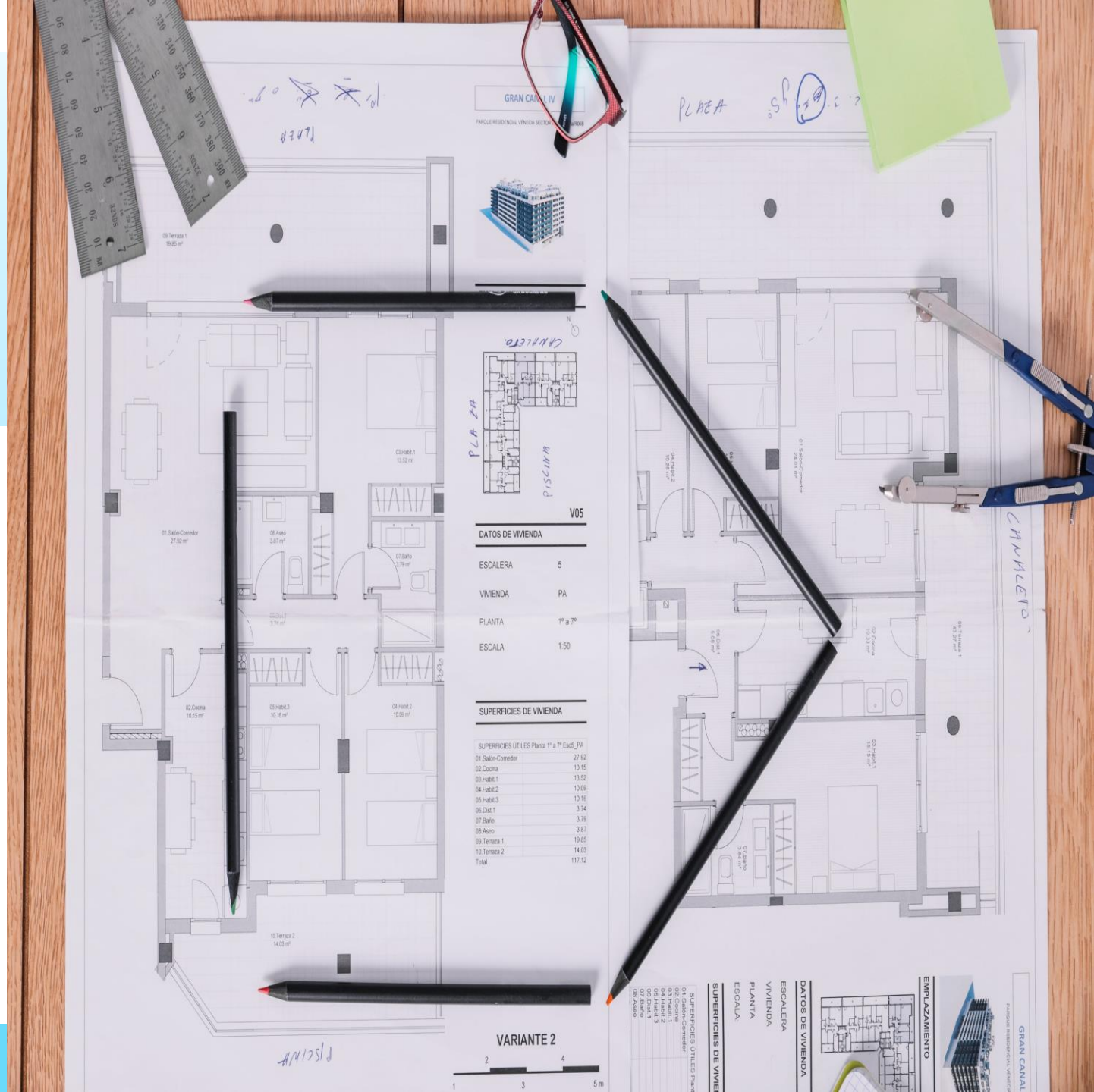
- ❑ The Act provides that the by-laws contained in its First and Second schedules shall be enforceable against a Strata Corporation immediately upon registration of its strata plan
- ❑ If amendments are never made, the First and Second schedule by-laws will always apply
- ❑ The by-laws contained in the Second Schedule may be amended by a resolution passed by a simple majority vote.
- ❑ A simple majority occurs when a majority of the strata lot owners (or their proxies) who are present at the general meeting have voted in favour of the resolution to amend, provided a quorum (half) was present.



# Strata Title Applications Cont'd

## By Laws:

- ❑ An amendment to the by-laws must not violate the right to transfer, mortgage or lease nor destroy or modify any statutory easement.
- ❑ No by-law shall have effect until it has been lodged with the Registrar of Titles and the Registrar has notified the Corporation that he has made reference to it on the relevant strata plan.

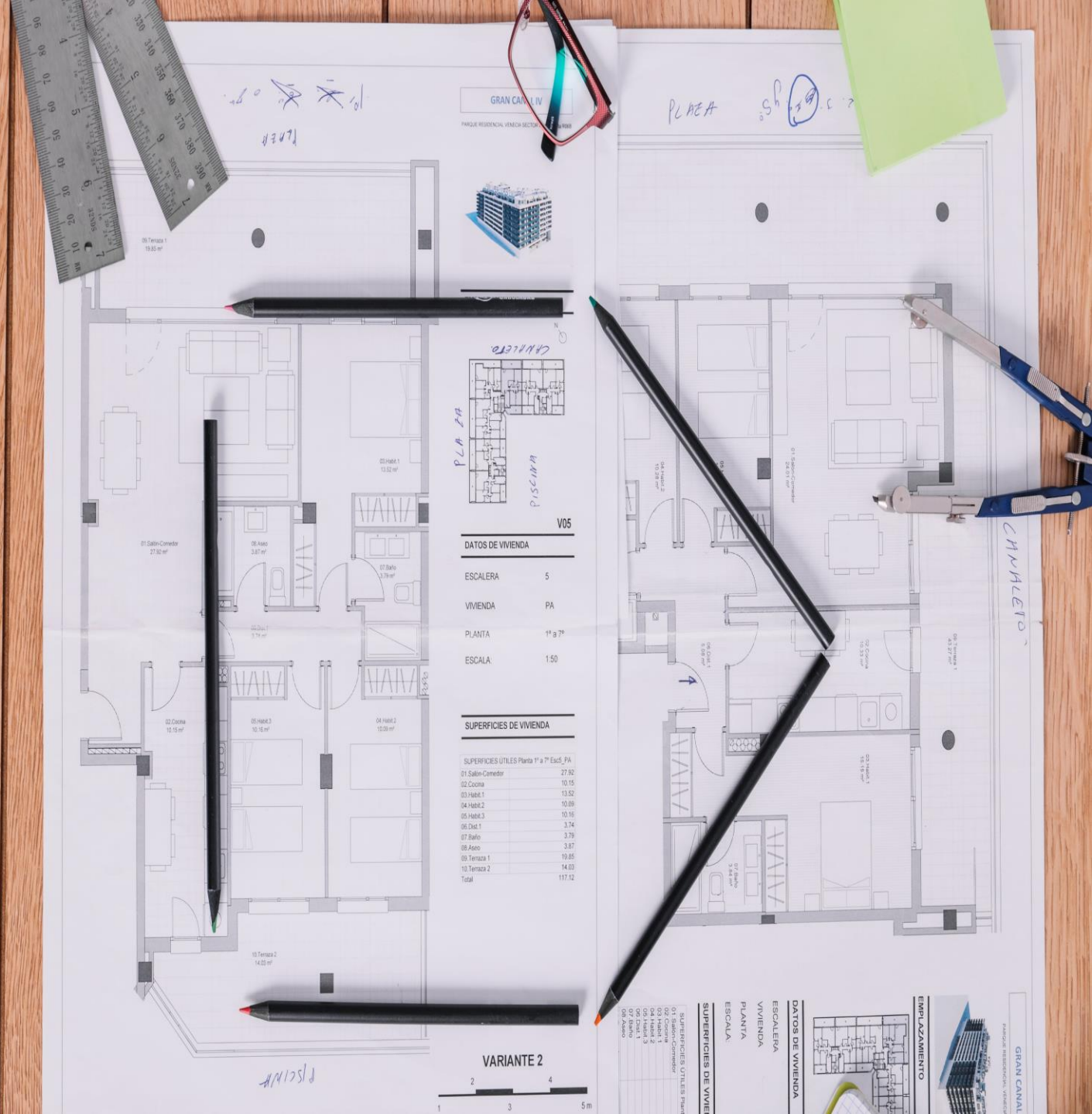




# Strata Title Applications Cont'd

## Miscellaneous:

- ❑ Title Can Not be Issued in the Name of the Strata Corporation
  - The Act does not permit a title to be issued in the name of the strata corporation; rather it is issued in the name of all the registered proprietors as tenants in common. However, the Strata Corporation can act as the transferor or lessors or as the party to a specific action.





# 5. PRODUCTS & SERVICES

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# Products and Services

## I. Express & Expedition Services

### a) Memorandum

- i. Express: reduced to 2 working days  
(single transactions and free of cost)
- ii. Expedition: reduced to 24 hrs

### b) New Title

- i. No Plan: reduced to 5 working days
  - ii. With Plan: reduced to 10 working days
- New Title



## Products and Services Cont'd

2. **Simultaneous Lodgement**
  - a) Lodgment of plans for pre checking and issuance of certificates of title – 33 Working days
3. **Special Projects**
  - a) Matters are pre-checked and vetted, then processed— 1 Weekend







# THANK YOU

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