

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No. 15 OF 1991.

REGULATIONS

MADE by the Minister under section 16 of the Strata Titles Registration Act, 1971, (No. 25 of 1971).

(Gazetted 4th April, 1991.)

1. These Regulations may be cited as the —

STRATA TITLES REGISTRATION REGULATIONS, 1991. Short title.

2. In these Regulations —
“Act” means the Strata Titles Registration Act, 1971; and
“Registrar” means the Registrar of Titles. Interpretation.
No. 25 of 1971.

3. The Registrar shall keep a register of strata plans and shall record therein particulars of all strata plans lodged in his office for registration pursuant to the Act. Register of strata plans.

4.—(1) Every strata plan lodged in the office of the Registrar for registration — Mode of preparation and composition of strata plan.

(a) shall be prepared on one side of water-marked tub-sized azure laid ledger paper containing not less than 60 per cent rag fibre and being of not less substance than 113 grammes per square metre (50 pounds per 500 sheets of double demy (20 inches x 31 inches)) and not less bursting strength than 50 pounds per square inch (with a tolerance of 20 per cent); the paper shall not be creased and shall be free from discoloration or blemishes, shall measure 15 ½ inches in length by 10 inches in width and shall have clear margins on the face of each sheet of not less than 1 ½ inches on the left hand side and not less than ½ an inch on the right-hand side, at the top, and at the bottom;

(b) shall comprise —

- (i) a first sheet in the form prescribed as Form 1 in the Schedule (using annexures thereto where necessary) on which shall be set out the matters prescribed by Section 7 (1) (c), (d), (h) and (i) of the Act; and
- (ii) further sheets containing the particulars required by Section 7 (1) (e), (f), (g) and (i) of the Act.

(2) Each further sheet of a strata plan shall be endorsed in the top right-hand corner — “sheet..... of sheets”.

Act No. 16 of
1988.

(3) The diagram prescribed by section 7 (1) (c) of the Act shall be drawn with the north point directed upwards and shall be to a scale which will admit of all details and notations being clearly shown and such diagram shall show offsets in any case where part of the building is within six feet of a boundary of the parcel but no other dimensions shall be necessary. The external surface boundaries of the parcel shown in any such diagram shall, if the Registrar of Titles so requires, be defined by a plan of survey prepared in accordance with the Land Survey Act, 1988.

(4) Any floor plan prepared for the purposes of section 7 (1) (f) of the Act shall be drawn with the north point directed upwards and shall be of a size which will admit of all details and notations being clearly shown.

(5) The strata lots shall be numbered consecutively, commencing with strata lot 1 and terminating with a strata lot numbered to correspond to the total number of strata lots comprised in the strata plan. Different parts of a building which constitute a single strata lot shall bear the same strata lot number.

(6) The Schedule specifying the unit entitlement of each strata lot pursuant to section 7 (1) (h) of the Act shall include on the right-hand side a column of not less than 1½ inches in width to enable insertion of references to the certificate of title in respect of each strata lot in the strata plan, and the vertical interval between items in such schedule shall be not less than 3/10 inches.

(7) Typewriting may be used if the characters are typed with a dense black non-copying record ink and the lines of typewriting do not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread or are liable to mark or damage an adjacent sheet shall not be lodged.

(8) Handwriting shall be clear and legible and in permanent black non-copying ink.

(9) Printing, writing or drawing shall not extend into any margin.

(10) Alterations shall be made by striking through the matter intended to be rejected and not by rubbing, scraping or cutting the surface of the paper.

Certificates
required to be
endorsed on or
accompany strata
plan.
Act No. 16 of
1988.

5. Every strata plan lodged for registration shall be endorsed with or accompanied by a certificate —

(a) of a land surveyor commissioned under the Land Survey Act, 1988, that the building shown on the strata plan is within the external surface boundaries of the parcel, and where eaves or guttering project

beyond such external boundaries, that an appropriate easement has been granted as an appurtenance of the parcel; where such certificate is not endorsed on the strata plan it shall be in the form of Form 2 in the Schedule;

Form 2.

- (b) of the Development and Planning Corporation, (if the parcel is in an area to which a development order under the Town and Country Planning Act, 1975 applies) that permission to carry out development of the kind shown in such strata plan has been granted.

Act No. 17 of 1975.

6. Every application for registration of a strata plan shall indicate the name and postal address of the registered proprietor (or, where at the time of such application the land comprised in the strata plan is not under the operation of the Title by Registration Ordinance, the name and address of the person in whose name the certificate of title is to be issued) and of the party by whom the plan is lodged and shall be produced by delivery to the proper officer at the office of the Registrar accompanied by the duplicate certificate of title, if any, for the parcel.

Form of application.

Cap. 222.

7. Registration of a strata plan shall be effected by notifying under the seal of the office of the Registrar on the first sheet thereof the fact and date of such registration.

Registration of strata plan.

8. The Registrar shall endorse on the certificate of title issued for each strata lot in a strata plan a notification that by virtue of the provisions of the Title by Registration Ordinance, the proprietor holds his lot and his share in the common property subject to any interests affecting the same for the time being notified on the registered strata plan and subject to any amendments to strata lots or common property shown on that plan.

Endorsement of notification under the Title by Registration Ordinance on certificate of title.

9. The Registrar, after such enquiry and notices, if any, as he may consider proper and upon the production of such evidence and the compliance with such requests, if any, as he may think necessary to require or make, may —

Alteration of registered strata plan.

- (a) number or re-number any strata lots in a registered strata plan;
- (b) supply omissions and correct patent errors in a registered strata plan;
- (c) amend a registered strata plan in such other manner as he may think proper.

10. Every instrument other than the certificates referred to in regulation 5 lodged with the Registrar for the purposes of the Act or these regulations, shall comply with the requirements specified in regulation 4 (1) (a), (7), (8), (9) and (10).

Instruments to comply with Regulation 4.

Form of certificate under the seal of the corporation.

Form 3.
Form 4.

Form of notification of destruction of building.

Form 5.

Form of notification pursuant to section 9(5) of the Act.

Schedule.
Form 6

Order of court appointing administrator and order made pursuant to Regulation 25 may be lodged with Registrar.

Registration of transfer

Registration of lease.

Registration of easement or restrictive covenant.

Endorsement on registered strata plan of nature of instrument.

11. A certificate under the seal of a corporation

(a) pursuant to section 11 (3) of the Act shall be in the form or to the effect of Form 3 in the Schedule; and

(b) pursuant to section 12 (3) of the Act shall be in the form or to the effect of Form 4 in the Schedule.

12. A notification of destruction of a building given by a corporation pursuant to section 14 (1) (a) of the Act shall be in the form or to the effect of Form 5 in the Schedule.

13. A notification given by a corporation pursuant to section 9 (5) of the Act shall be in the form or to the effect of Form 6 in the Schedule.

14.—(1) Any person appointed as administrator pursuant to section 13 of the Act may lodge with the Registrar an office copy of the order of the court making such appointment.

(2) A Corporation may lodge with the Registrar an office copy of an order made by the court pursuant to regulation 25.

(3) On receipt of any such office copy the Registrar shall endorse on the relevant registered strata plan a notification referring thereto, containing such particulars as appear to the Registrar to be necessary, and signed by him.

15.—(1) The Registrar shall register a transfer pursuant to section 11 of the Act by issuing to the transferee a certificate of title for the land transferred.

(2) Where a parcel is transferred by the corporation after the building is destroyed the proprietor shall surrender to the Registrar their duplicate certificates of title for cancellation and the Registrar, after cancelling the certificates of title relating to the strata lots, shall register the transfer by issuing to the transferee a certificate of title for the land transferred.

16. The Registrar shall register a lease pursuant to section 11 of the Act by noting it on the registered strata plan in the manner prescribed by regulation 18.

17. The Registrar shall register the instrument creating an easement or restrictive covenant pursuant to section 12 of the Act by noting the same on the registered strata plan.

18. On lodgment of an instrument executed by the corporation pursuant to section 11, 12 or 14 of the Act there shall be endorsed on the relevant registered strata plan a memorial stating the nature of the instrument and such other particulars as appear to the Registrar to be necessary, and such memorial shall be signed by the Registrar.

19. On lodgment at the office of the Registrar of a plan of sub-division of common property comprised in a registered strata plan it shall not be necessary to produce to the Registrar the certificates of title for the strata lots comprised in such registered strata plan.

Plan sub-division of common property comprised in registered strata plan.

20. Upon receipt of a notice in or to the effect of Form 5 in the Schedule the Registrar shall endorse on the relevant registered strata plan a notification of the destruction of the building and of the vesting of the parcel in the proprietors. The notification shall contain such particulars as appear to the Registrar to be necessary and shall be signed by him.

Endorsement of notification of destruction on strata plan. Schedule.

21. Where a parcel has been transferred by the corporation after the building is destroyed the Registrar —

Cancellation of registered strata plan.

- (a) shall enter on the relevant registered strata plan a notification of the cancellation thereof; and
- (b) shall indicate by appropriate charting upon any relevant plan that such registered strata plan has been cancelled.

22. Upon receipt of a notification in or to the effect of Form 6 in the Schedule the Registrar shall endorse on the relevant registered strata plan a memorial of such notification. The memorial shall contain such particulars as appear to the Registrar to be necessary, and shall be signed by him.

Endorsement of notification of amendment of By-Laws on strata plan. Schedule.

23. Where a proprietor's interest is subject to a registered mortgage and the mortgagee has given written notice of his mortgage to the corporation, any power of voting conferred on a proprietor by or under the Act —

Exercise of power of voting.

- (a) shall not in any case where a unanimous resolution is required, be exercised by the proprietor but shall be exercised by the mortgagee first entitled in priority;
- (b) may in any other case other than that referred to in paragraph (a) be exercised by the mortgagee first entitled in priority, and shall not be exercised by the proprietor when such mortgagee is present personally or by proxy.

24.—(1) Where a building is insured to its replacement value a proprietor may effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by mortgages charged upon his strata lot.

Policy of insurance may be effected by proprietor in respect of any damage to his strata lot.

(2) Where any such policy of insurance is in force, then, subject to the terms and conditions of the policy, the insurer shall be liable to pay thereunder to the mortgagees whose interests are noted thereon, in order of their respective properties —

(a) the value stated in such policy; or
(b) the amount of the loss; or
(c) the amount sufficient, at the date of the loss, to discharge mortgages charged upon the strata lot, whichever is the least amount.

(3) Where the amount paid by an insurer in accordance with paragraph (2) is sufficient to discharge a mortgage charged upon the strata lot the insurer shall be entitled to a transfer of that mortgage.

(4) Where the amount paid by an insurer in accordance with paragraph (2) is less than the amount necessary to discharge a mortgage charged upon the strata lot the insurer shall be entitled to an assignment of an interest (to the extent of the amount paid by him) in such mortgage to secure the amount so paid on such terms and conditions, if any, as were agreed upon under paragraph (7) or, failing agreement, on the same terms and conditions as those contained in the mortgage by the proprietor.

(5) Where a building is uninsured, or has been insured to less than its replacement value, a proprietor may —

- (a) effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the replacement value of his strata lot less any amount for which his strata lot is insured under any policy of insurance effected on the building;
- (b) notwithstanding any existing policies, effect a policy of insurance in respect of damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by mortgages charged upon his lot, and the provisions of paragraphs (2), (3) and (4) shall apply in respect of any payment pursuant to such policy as they apply to a policy effected pursuant to paragraph (1).

(6) For the purposes of paragraph (5) the amount for which a strata lot is insured under a policy of insurance effected in respect of the building shall be determined by multiplying the value stated in such policy by the unit entitlement of the strata lot and dividing the product so obtained by the sum of the unit entitlements of all strata lots.

(7) For the purposes of paragraph (4) and of sub-paragraph (b) of paragraph (5) any insurer and mortgagee or mortgagees may at any time, whether before or after a policy of insurance has been effected by a proprietor, agree upon the terms and conditions of the assignment of an interest.

(8) Nothing in this regulation limits the right of a proprietor to insure against risks other than damage to his strata lot.

(9) The policy of insurance authorised by this regulation and taken out by a proprietor in respect of damage to his strata lot shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised by this regulation and taken out in respect of damage to the same strata lot.

25.—(1) Where the building is damaged but is not destroyed within the meaning of section 14 (2) of the Act, the court may by order settle a scheme, including provisions —

Order by Court to settle a scheme for damage to buildings.

(a) for the reinstatement in whole or in part of the building;

(b) for transfer of the interests of proprietors of strata lots which have been wholly or partially destroyed to the other proprietors in proportion of their unit entitlement.

(2) In exercise of its powers under this regulation, the court may make such orders as it thinks necessary or expedient for giving effect to the scheme, including orders —

(a) directing the application of insurance moneys received by the corporation in respect of damage to the building;

(b) directing payment of money by the corporation or by proprietors or by some one or more of them;

(c) directing such amendment of the strata plan as the court thinks fit, so as to include in the common property any accretion thereto;

(d) imposing such terms and conditions as it thinks fit.

(3) For the purposes of this regulation an application may be made to the court by a corporation or by a proprietor or by a registered mortgagee of a strata lot.

(4) On any application to the court under this regulation any insurer who has effected insurance on the building or any part thereof (being insurance against destruction of strata lots or damage to the building) shall have the right to appear in person or by counsel.

(5) The court may from time to time vary any order made by it under this regulation.

SCHEDULE

FORM 1

(Regulation 4)

STRATA PLAN
STRATA TITLES REGISTRATION ACT, 1971

(a) Description of land as in certificate of title. State if whole of land or part.

External surface boundaries of the parcel and location of the building in relation thereto to be delineated space opposite.

†delete inappropriate

PARISH Parcel comprises (a)		Strata Plan No.	
Reference to Title Volume	Folio	Registered the	
Scale		day of 19 Registrar of Titles Last Plan	
Schedule of Unit Entitlement		OFFICE USE ONLY	
		I,	
		of	
		a surveyor commissioned	
		under the Land Survey	
		Act hereby certify that	
		(1) the building erected on	
		the parcel described	
		above is within the external	
		boundaries of the parcel subject to	
		†clause (2) of this certificate;	
		†(2) eaves or guttering of	
		the building project	
		beyond external boundaries	
		and an appropriate easement has	
		been granted as an appurtenance of the	
		parcel by registered	
		transfer No.	
		Dated	
		Signature	
		Approved by the local	
		planning authority for the	
		purposes of the Strata	
		Titles Registration Act.	
		Dated	
		Signature	
AGGREGATE			
The address for service of documents on the corporation is			

FORM 2

(Regulation 5)

SURVEYOR'S CERTIFICATE

STRATA TITLES REGISTRATION ACT, 1971

Description of parcel

I, of
a surveyor commissioned under the Land Surveys Act, 1988 hereby certify that:

- (1) the building erected on the parcel described above is within the external boundaries of the parcel * subject to clause (2) of this certificate;
- * (2) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted as an appurtenance of the parcel by registered Transfer No.....

Dated

*Omit if inappropriate.

Signature

FORM 3

CERTIFICATE OF A CORPORATION (Regulation 11 (a))

STRATA TITLES REGISTRATION ACT, 1971

In pursuance of the provisions of the Strata Titles Registration Act, 1971 The proprietors of strata plan No..... hereby certify that the proprietors of the strata lots in the said strata plan by unanimous resolution duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having registered interests in the parcel and all other persons having interests (other than statutory interests) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument and that such instrument conforms with the terms of the aforesaid resolution.

Instrument + Transfer (or as the case may be) dated.....

.....
(Brief description of the land disposed of)

The common seal of the proprietors, Strata Plan No.....was

hereunto affixed on
in the presence of

.....
.....
(Members of Executive Committee)

Notes (1) If, in the case of a lease, interested parties have approved in writing of the execution of the lease but have not consented in writing to the release of their interests in respect of the demised land, delete the words "have consented in writing to the release of those interests in respect of the land comprised in such instrument".

(2)+ Insert a description of the nature and date of the instrument and the names of the parties thereto.

FORM 4 (Regulation 11 (b))

CERTIFICATE OF A CORPORATION

STRATA TITLES REGISTRATION ACT, 1971

In pursuance of the provisions of the Strata Titles Registration Act, 1971 the proprietors of Strata Plan No. hereby certify that the proprietors of strata lots in the said strata plan by unanimous resolution, duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having registered interests in the parcel and all other persons having interests (other than statutory interests) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument.

Instrument: + Transfer (or as the case may be) dated.....

.....
.....

(Brief description of land effected)

The common seal of the proprietors, Strata Plan No. was hereto affixed on

in the presence of:

.....

(Members of Executive Committee)

+ Insert a description of the nature and date of the instrument and the names of the parties thereto.

FORM 5

(Regulation 12)

NOTIFICATION OF DESTRUCTION OF BUILDING

STRATA TITLES REGISTRATION ACT

In pursuance of section 14 (1) (a) of the Strata Titles Registration Act, the proprietors of Strata Plan No.....hereby certify that the building illustrated on the said strata plan has been destroyed.

Attached hereto is + a certified copy of the unanimous resolution of the proprietors pursuant to section 14 (2) (a) of the said Act.

+An office copy of the declaration made by the Court pursuant to section 14 (2) (b) of the said Act.

The common seal of the proprietors, Strata Plan No.....was hereto affixed on in the presence of

.....
.....
(Members of Executive Committee)

+ Delete whichever is inappropriate.

FORM 6

(Regulation 13)

NOTIFICATION OF AMENDMENT OR VARIATION OF BY-LAWS

STRATA TITLES REGULATION ACT

In pursuance of section 9 of the Strata Titles Registration Act, the proprietors — Strata Plan No..... unanimously passed the following resolution —

(Set out resolution)

The common seal of the proprietors, Strata Plan No.....
was hereto affixed on the
in the presence of

.....
(Members of Executive Committee)

Note: Delete the word "unanimously" if not applicable.

Made this 20th day of March, 1991.

JENNER B. M. ARMOUR
*Attorney General
and Minister for Legal Affairs.*

DOMINICA

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