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Strata Property Act

**BARE LAND STRATA PLAN
CANCELLATION REGULATION**

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Interpretation

1 In this regulation:

"approving officer" means an approving officer as defined in the *Land Title Act*;

"owner" means an owner as defined in the *Land Title Act*.

Application

2 (1) The owners of the land within a bare land strata plan may apply to the registrar to cancel the plan.

(2) An application to cancel a bare land strata plan must be in the form required by the registrar, and must include

- (a) the date of deposit of the plan in the land title office, its number and the description of the land within the plan,
- (b) a statement as to whether the land is situated in a certain municipality or in a rural area,
- (c) a statement of the improvements to and the occupation of the land in the plan,
- (d) a statement of the assets, other than the common property, and the debts and liabilities of the strata corporation,
- (e) proposals for the vesting or other disposition of the land in the

plan, including the common property and improvements, upon cancellation,

(f) proposals for the vesting or other disposition of the assets of the strata corporation, other than the common property, upon cancellation,

(g) proposals for the winding up of the affairs of the strata corporation, including the discharge of all debts and liabilities, and

(h) the name, occupation and post office address of each owner and the description of the land owned by each owner.

(3) An application to cancel a bare land strata plan must be accompanied by

(a) a certified copy of an unanimous resolution of the strata corporation that the plan be cancelled,

(b) subject to subsection (4), a written consent to the cancellation from each owner of a charge or encumbrance against the land in the plan,

(c) all documents that are required to carry out the proposals for vesting or other disposition of the land in the plan, and

(d) an affidavit of an owner of land in the plan, verifying the contents of the application.

(4) The registrar may accept an application to cancel a bare land strata plan that has not been consented to by all the owners of charges against the land in the plan if the interests of the owners who have not consented to the cancellation will not be affected by the cancellation.

Prohibition

3 (1) Subject to subsection (2), no bare land strata plan shall be cancelled unless

(a) the documents referred to in section 2 (3) (c) comply with the requirements of the *Land Title Act*,

(b) the debts and liabilities of the strata corporation have been extinguished, and

(c) all taxes, assessments and charges levied on the owners of land within the plan have been paid.

(2) Where the documents referred to in section 2 (3) (c) include a subdivision plan, the registrar may receive but not deposit the subdivision plan prior to it being approved by an approving officer.

Cancellation of plans

4 (1) Subject to subsection (2), the registrar shall, upon receipt of an

application that complies with the requirements of this regulation and the *Land Title Act*,

- (a) cancel the bare land strata plan,
- (b) register the documents referred to in section 2 (3) (c), issue a new certificate of title and amend his records accordingly, and
- (c) declare the strata corporation dissolved.

(2) Where an application to cancel a bare land strata plan complies with the requirements of this regulation and the *Land Title Act* but is accompanied by a subdivision plan that has not been approved by an approving officer, the registrar shall

- (a) approve the application, subject to approval of the subdivision plan by an approving officer, and
- (b) upon approval of the subdivision plan by an approving officer
 - (i) cancel the bare land strata plan,
 - (ii) register the documents referred to in section 2 (3) (c), issue a new certificate of title and amend his records accordingly, and
 - (iii) declare the strata corporation dissolved.

[Provisions of the *Strata Property Act*, S.B.C. 1998, c. 43, relevant to the enactment of this regulation: section 292 (2) (y)]