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**CHAPTER XVIII****CONDOMINIUM PROPERTY SURVEYS**

- 18.1** Condominium Property Surveys are carried out for registering the legal interests in Condominium property under the provisions of the Apartment Ownership Law No. 11 of 1973 as amended by the Apartment Ownership (Amendment) Act. No. 39 of 2003. Condominium Properties are those where multiple ownership arises due to the construction of storied building with several independent parcels for separate occupation.
- 18.2** The sections of the above law, which are relevant for the preparation of plans of such surveys, are reproduced in Annexure 1 and a specimen plan is given in Annexure 2.
- 18.3 This law envisages the following among other aspects:**
- (a) A survey plan to be prepared for each property to be registered as a Condominium Property.
  - (b) Ownership of individual parcels by separate owners.
  - (c) Possibility of allocation of separate sections to such individual parcels as accessory parcels.
  - (d) Ownership of common elements such as common areas and common facilities in the Condominium Property to be held in common by all the owners of the individual parcels.
  - (e) All the individual Owners to form into a legal body called a management corporation for the proper management of the Condominium Property. Such management corporation to function in terms of the Rules set out in the First Schedule and the owners of the individual parcels to be bound by the Rules in the Second Schedule to act No. 3 of 2003.
  - (f) Possibility of allocation by the management corporation of parts of common elements for the exclusive use of particular owners of parcels.
  - (g) Registration of Condominium Property in a separate Register called a "Register of Condominium Property" (such registration is possible even at the stage when a storied building to be divided into separate parcels for separate occupation is proposed)
- 18.4** The following are the components that should be included in a Condominium Plan:
- (a) Ground Plan - This is a normal survey plan showing the boundaries of the land, positions of the buildings there in and other details normally shown on a survey plan.

- (b) Vertical section of each sub-divided building.
- (c) A separate plan for each floor indicating the parcels into which the buildings are sub-divided, any accessory parcels and common elements that can be shown on plan.
- (d) Tenement List for (a) above
- (e) Tenement List for the parcels.
- (f) Tenement List for the accessory parcels
- (g) Tenement List for the common Elements

**18.5** Condominium Plans should be prepared on Quarter Field Sheets for the issue of Preliminary Plans, Extracts of B.S., Supplements to FVP, etc. Snr.S.S. will certify two printed copies; one marked the 'Original' and the other the 'Duplicate' for issue to the client organization.

### **18.6 Ground Plan.**

**18.6.1** Section 1 of the plan and Tenement List page 1 shown in Annexure 2 refer to this. The plan should be headed Condominium Plan and may be drawn to any convenient scale. The plan and the lots shown therein should be numbered as a survey, which does not involve a Condominium Property.

**18.6.2** The following special requirements should be noted.

- (a) Prior registration reference pertaining to the property should be verified from the relevant Land Registry and the Volume and Folio numbers should be indicated by a note on the plan. (Official free searches will be allowed for the Survey Department staff for this purpose on application to the Registrar of lands).
- (b) The surveyor should insert a special certificate on the plan conforming to Sections 5(1)(i)(k) and 5(4)(a). (Annex 1)
- (c) The bounds should be described in the remarks column of the Tenement List as shown in the specimen.

### **18.7 Vertical Section**

**18.7.1** A vertical section should be drawn for each building even though several buildings may conform to the same section. Some of the measurements required for this may be obtained by angle and distance measurements and others by distance measurements alone. All such measurements should be recorded in field books.

Height of floors and thickness of floors and ceilings should be shown on plan. A fairly large scale such as 1/100 or 1/200 will be needed to show the floors and ceilings of each storey.

## 18.8 Parcels

**18.8.1** Each floor of the sub-divided buildings should be shown separately and the individual parcels shown therein. Measurements pertaining to each such parcel should be clearly recorded in the field books and linear measurements shown on plan. Sufficient linear measurements should be taken to completely delineate the individual parcels.

**18.8.2** The number assigned to a parcel should consist of the following components for purposes of clarity:

- (a) Lot number of the survey plan to indicate the location of the building.
- (b) Alphabetical letter distinguishing the particular building, the buildings being identified as A, B, C, etc.
- (c) Reference to the floor in which the parcel is located, the floors being identified as follows:

Basement	-	FB
Ground Floor	-	FO
Mezanine Floor	-	FM
Ex: First Floor	-	F1
Second Floor	-	F2

- (d) Reference to the individual parcel as U1, U2, etc. numbered for each floor.

**18.8.3** Thus the complete parcel number will take the following form:

1A/FO/U1

**18.8.4** If a particular parcel consists of parts in different floors, the following procedure should be adopted:

- (a) The part of parcel in each floor will be shown in the plan of the particular floor with a reference to the section showing the floor in which the balance part of the parcel is shown.
- (b) The parcel number will consist of the numbers that would have been assigned to each component part, had each one of those been a separate parcel. Thus, parcel No. 2A/FO/U1/2A/F1/U1 will refer to a parcel consisting of two parts in the ground and first floors of building A in lot 2.

**18.8.5** Specimen Tenement List page 2 indicates how the details pertaining to the individual parcels should be shown in the Tenement List. The following special requirements should be noted:

- (a) The headings of the normal Tenement List pages should be amended to conform to those given in the specimen.
- (b) Share value refers to the undivided shares in the Common Elements, which the owners of individual parcels are entitled to. Until a detailed procedure is laid down by Regulations framed under this law, this can be taken as the floor area of each parcel and the aggregate share value entitlement of all the parcels as the total of the floor areas of all such parcels, the parcels being taken to include any Accessory Parcels appurtenant to them.
- (c) Any accessory parcels should be referred to in the remarks column.
- (d) Bounds should be indicated in the remarks column, taking into account the following:
  - (i) Bounds should be given for North, South, East, West, Zenith and Nadir.
  - (ii) The bounding line on each of these directions will be the center of the wall, floor or ceiling as the case may be.

## **18.9 Accessory Parcels.**

**18.9.1** Individual parcels may or may not have Accessory Parcels made appurtenant to them. Accessory Parcels should be shown on plan to a suitable scale with linear measurements indicated on plan. Section 3 of the specimen plan and page 10 of the specimen Tenement List in Annexure 2 indicate how these should be shown on plan and Tenement list.

**18.9.2** The number assigned to an accessory parcel should indicate the parcel to which such accessory parcel is made appurtenant: eg. 1A/FO/U1/A1 refers to an accessory parcel appurtenant to parcel No. 1A/FO/U1. The component A1, A2, A3 etc, will be continuous for the particular Condominium Plan.

**18.9.3** The headings of the Tenement List page should be amended as shown on the specimen. There will be no column in the Tenement List page to indicate an undivided share value in the common elements as that aspect has already been dealt with in writing the Tenement List for the parcels.

**18.9.4** Bounds should be indicated in the remarks column. Any accessory parcels situated outside a sub-divided building may not have bounds on the Zenith and Nadir.

## **18.10 Common Elements**

**18.10.1** Common Elements are those that are owned in common by the owners of all the parcels in a Condominium Plan. These are defined in Section 26 of the Law.

**18.10.2** While some of these can be shown conveniently on plan, it may not be convenient to show others.

**18.10.3** These should be numbered as shown in the specimen, e.g. ICE 1 refers to Common Element 1 in lot 1.

**18.10.4** The details pertaining to them should be shown as indicated in specimen Tenement List page 18.

**18.10.5** The following special features should be noted:

- (a) Common Element No. ICE 1 includes some that are shown on plan such as roads and car parks and some that are not shown on plan but referred to only in the Tenement List, e.g. Foundations, columns, external beams. Etc. All these should be mentioned in the description column of the Tenement List.
- (b) The Common Elements are owned in common by the owners of all the parcels. This fact should be mentioned in the Tenement List as shown in the specimen.
- (c) It is not necessary to indicate the floor area or bounds for Common Elements.

## **18.11 Proposed Buildings**

**18.11.1** Sections 5(1)(i)(d) and 5(1)(i)(i) provide for the preparation of condominium plans for proposed buildings and proposed extensions to existing buildings. If the Condominium Plan is being prepared to show existing buildings and proposed buildings and extensions, the proposed positions should be indicated on plan by broken lines and the existing positions by firm lines. A reference should be given in the reference column to indicate that the broken lines represent proposed buildings/proposed extensions. The aggregate share value should be indicated in the Tenement List taking into account the total floor area of all the parcels together with the extensions/new parcels. In other respects the plan and tenement lists should conform to the requirements mentioned above.

**18.11.2** If the plan being prepared refers to a new building or an extension to a building in an already registered Condominium property, plans should be prepared taking in to account the Condominium Plan, which is already registered. The new plan and tenement list will be required only for indicating the new buildings/extensions to existing buildings.

**18.11.3** The following procedure should be adopted for purposes of referencing;

- (a) Plan will be numbered following the normal procedure. Make the following entry on Section 1 below the number of the plan:

“(For the amendment of Condominium Plan No. .... dated .....)”

- (b) The features of the ground Plan of the previous Condominium Plan /s should be transferred and shown in dotted lines to form the Ground Plan of the present Condominium Plan.

**18.11.4** Thereafter any new buildings that are existing on ground will be shown in firm lines and proposed buildings shown in broken lines. The dotted lines, broken lines and firm lines should be referenced under the reference column.

**18.11.5** The land will continue to retain the lot number assigned in the previous condominium plan. Such lot number will be indicated on plans in position along with the relevant Plan number.

**18.11.6** Any new/proposed buildings and new/proposed parcels will be numbered following the guide lines indicated above taking care to avoid repetition of letters assigned to individual buildings. Abutting parcels/lots will retain the former numbers and should be shown accordingly with relevant plan reference.

**18.11.7** Tenement Lists will be prepared to indicate details of the new/proposed parcels.

**18.11.8** Owner's declaration will give reference to the previous Condominium Plan as well as the new one.

## **18.12 Re-division and amalgamation of parcels.**

**18.12.1** In instances where plans have to be prepared for the re-division or amalgamation of parcels that are already registered under this law, fresh plans should be prepared for the sections affected by such re-division or amalgamation.

**18.12.2** Numbering of the plan and new parcels should follow the same guide lines indicated above.

**18.12.3** The following requirements should be complied with for purposes of referencing:

- (a) Make an entry at the top of Section 1 of Plan as ‘Condominium Plan of re-division/amalgamation.’ Make an entry in the same section of the plan below the number of the plan as:

“(For the amendment of Condominium Plan No ..... dated .....)”

- (b) Abutting parcels and /or lots may be described on plan giving reference to parcels, etc. appearing on the previous Condominium Plan.



- (c) In the remarks column of the Tenement List indicate reference to the parcels affected by the re-division or amalgamation as:

‘Part of parcel, etc. ....’

**18.12.4** This share value of the new parcels formed after re-division or amalgamation should equal the share value that had been previously assigned to the parcels that have got superseded. Thus the aggregate share value will remain unchanged as the total floor area of all the parcels remains unchanged. However, there can be a change in this value if any Regulations to be framed under this law take into account factors other than the floor area, such as use, in working out the share values.

**18.12.5** If these re-divisions and/or amalgamations of parcels do not involve amendments to the ground plan shown in the original Condominium Plan, or any common elements shown thereon, it is not necessary to prepare a fresh ground plan. In such instances, the following note on Section 1 of the new plan will suffice;

‘Ground Plan: Same as the ground plan shown on Condominium Plan No. ....  
of.....’

**18.13** Parts of Common Elements for the exclusive use of a particular parcel.

Amendments to a registered Condominium Plan may also be needed for the purpose of delineating any part of the common elements on which the management corporation has decided to grant exclusive use to a particular owner of a parcel in terms of the By-laws shown in the Second Schedule. In such instances, too, the procedure mentioned above may be followed in preparing a plan to indicate the part of the common element thus affected.

#### **18.14 Condominium Property Surveys inside Cadastral Surveys**

Condominium Property Surveys inside Title Registration areas are carried out for registering the legal interests in Condominium Properties under the Apartment Ownership and Registration of Title Act. More details in this regard can be found in DSR 21.3.2.6.

## Annexure 1

**Extracts from the Apartment Ownership Law, No. 11 of 1973, as amended by the Apartment ownership (Amendment) Act. No. 45 of 1982.**

- 2 This law shall apply to property comprising land with a building or buildings of more than one story and having more than one parcel of residential or non-residential accommodation, hereinafter referred to as “Condominium Property”.
3. (1) Any person claiming to be an owner of any Condominium Property may make application to the Registrar for the registration of a Plan of the Condominium property (hereinafter referred to as “Condominium Plan”).
- (2) Every application for the registration of a Condominium Plan shall be accompanied by two copies of the Plan, one marked “Original” and the other marked “Duplicate”.
4. A Condominium Plan or a Plan of redivision or amalgamation shall be deemed to be an instrument affecting land for the purposes of the Registration of Documents of Ordinance.
5. (1) The Condominium Plan shall comprise –
- (i) A survey plan or plans which shall be prepared and drawn by a licensed surveyor or by or under the authority of the Surveyor General and shall;
    - (a) delineate the external surface boundaries and boundary marks of the proposed Condominium Property and the position of each subdivided building thereon fixed in relation to the surface boundaries;
    - (b) specify the division, volume and folio in which the Condominium Property is registered and the surveyed area thereof;
    - (c) include a vertical section of each subdivided building showing
      - (i). the floors and ceilings of each story; and
      - (ii). the height of each storey
    - (d) include a description, as well as the vertical section and dimensions, of each building or parts thereof proposed to be erected within the Condominium Property as a separate tenement or as an extension of any completed subdivided building, in accordance with building plans and subdivision plans approved by the authority for the time being responsible for the approval of such plans;
    - (e) delineate, subject to the provisions of subsections(1A) and (1B), each proposed parcel and define the boundaries thereof by reference to floors

- and walls showing the horizontal dimensions, without it being necessary to show any bearing;
- (f) identify the parcels into which each building is divided and distinguish such parcels by assessment numbers, numbers or other symbols;
  - (g) distinguish each storey by an index letter in relation to the survey lot number of the Condominium Property and specify the parcels in each storey in relation to the number of the storey;
  - (h) show the approximate floor area of each parcel;
  - (i) delineate the external boundaries and show the horizontal dimensions without it being necessary to show any bearing of each building or parts thereof proposed to be erected within the Condominium Property as a separate element or an extension of any completed subdivided building or buildings in accordance with building plans (if any) and subdivided plans approved by the authority for the time being responsible for the approval of such plans;
  - (j) define the common elements of the Condominium Property;
  - (k) bear an endorsement by the person preparing it to the effect that the building shown in the Condominium Plan is within the external horizontal boundaries of the Condominium property; and
  - (l) have attached to it a certificate of a qualified architect or a qualified civil or structural engineer to the effect that the parcels shown therein are the same as those existing on the Condominium Property; and
- (ii) A declaration in the prescribed form which shall be made by the applicant and attested by a Notary public and shall contain.
- (a) a description, by reference to the survey plan, of the land on which the building is located and to which title is claimed, its boundaries, extent and situation specifying the Administrative District, Divisional Revenue Officer's division, village, ward, pattu, korale or other division or district in which the land is situated, and in case the land is situated in a town, the name, if any, of the street in which it is situated, together with the assessment number;
  - (b) the name and address of the owner or owners of the Condominium Property
  - (c) the particulars of deeds, instruments or other documents and of other evidence of title relied upon by the applicant in support of the claim to title;

- (d) a reference to the division, volume and folio in which the land is registered under the provisions of the Registration of Documents Ordinance and, if the land is not so registered, a declaration to the effect that the land is not so registered;
- (e) the particulars of every encumbrance, lispendens, seizure, order or decree affecting the land, to the knowledge of the applicant;
- (f) a description of the building, stating the number of storeys and basements and the number of parcels;
- (g) the number or other symbol identifying each parcel and a statement of its location, floor area, number of rooms, any immediate common area to which it has access, and any other information for the purpose of identification, including corresponding information relating to an accessory parcel ,if any;
- (h) a description of the common elements of the Condominium property;
- (i) a description of the accessory parcels of the Condominium Property, specifying the parcels they are made appurtenant to, irrespective of whether the accessory parcels are contiguous to the specified parcels or otherwise;
- (j) the undivided share value of each parcel in the common elements of the Condominium Property;
- (k) the percentage of the undivided share I common elements appurtenant to each parcel;
- (l) a statement of the purpose for which the building and each of the parcels is intended and restricted as to its use;
- (m) a statement that the survey plan referred to in paragraph (i) of subsection (i) and the certificates referred to in sub-paragraph (1) and the aforesaid paragraph (i) and in subsection (2) are attached therewith;
- (n) any further details in connection with the Property which the applicant may deem desirable to set forth consistent with this Law:
- (o) any other information which may be required by regulations made under this Law; and
- (p) the signature of the owner; or owners of the Condominium Property.

- (1A) Where an accessory parcel consists of a building or parts thereof and is bounded external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the Condominium Plan in accordance with the requirements of paragraph (i) of subsection (1).
- (1B) Where an accessory parcel does not consist of a building or parts thereof;
- (a) the external boundaries of the accessory parcel shall be ascertained from the building plans and the subdivision plans approved by the authority for the time being responsible for the approval of such plans, and the accessory parcel shall be unlimited in its vertical dimension except to the extent of any projection above, or encroachment below, ground level by another part of the Condominium Property; and
  - (b) the Condominium Plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans mentioned in paragraph (a).
- (1C) Every Condominium Plan shall;
- (a) show the share values in whole numbers of each parcel and a number equal to the aggregate share value entitlement of all the parcels and in the case of any provisional parcel or parcels the quantum of provisional share value shall similarly be shown therein for the provisional parcel or parcels;
  - (b) have endorsed upon it the address at which documents may be served on the management corporation in accordance with section 20n; ;and
  - (c) contain such other particulars as may be prescribed.
- (2) A Condominium Plan tendered for registration shall be accompanied by a certificate from the local authority to the effect that the division of the building into parcels as illustrated in the Plan is in accord with its by-laws and regulations.
- (3) Unless otherwise stipulated in the Condominium Plan, the common boundary on any parcel with another parcel or with the common elements shall be center of the floor, wall or ceiling, as the case may be.
- (4) No plan lodged as a Condominium Plan shall be registered unless;
- (a) the plan has been endorsed with a certificate of a licensed surveyor that all buildings and all parcels shown in the Condominium Plan in relation to the external surface boundaries of the Condominium Property are within the Condominium Property and are in compliance with building

plans (if any) and subdivision plans issued by the authority for the time being responsible for the approval of such plans;

- (b) the plan is accompanied by a copy of the relevant Condominium subdivision plan approved by the authority for the time being responsible for the approval of such plan; and
  - (c) the share value of each proposed parcel has been entered in the plan in compliance with the provisions of section 20A.
- (6) (1) Upon receipt of an application for the registration of a Condominium Plan or a Plan of re-division or amalgamation, the Register of Condominium Property, which shall be in the prescribed form, if he is satisfied that such Plan conforms to the provisions of this Law and the regulations made there under.
- (2) A Condominium Property in respect of which a Condominium Plan is registered under subsection (1) is hereinafter referred to as a 'registered Condominium Property'.
- (3) Upon the registration of a Condominium Plan under subsection (1), the Registrar shall make appropriate cross references, to connect the registration with any previous registration, under the Registration of Documents Ordinance, of a deed or instrument affecting the land referred to in the Plan and shall return the copy of the Plan marked 'Original' to the person who tendered it for registration and file of record the copy marked 'Duplicate',
- (4) The Registrar shall from time to time cause all copies of Plans filed of record to be bound in convenient volumes.
- (5) Where the Registrar refuses to register the Condominium Plan or a Plan of re-division or amalgamation or disallows an application made under section 8(1), he shall comply with the provisions of section 37 of the Registration of Documents Ordinance.
- (6) An appeal shall lie from every order made by the Registrar refusing registration of a Condominium Plan or a Plan of re-division or amalgamation or disallowing an application made under section 8(1) and the provisions of section 38 of the Registration of Documents Ordinance shall apply in relation to such appeal..
- (7) Section 40 of the Registration of Documents Ordinance shall apply mutandis to volumes or registers kept by the Registrar under this Law.
- 7A(1) The Condominium Plan shall be deemed to be registered under the provisions of this Law when the Condominium Plan has been signed and sealed

by the Registrar and has been marked with the serial number of the Condominium Plan register.

(2) The Registrar shall prepare and maintain for the purposes of this law a series of records to be called the 'Register of Condominium Property' and shall issue to the owner of each parcel shown on the Condominium Plan a certified true copy of the Condominium Plan.

(3) Upon registration of a Condominium Plan the owner of a parcel in the Condominium Property shall be deemed to be the owner of his parcel and his share in the common elements subject to the encumbrances, if any, registered or notified in the Condominium Property Register and on the Condominium Plan.

8(1) The owner of any parcel of a registered Condominium Property may apply in writing to the Registrar for the amendment of the registered Condominium Plan or the registered Plan of redivision or amalgamation of such property. Where the amendment involves alteration or addition to the survey plan comprised in the Condominium Plan or the Plan of redivision or amalgamation, an amended plan certified by a qualified architect or qualified civil or structural engineer to the effect that the Plan conforms to the position existing on the land shall accompany the application for amendment.

(2) Where the Registrar allows an application made under subsection (1), he shall make an appropriate entry embodying the amendment in the registered Condominium Plan or the registered Plan of redivision or amalgamation, as the case may be, and in the folio of the register of Condominium Property relevant thereto.

9. (1) Upon the registration of the Condominium Plan, the Registrar shall enter a memorial in the land register on the volume and folio of the Condominium Property to the effect that a subsidiary register of Condominium property has been created and each building depicted in the Condominium Property shall be deemed to be divided into parcels and identified therein and thereupon the common elements shall be held by the owners of all the parcels as tenants in common proportional to their respective share parcels and for the same term and tenure as their respective parcels are held by them.

(1A) The Registrar on registration of the Condominium Plan shall certify therein the share which the owner of a parcel has in the common elements.

(1B) The share value which each owner of a parcel has in the common elements shall be given according to the user of such parcel whether commercial or residential or otherwise, as the case may be.

(2) Notwithstanding anything to the contrary in any other law, but subject to the provisions of this Law, after the registration of a Condominium Plan, any parcel depicted therein together with the common elements appurtenant thereto may be held and dealt with in the same manner and form as any land.

(3) Upon registration of a Condominium Plan, each parcel depicted therein together with the common elements appurtenant thereto shall be deemed to be absolutely owned by the person or persons described in the Plan as the owner or owners of the Condominium Property without prejudice to the right of any other person to obtain monetary compensation for any loss suffered as a result of any interest he had in the Condominium Property before such registration, being adversely affected.

10. (1) No person acquiring an interest in any parcel of a registered Condominium Property on a deed or instrument shall be entitled to such interest unless such deed or instrument is registered in the register of Condominium Property.

(2) Upon accepting for registration any such deed or instrument, the Registrar shall register same in the register of Condominium Property in the prescribed manner and make appropriate cross reference to the relevant folios so as to connect such registration with the registration of the original Condominium Plan or a Plan of redivision or amalgamation, as the case may be.

11. No share in the common elements of a registered Condominium Property shall be disposed of or otherwise dealt with except as appurtenant to a parcel of such property, and any alienation of any parcel shall be deemed also to convey the undivided share of the owner in the common elements appertaining to that parcel notwithstanding the fact that no specific or particular reference has been made thereto in the instrument or deed relating to such alienation.

11A. (1) No accessory parcel or any share or estate or interest therein shall be dealt with independently of the parcel to which such accessory parcel has been made appurtenant as shown on the relevant registered Condominium Plan.

(2) Any person who deals with any accessory parcel or any share, estate or interest therein independently and not made as appurtenant to the parcel which such accessory parcel is shown on the registered relevant Condominium plan as being appurtenant shall be guilty of an offence under this Law.

(3) Any assurance made in contravention of the provisions of subsection (1) shall not be registered under this Law and any registration thereof shall be null and void and shall not pass any estate or interest in the accessory parcel.

(4) Where such assurance has been registered, the Registrar on discovery thereof shall cancel the registration, and no person affected by such cancellation shall be entitled to any compensation.

12. (1) Any owner or owners of parcels of a registered Condominium Property may, with the approval of the local authority, re-divide or amalgamate his or their parcels by registering a plan of redivision or amalgamation, relating to such parcels, in the manner provided by this Law for the registration of Condominium Plans.



(2) An application for amalgamation or redivision shall contain declaration in the prescribed form made by the applicant, which shall be attested by a Notary Public and shall contain.

(a) a description by reference to a survey plan, of the land on which the building is situated and its boundaries, extent and situation specifying the Administrative District, Divisional Revenue Officer's Division, village, ward, patty, korale or other division or district in which the land is situated, and where the land is situated in a town, the name of the street in which it is situated, together with the assessment number;

(b) the particulars of deeds, instruments or other documents and of other evidence of title relied upon by the applicant in support of the claim to title of the parcel;

(c) The particulars of every encumbrance, lis pendens, seizure, order or decree affecting the parcel, if any;

(d) a reference to the division, volume and folio in which the original Condominium Plan, and where appropriate, any plan of redivision or amalgamation, is previously registered;

(e) the name of the scheme and the number of the block, if any;

(f) the undivided share value of each parcel in common elements appurtenant to the undivided or amalgamated parcel;

(g).a reference to the certificate of conformity from the authority for the time being responsible for approval of plans of redivision or amalgamation signifying approval of the proposed redivision or amalgamation (which certificate shall be attached to the declaration).

(h). a reference to the survey plan by a licensed surveyor or ( by or under the authority of the Surveyor General) showing the redivision or amalgamation, such plan bearing a reference to the original Condominium Plan relating to the building containing the parcels proposed to be re-divided or amalgamated; and

(i). the full name, postal address and signature of the owners of the parcel or parcels that are being re-divided or amalgamated.

(3) Upon registering a Plan of redivision or amalgamation, the Registrar shall make appropriate cross references to the relevant folios so as to connect such registration with the registration of the original Condominium Plan and, where appropriate, any Plan or redivision or amalgamation previously registered.

(4) Upon the registration of a Condominium Plan of redivision or amalgamation.

(a).the provisions of section 9 shall mutates mutandis apply to each re-divided parcel or amalgamated parcel; and

(b).the parcels comprised therein shall be subject to the burden, and shall have the benefit, of any servitudes affecting such of the parcels in the original Condominium Plan as are included in the Plan of redivision or amalgamation.

20A. (1) The share value of each parcel (except in the case of an accessory parcel where no share value shall be allotted) shown in every plan lodged for registration as a Condominium Plan shall be taken as share parcels.

(2) The share parcels shall determine;

(a). the voting rights of the owners of all the parcels;

(b). the quantum of the undivided share of each owner of a parcel in the common elements; and

(c). the proportion payable by each owner of a parcel of contribution levied by the management corporation pursuant to section 20H.

20B. (1) The owners of the parcels shall, by virtue of this law, upon registration of the Condominium Plan be a body corporate with perpetual succession and a common seal and shall be called 'the management corporation'.

(2) The management corporation may;

(a). sue and be sued on any contract made by it;

(b). sue and be sued in respect of any matter affecting the common elements; and

(c). be sued in respect of any matter connected with the Condominium Property for which the owners of all the parcels are jointly liable.

23.The Partition Act shall not apply to any land or building comprised in any registered Condominium Plan.

25.The provisions of this Law shall have effect notwithstanding anything to the contrary contained in any other written law, and where there is any conflict or inconsistency between the provisions of this Law and such other law the provisions of this Law shall prevail over such other law.

26.In this Law unless the context otherwise requires;

'accessory parcel' means a parcel intended for separate ownership and was with any other specified parcel or parcels for any purpose;

‘building’ includes any building partially completed or, where applicable, any building to be erected within a storey shown or specified in any Condominium Subdivision Plan for approval to the authority for the time being responsible for granting such approval;

Common elements;-

(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 and external beams, supports, main walls, roofs, walls, lobbies, corridors, stairs, stairways, fire escapes, entrances, exists of the building or buildings;

(ii). car parks, recreational or compactly facilities, gardens, parking areas, roofs and storage spaces;

(iii).Central and appurtenant installations for services such as power, light, gas, hot and cold water, heating, refrigeration and air conditioning, telephone, radio, rediffusion, garbage disposal and incinerators;

(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

(vii).all other parts of the land not comprised in any parcel necessary or convenient to the existence and maintenance and for the reasonable common use and safety of the common elements 'including the roads and access drains and ditches, lanes, parks, playgrounds and other open spaces appurtenant to the Condominium Property;

“Condominium Plan” means a plan of registered land which;

(a).is described in the title or heading thereto as Condominium Plan;

(b).shows the whole or any part of the land comprised therein as being divided into two or more storeys whether or not any storey is divided into two or more parcels; and

(c).contains the particulars set out in section 5;

“Condominium subdivision” includes subdivision of land to comprise one or more parcels whether or not any parcel is on the same storey as any other parcel;

“Land” includes land of any tenure, any building or parts thereof, so much of the air space above the surface as may be reasonably used or enjoyed by any owner, and all substances under the surface, (excluding minerals within the meaning of the Mines and Minerals law, No. 4 of 1973), whether or not held apart from the surface and any estate or interest therein;

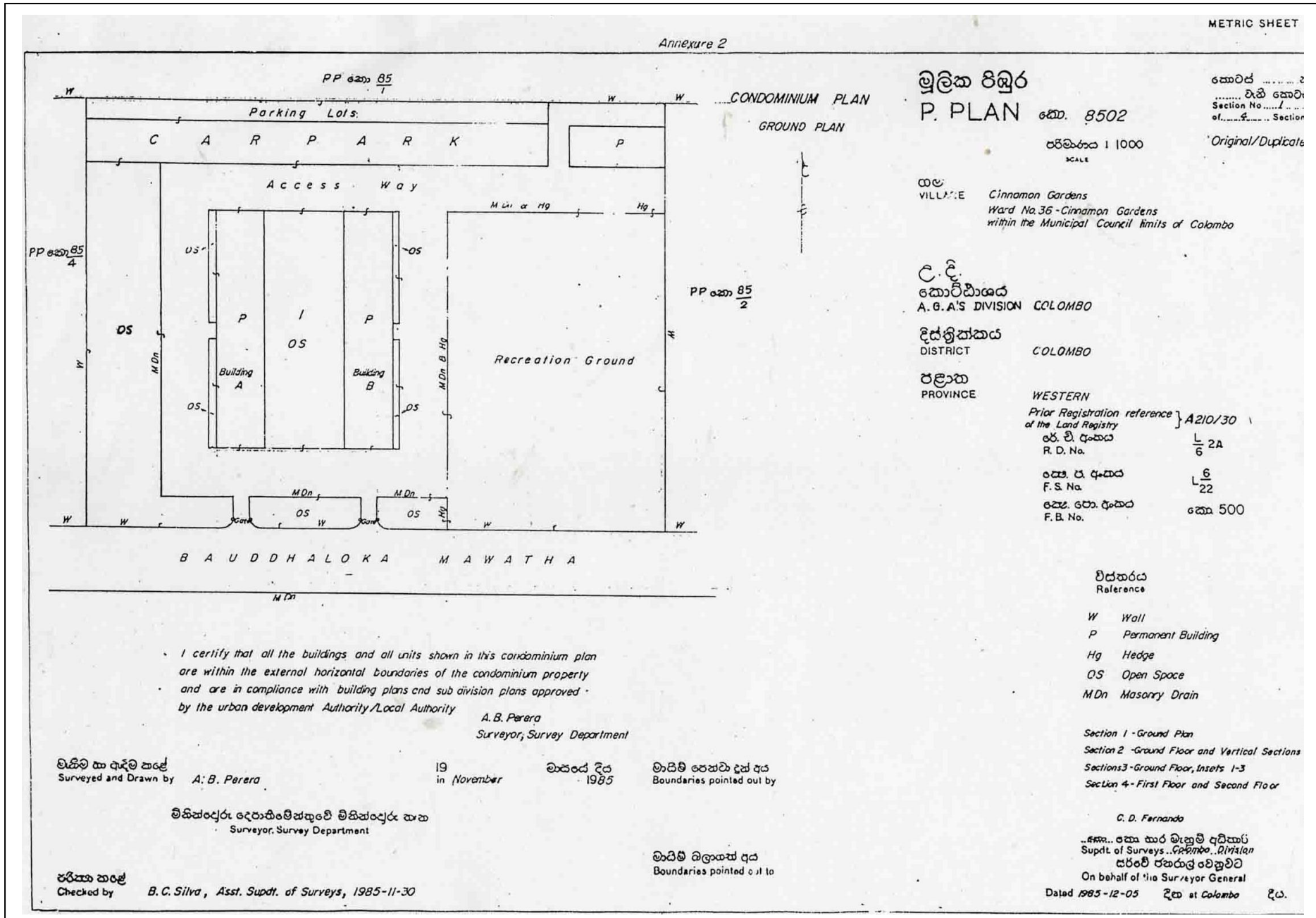
“Plan of re-division or amalgamation” means a Plan of re-division or amalgamation referred to in section 12;

“share parcels” in respect of a parcel means the share parcels determined for that parcel according to its share value and shown as such in the Schedule endorsed on the Condominium Plan.

“storey” means any part of land consisting of a space of any shape below, on, or above the surface of the land, or partly below and partly above the surface of the land, the dimensions of which are delineated;

“subdivided building” means any one or more buildings comprised in a Condominium Plan approved by the local authority;

“parcel” means a defined space which is shown as an independent parcel on a Condominium Plan and which is designed for independent use consisting of one or more rooms whether occupying the entirety or part of one or more storeys in a building of more than one storey and which is shown as a separate parcel on a Condominium Plan and includes a parcel specified as an accessory parcel on any such plan provided that such defined space has a direct exit to a road or a common area leading to a road and access cannot be had through it to any enclosed space of like description;



Annexure 2

METRIC SHEET

CONDOMINIUM PLAN  
GROUND PLAN

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P. PLAN කො. 8502

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SCALE

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Section No .....  
of ..... Section  
Original/Duplicate

ගම VILLAGE Cinnamon Gardens  
Ward No.36 - Cinnamon Gardens  
within the Municipal Council limits of Colombo

ල.දි. කොට්ඨාශය  
A.G.A'S DIVISION COLOMBO

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DISTRICT COLOMBO

පළාත  
PROVINCE WESTERN

Prior Registration reference } A210/30  
of the Land Registry }  
රේ. ඩී. අංකය } L/6 2A  
R. D. No. }  
පො. ප. අංකය } L/6 22  
F. S. No. }  
පො. පො. අංකය } කො 500  
F. B. No. }

විස්තරය  
Reference  
W Wall  
P Permanent Building  
Hg Hedge  
OS Open Space  
MDn Masonry Drain

Section 1 - Ground Plan  
Section 2 - Ground Floor and Vertical Sections  
Sections 3 - Ground Floor, Insets 1-3  
Section 4 - First Floor and Second Floor

C. D. Fernando  
..... කො. සාර මැනුම් අධිකාරී  
Supdt. of Surveys, Colombo, Division  
සරලවේ ජනරාල් වෙනුවට  
On behalf of the Surveyor General  
Dated 1985-12-05 දිනය කොළඹ දි.

I certify that all the buildings and all units shown in this condominium plan are within the external horizontal boundaries of the condominium property and are in compliance with building plans and sub division plans approved by the urban development Authority/Local Authority  
A. B. Perera  
Surveyor, Survey Department

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Surveyed and Drawn by A. B. Perera

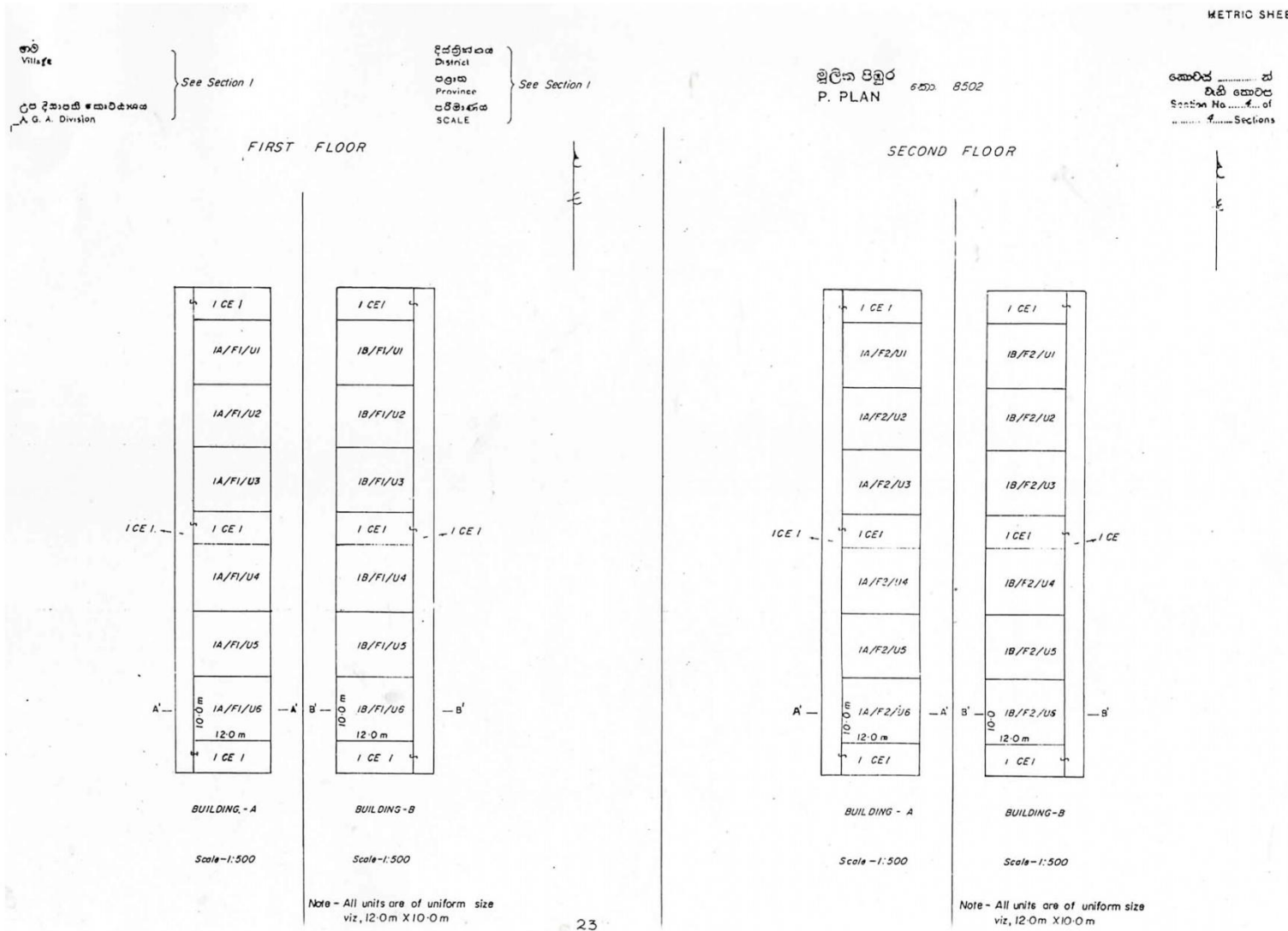
19 in November 1985 මාසයේ දී  
Boundaries pointed out by

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Surveyor, Survey Department

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Checked by B. C. Silva, Asst. Supdt. of Surveys, 1985-11-30

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 දිස්ත්‍රික්කය DISTRICT }  
 මැණිමේ නියමය Regn. for Survey  
 පාර්ශ්ව විස්තර ලැයිස්තුව TENEMENT LIST  
 මූලික පිටුර P. PLAN අං. 8502  
 පිටු 2 of 20 pages

ඉඩම් පාර්ශ්ව Lot	නම Name	විස්තරය Description	විමසීම් කියවන්නාගේ නම Name of Claimant	Floor Area sq. metres	ලේඛන විද්‍යා Diagram	Share Value	සටහන් කරුණු Remarks හෙක්ටයාර් 1 = 2.47 අකර 2.47 1 Hectare = 2.47 Acres
Unit No. 1A/FO/U1	Assessment No. 270 L Baudathabaka Mawatha	Residential Unit	Commissioner of National Housing, Colombo	120		157	Unit of subdivided building A situated in Lot 1 occupied by Sunil Perera with Accessory Unit 1A/FO/U1/A1 Bounded as follows, North - Centre of wall separating common element ICE1 East - Do - ICE1 South - Centre of wall separating Unit 1A/FO/U2 West - Do - Common element ICE1 Zenith - Centre of Floor separating Unit 1A/FO/U1 Nadir - Centre of the Ground Floor  Aggregate share value - 5652

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 Surveyor, Survey Department  
 මැසිම් බලාගත් දය  
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 Supt. of Surveys.....  
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 On behalf of the Surveyor General  
 පරීක්ෂා කළේ  
 Checked by  
 දින 24



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VILLAGE  
ල. ද. ද. වි. කොට්ඨාසය } See Page 1  
A. G. A. S. DIVISION  
දිස්ත්‍රික්කය  
DISTRICT

කැබැඳි විස්තර ලැයිස්තුව TENEMENT LIST

මූලික 8502 P. PLAN කො. 8502

පිටු 10  
පිටු 10  
of 20 pages

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ඉඩම් කැබැඳි Lot	නම Name	විස්තරය Description	විමසම් පිටපත්කරුගේ නම Name of Claimant	වර්ග අඩංගු sq metres	ප්‍රස්ථාර Diagram	විස්තරය Remarks
1A/FO/UA/A1		Parking lot	Commissioner of National Housing, Colombo	37.5		Accessory unit situated in Lot appertenant to Unit 1A/FO/UA Bounded as follows. North - Wall separating Lot 1 From Lot 1 in PP කො. 85 East - Accessory Unit 1A/FO/UA/A2 South - Common element 1 CE 1. West - Wall separating lot 1 from lot 4 in PP කො. 85
1A/FO/UA/A2						

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Boundaries pointed out by

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Surveyor, Survey Department

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Checked by

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Supdt. of Surveys  
පරමාර්ථයේ පවුරු කාමය  
On behalf of the Surveyor General

Dated

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ගම... VILLAGE  
 C.C. කොට්ඨාසය } See Page 1  
 A.G.A.S DIVISION  
 දිස්ත්‍රික්කය  
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8 වන පිටුව  
 Page 20  
 of 20 pages

ඉඩම් කැබ්ලේට් Lot	නම Name	විස්තරය Description	මිමිතම් සියත්කරුගේ නම Name of Claimant	කෙසේ වෙතත් Hectares	පරිමිත පිඹුර Diagram	සටහන් කරුණු Remarks
Common Element No: ICE 1		Common elements of the condominium property consisting of access ways, Car Park, Open space, Recreation Grounds, Recreation hall, boundary wall, foundations, columns, external beams, supports, main walls, roofs, electricity supply lines, water supply lines, sewerage line ; stairway, landing, trash chute and corridor.	Common ownership by the owners of all the units shown in this Condominium Plan			Common elements situated in Lot 1.

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 1 Hectare = 2.47 Acres

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 Surveyed and Drawn by A. B. Perera

19  
 in November

මැපිමේ දිනය  
 1985

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 Boundaries pointed out by

Pages 1-20

C. D. Fernando

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 Surveyor, Survey Department

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 Supt. of Survey, Colombo Division  
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**CORRECTION SLIPS**

**CORRECTION SLIPS**