

Circular letter No: 2/2017

Ref: Circulars / LSC27
21.08.2017

To all Registered Licensed Surveyors,

**Surveys Carried Out Under the Apartment Ownership Law
(Condominium Properties)**

(A) Evolution of Condominium Law in Sri Lanka

Condominium Property Surveys Introduced recently could be classified more or less as another branch of Land Surveying. The first piece of legislation in this regard was first enacted as “The Condominium Act No 12 of 1970.” The purpose was to break up multi storied properties into different independent units. This Act No 12 of 1970 was later repealed. Act No 11 of 1973 was enacted in place. Assuming this act No 11 of 1973 as the Principal Act, Act No 45 of 1982 and 39 of 2003 as amendments to the Principal Act were enacted.

One of the important amendments introduced by the act No: 45 of 1982 [section 12(b)] is to allow, buildings partly completed or any building yet to be erected, to be brought under the Condominium Property Law and dispose of or sell the condominium units (which are now called condominium parcels) according to the wishes of the owner. Most of the amendments given in Act No 45 of 1982 are again amended or repealed by Act No 39 of 2003. This act while introducing the concept of Provisional Condominium and Semi Condominium also introduced the system of bringing single story buildings also under the Condominium Law.

Common Amenities Board Law No 10 of 1973 was enacted to create the Common Amenities Board for the control, management, maintenance and Administration of the common amenities and common elements of condominium properties. Amendment Act No 25 of 2003 was enacted in order to change the name to Condominium Management Authority (CMA) and giving it more powers in the control and management of condominium properties.

While the CMA exercises its statutory powers in the management of Common Amenities and Common Elements of condominium properties .the Surveyor General shall exercise his statutory powers under section 2 of survey Act No 17 of 2002 to regulate the survey activities and preparation of condominium plans.

(B) Land Survey Council

(For plans out side the areas declared under Title Registration Act)

The Land Survey Council (LSC) in which the Surveyor General is the ex-officio chairman, do not intend to interfere directly with survey activities performed by the Licensed Surveyors (RLSS). They are professionally qualified and are

capable of independently performing their duties by adhering to the legal enactments published from time to time. The following are some guidelines intended to bring in some uniformity among the RLSS in the preparation of condominium plans. The RLSS may refer to these guidelines if ever they need some guidance in the preparation of Condominium Plans.

(C) Guidelines

(i) Extracts of selected pages of a condominium plan accepted and permit issued recently by the CMA are annexed here with for your reference. Kindly refer to the Notes on the first page of this plan. The surveyors are not expected to certify regarding the title to land which forms the Condominium Property. There for the Surveyor may request the client to obtain a Title Report from a lawyer and make the endorsement in his plan giving reference to the Title Report. Similarly regarding building, usage the client may be requested to give a written declaration regarding the usage he is planning for. The surveyor prepares his plan from the information he could gather, in field and from documents available to him. He is not expected to make elaborate searches in the Land Registry, may be with the exception of lands in special Registration Areas.

(ii) Though it is clearly stated in section 6 .5 .(4) of Amendment Act 39 of 2003 that the common boundary on any condominium parcel with another condominium parcel shall be the centre of the floor, wall or ceiling some surveyors prefer to repeat this information for each and every boundary description in the boundary schedule. If necessary the surveyor could give a common statement as a foot note re this boundary matter as shown in page 8 of the annexed extract of the condominium plan.

(iii) It is a statutory requirement for CMA to see that, for instance if it is a residential property, the unit should have a lobby, bed room , pantry and a toilet as a minimum requirement. There for it may be necessary to show the internal partitions, describe them as lobby and so on and cliché them together. The units may be shaded with different colors for clarity. But it is not mandatory.

(iv) Condominium plan need to be submitted to the CMA in triplicate. 2nd and 3rd copies respectively to the Land Registry and CMA. Original is given to the owner.

(v) According to section 6(3) of the amendment Act No 39 of 2003 an accessory parcel is a separate part of a building or a separate land area where the vertical dimension is “open to the sky”.

(vi) In the condominium plan that is in the first page of the annexed extract the surveyor should show only the Lot or Lots that form the condominium property. He should not show any other lots in that plan.

(vii) the numbering of condominium parcels may be in the following manner:

1A(F0,F1)P1

1A is Building A in Lot 1

F0,F1 The condominium parcel is in both ground floor and first floor

P1 is Parcel No 1

(viii) In some buildings there is a Mezzanine Floor which can be represented as Fm.

Specially in hilly areas there can be several floors below ground level (ground floor). These floors can be represented as F-1, F-2 and so on.

(ix) Sub para (5)(1)(0) states that share value need to be in whole numbers. Section 12 & 20 of the Principal Act respectively refers to the procedure to be followed in sub division or amalgamation or terminating condominium properties. The latter need to be referred to District Courts. There are some amendments to these two sections in the Act No 39 of 2003.

(x) The floor area, for working out the share value, includes the area covered by the walls. This is different to carpet area. That is the free space available for use. This is mainly for commercial purposes

$$(xi) \text{ Share Value} = \frac{\text{Unit Area} + \text{Area of accessory units attached}}{\text{Total Unit Area} + \text{Total of accessory areas}} \times 100$$

(D) While in the preparation of condominium plans if the surveyors come across any technical problems or any clarification about this circular they should be referred to the LSC.


P.M.P. Udayakantha

Chairman (LSC) / Surveyor General

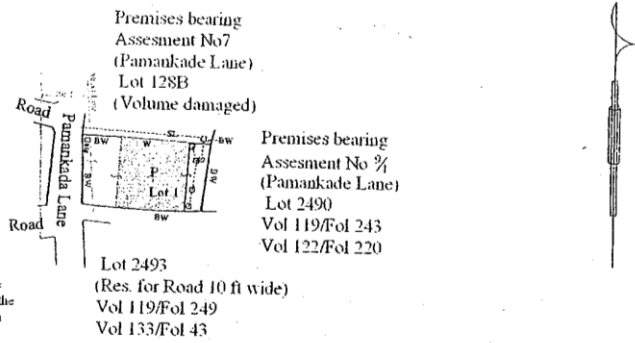
Copy to : General Manager, CMA - for information, further to LSC's letter
No: LSC/12 of 2017-01-09.

Annexture 1

Page 1 of
8 Pages

Condominium Plan No :1161

Licensed Surveyor



Note
(1) There by certify that all condominium parcels erected in this condominium property are within the horizontal surface boundaries of the condominium property
(2) I certify that all condominium Parcels shown in this condominium plan in relation to the external surface boundaries of the condominium property are within the condominium property and are in compliance with the approved building plan No ME PEH BA 107 07 of 15.6.2007 and the sub Division plan approved by the authority for the time being responsible for the approval of such plans
(3) Title to land derived on deed No 1264 dated 12.9.2004 Registered in Colombo Land Registry Volume 174 Folio 92 as certified by M.P.C.Joseph Notary Public

- REFERENCE**
- [P] :- Permanent Building
 - CP :- Concrete Fence Post
 - BW :- Boundary Wall
 - W :- Wall of the Building
 - :- Man Hole
 - (SL)--: Sewage Line

SCALE 1 : 1000

PLAN

of an allotment of land called Madangahawatta marked Lot 1 bearing Assmt Nos 9, 9 1/4, 9 3/4, 9^A 9^A 1/4 & 9^A 2/4 (Pamankada Lane) being a re survey of lot 7387 depicted in plan No 1142 dated 3.3.2006 made by Silva Reg Licensed Surveyor in Registration plan No 2 Wellawatta Volume 174 Folio 92 situated at Wellawatta, in Ward No 46 Pamankada West within the Municipal Council Limits of Colombo in Palle Pattu of Salpiti Korale

Description and usage of the building :- Three storied building with six residential units and concrete roof top

**Colombo District
Western Province**

Containing in extent 0.0306 Hectares or A.0 R.0 P.12.1

Bounded on the

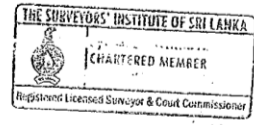
- North by :- Premises bearing Assesment No7(Pamankade Lane) Lot 128B (Volume damaged)
- East by :- Premises bearing Assesment No 9/4 (Pamankade Lane) Lot 2490 Vol 119/Fol 243, Vol 122/Fol 220
- South by :- Lot 2493 (Res. for Road 10 ft wide) Vol 119/Fol 249, Vol 133/Fol 43
- West by :- Pamankada Lane

Surveyed on 25.6.2016

Surveyed and Drawn by

Registered Licensed Surveyor

25.6.2016

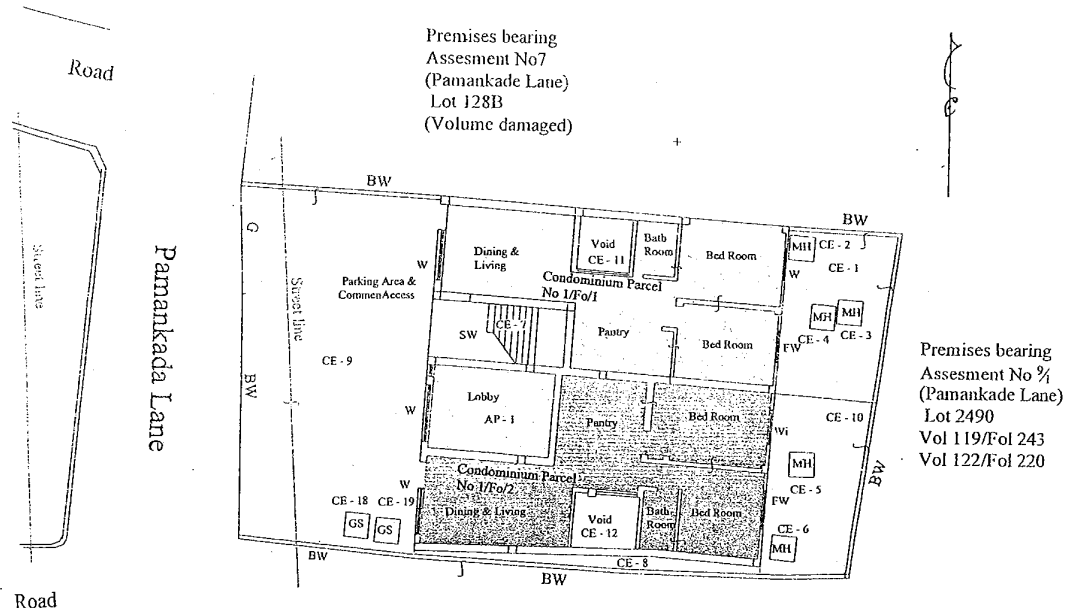


Annexture 2

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8 Pages

Condominium Plan No 1161



Premises bearing
Assesment No7
(Pamankade Lane)
Lot 128B
(Volume damaged)

Premises bearing
Assesment No 7/4
(Pamankade Lane)
Lot 2490
Vol 119/Fol 243
Vol 122/Fol 220

Lot 2493
(Res. for Road 10 Ft wide)
Vol 119/Fol 249
Vol 133/Fol 43

- REFERENCE**
- BW :- Boundary Wall
 - AP :- Accessory Parcel
 - E :- Common Element
 - PEHB :- Projected External Horizontal Boundary
 - SW :- Stair Way
 - G :- Gate
 - WT :- Water Tank
 - Wi :- Window
 - FW :- French Window
 - MH :- Man Hole
 - GS :- Ground Sump

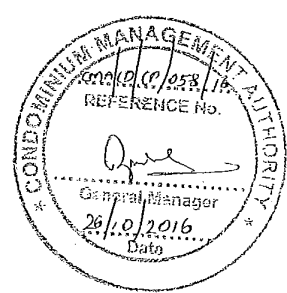
SCALE 1 : 200

PLAN

Of the Ground Floor with appurtenant land and their components Viz

- (a) Condominium parcels marked 1/Fo/1
- (b) Common Elements Marked CE-1, CE-2, CE-3, CE-4, CE-5, CE-6, CE-7, CE-8, CE-9, CE-10, CE-11, CE-12, CE-18 & CE-19
- (c) Accessory parcels marked AP-1,

- Note
- (i) For details of Common Elements See page 7
 - (ii) For details of Accessory Parcels See page 8

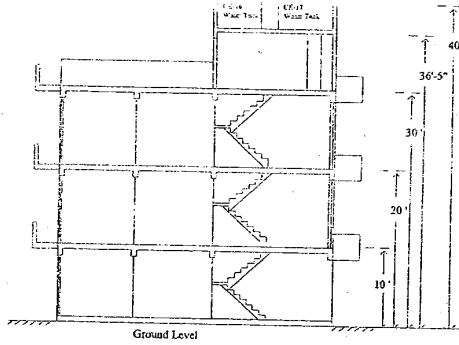


Annexture 3

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8 Pages

Condominium Plan No 1161



REFERENCE
CE :- Common Element

SCALE 1 : 200

PLAN

Of the vertical Section

(a) Common Elements CE-16 & CE-17

Note

(i) For details of Common Elements See page 7



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Annexure 4

Page 7 of
8 Pages**Condominium
Plan No 1161****1 (A) Statutory Common Elements of the condominium property**

- (a) in relation to any Condominium property which is comprised in any plan approved by the authority for the time being responsible for the approval of such plan means so much of the land for the time being not comprised in any parcel shown in a condominium plan ; and
- (b) Unless otherwise described specifically as comprised in any parcel in a condominium plan and shown as capable of being comprised in such parcel includes :-
- (i) Foundations, columns girders, gardens and external beams, supports, main walls, roofs, walls, lobbies , corridors, girders, stairs, stairways, fire escapes, entrances, exits, of the building or buildings ;
 - (ii) Car parks, recreational or community facilities, gardens, parking areas, roofs and storage space ;
 - (iii) central and appurtenant installations for services such as power, light, gas, hot, and cold water, heating, refrigeration, fire control
 - (iv) escalators, lifts, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use ;
 - (v) premises for use by security guards, caretakers, and watchmen;
 - (vi) all facilities described as common elements in any plan for a condominium development approved by the authority for the time being responsible for such approval, and all facilities which may be shown in a legend of a condominium plan as common elements ; and

1 (B) Definition and description of Common Elements which are delineated on pages 2 to 4

- CE 1 - Common open space to be used exclusively by the owners of condominium parcel 1/ F0 /1
- CE 2 to CE 6 - Man Holes of Sewage line for the Common use by the owners of all the condominium parcels in this Condominium Plan
- CE 7 - Stairway for the common use by the owners of all the condominium parcels in this Condominium Plan
- CE 8 - Open space for the common use by the owners of all the condominium parcels in this Condominium Plan
- CE 9 - Common Parking area and means of access for the common use by the owners of all the condominium parcels in this Condominium Plan
- CE 10 - Common open space for the exclusive use by the owners of the condominium parcel No 1/ F0 /2
- CE 11 - Void open to the sky for light & Ventilation to condominium parcels No 1/ F0 /1, 1/F1/1, & 1/F2/1
- CE 12 - Void open to the sky for light & Ventilation to condominium parcels No 1/ F0 /2, 1/F1/2, & 1/F2/2
- CE 13 - Balcony for the exclusive use by the owners of condominium parcels No 1/F1/1 & 1/F1/2
- CE 14 - Balcony for the exclusive use by the owners of condominium parcels No 1/F2/1 & 1/F2/2
- CE 15 - Roof top slab for the common use by the owners of all the condominium parcels in this Condominium Plan
- CE 16 - Common Water Tank for the exclusive use by the owners of condominium parcel No 1/F2/1
- CE 17 - Common Water Tank for the exclusive use by the owners of condominium parcel No 1/F2/2
- CE 18 - Common Ground Sump for the exclusive use by the owners of the condominium parcel No 1/F2/1
- CE 19 - Common Ground Sump for the exclusive use by the owners of condominium parcel No 1/F2/2



Registered Licensed Surveyor

25.6.2016

Annexture 5

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8. Pages

Condominium Plan No 114

Schedule of Boundaries of Condominium Parcels and Accessory Parcels

CP : Condominium Parcel
CE : Common Elements
AP : Accessory Parcel

Condominium or Accessory Parcel No	North	East	South	West	Zenith	Nadir	Approximate Floor Area in m ²	Total floor area of this CP in m ²	Share - tage
Condominium Parcel No 1/F/0/1 (Assmt No 9, Panankada Lane)	Premises bearing Assmt No 7 (Panankada Lane) Lot 128 th	CE-1	CP No 1/F/0/2 and CE-7	CE-9 and CE-7	Floor of CP No 1/F/0/2	Floor of CP No 1/F/0/1	61	77	17%
Accessory Parcel No AP/1	CE-7 Stair way	CP No 1/F/0/2	CP No 1/F/0/2	CE-9	Floor of CP No 1/F/1/2	Floor of this AP-1	16		
Condominium Parcel No 1/F/0/2 (Assmt No 9 A, Panankada Lane)	AP-1 and CP No 1/F/0/1	CE-10	CE-8	AP-1 and CE-9	Floor of CP No 1/F/1/2	Floor of CP No 1/F/1/2	65	65	15%
Condominium Parcel No 1/F/1/1 (Assmt No 9 1/1, Panankada Lane)	Space over Premises bearing Assmt No 7 (Panankada Lane)	CE-13	CP No 1/F/1/2 and CE-7	Space over CE-9 and CE-7	Floor of CP No 1/F/2/1	Floor of CP No 1/F/1/1	64	64	14%
Condominium Parcel No 1/F/1/2 (Assmt No 9A 1/1, Panankada Lane)	CP No 1/F/1/1 and CE-7	CE-13	Space over CE-8	Space over CE-9	Floor of CP No 1/F/2/2	CP No 1/F/1/2	89	89	20%
Condominium Parcel No 1/F/2/1 (Assmt No 9 2/1, Panankada Lane)	Assmt No 7 (Panankada Lane)	CE-14	CP No 1/F/2/2 and CE-7	Space over CE-9 and CE-7	Floor of CE-15	Floor of this CP No 1/F/2/1	64	64	14%
Condominium Parcel No 1/F/2/1 (Assmt No 9A 2/1, Panankada Lane)	CP No 1/F/2/1 and CE-7	CE-14	Space over CE-8	Space over CE-9	Floor of CE-15	Floor of this CP No 1/F/2/2	89	89	20%
Total							490		100

Note :- Unless otherwise stipulated in this condominium plan The common boundary on any condominium parcel with another condominium parcel, accessory parcel or with the common elements shall be the centre of the floor, wall or ceiling as the case may be. There is an exception to common elements 1,8,9 and 10 whose respective boundaries are the outer surface of the limiting walls of the condominium parcels 1/F/0/1 and 1/F/0/2

Registered Licensed Surveyor

25.6.2016

