

## **TITLING PROCESS**

**Prepared for presentation to Jamaica Mortgage Bank Housing Development seminar on Thursday December 2, 2004—presented By Alfred McFerson – Registrar of Titles NLA**

### **The National Land Agency (NLA)/ Office of Titles**

How to prevent Title Applications from being rejected and the Fast Track Process  
Sub-Headings

The Certificate of Title  
Subdivision Approval  
The Deposited Plan  
The Application for Splinter Titles - Section 77 of the Registration of Titles Act (RTA)  
The Fast Track Process  
Guidelines to assist in preventing the rejection of Title applications

#### **The Certificate of Title**

The land must be described and identified by survey diagram in a Certificate of Title under the Registration of Titles Act.

A Commissioned Land Surveyor must effect a boundary survey to ensure that the boundaries of the land on the ground correspond with the boundaries on the Title. The lots must not include unregistered land or encroachments.

Subdivision Approval

The lots and road alignment of the subdivision/ development must be done in full compliance with the approval of the Local Planning Authority/ Parish Council.

Any deviations from the approved subdivision plan must be approved by resolution from the Authority before the Director of Surveys pre-checks the plan for subdivision.

The developer must examine the conditions of approval by the Authority to ensure that he/ she is in full compliance prior to lodging a plan for deposit at the Office of Titles.

Subdivision Approval

A statutory declaration by the relevant official confirming the alignment and laying out of any lots and roads where the conditions of approval require such confirmation.

The Deposited Plan

The Surveyor prepares a subdivision plan 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.

The Surveyor presents the plan to the Director of Surveys to be certified in accordance with the Land Surveyors Act.

The Director of Surveys may then confirm that that the plan is accurate and in compliance with the Land Surveyors Act.

The Deposited Plan

However the certification of the Director of Surveys does not absolutely confirm compliance with the approved subdivision plan.

#### **The Deposited Plan Documents to be lodged**

The pre-checked plan (certification by the Director of Surveys)  
Statutory Declaration by the Surveyor verifying the plan's accuracy and that the lots and roadways have been marked out in keeping with the Land Surveyors Act.  
A certified copy of the approved subdivision plan.  
A certified copy of the resolution by the Parish Council and approval by the relevant Minister  
The Deposited Plan

### **Documents to be lodged**

Statutory declaration of the relevant officer of the Authority or the Authority itself, under its seal, confirming the alignment of the roadways and the laying out of the lots on the ground in accordance with the approved subdivision plan.

The Deposited Plan

### **Turnaround Time**

Approximately three weeks.

Application for Splinter Titles

(Section 77 of the RTA)

Section 77 applications are those in which the splinter (subdivision) titles will be issued in the name of the registered proprietor (also being the registered proprietor of the parent title) who for all practical purposes is the developer eg. **The Minister of**

### **Housing**

Application for Splinter Titles  
(Section 77 of the RTA)

The appropriate form for an application to surrender under section 77 is available on the NLA website.

The application should be kept as simple as possible to reduce the probability of error.

The Customer Service Manager and representatives are available to assist with any areas of doubt or uncertainty.

Application for Splinter Titles

(section 77 of the RTA)

Documents to be lodged

The Section 77 application to surrender

The Certificate of Title (parent title)

Manager's Cheque for the fees assessed based on the value of each lot and also including the roadways

Certificate from the Parish Council confirming the satisfactory completion of any road works (where the satisfactory completion of the works are a prerequisite to the issue of titles)

Application for Splinter Titles  
(section 77 of the RTA)

### **Documents to be lodged**

Title will **NOT** be issued unless the properly sealed Parish Council Certificate is presented.

Application for Splinter Titles  
(section 77 of the RTA)

It should be noted that the applications to surrender for Splinter Titles with respect to Part of Land Transfers and Strata Titles are subject to certain variations, even though the substantive content of all applications to surrender is similar  
The imposition of Restrictive Covenants by the Developer/ Applicant in an Application to Surrender has certain distinguishing features which will require a certain format  
Application for Splinter Titles  
(section 77 of the RTA)

### **Turnaround Time**

Approximately two weeks, depending on the size of the development. Larger developments may take three weeks.

### **The Fast Track Process**

The National Land Agency has a business service called **Simultaneous Lodgement**. The service facilitates the simultaneous lodgement of all the documents required for applications for 10 or more splinter titles  
It allows documents including the survey plan, the surveyor's declaration and the Section 77 Surrender Application to be processed at the same time.  
The service is optional.

The Fast Track Process

#### **Date of service availability**

The service was operated as a pilot in 2003 and became available on July 19, 2004

The Fast Track Process/ Simultaneous Lodgement

#### **Cost of Service**

The cost for the service is \$15,000.00 per lot in addition to all other usual fees

The Fast Track Process

#### **Access to the Service**

An appointment should be made with the Customer Service Manager. The application will be assessed to determine whether it is suitable for simultaneous lodgement

The Fast Track Process **Turnaround Time**

Approximately 40 working days

Guidelines to assist in preventing the rejection of Title Surrender applications

Ensure that the Surrender applications are carefully completed

Ensure that the resolutions of the Parish Council are strictly complied with

Ensure that the parent title allows for subdivision – some titles have covenants which stipulate that the land shall not be subdivided

Guidelines to assist in preventing the rejection of Title Surrender applications

Where such covenants not to subdivide land allow for modification by the Parish Council, then approval must be obtained from the Parish Council prior to applying for splinter titles

However where the covenant does not contain words to provide for modification by the Parish Council, then an application must be made to the Supreme Court to modify the covenant

### **Guidelines to assist in preventing the rejection of Title applications**

- Where declarations are required eg. Section 77 and Strata applications, the declaration must be by way of Voluntary Declaration and hence must be completed in keeping with the Voluntary Declarations Act
- Care must be taken to describe the applicants and to include their address, and for individuals, their occupation  
The consideration/ value for the lots and roadways must be stated
- The number of splinter titles required must be stated

### Guidelines to assist in preventing the rejection of Title applications

- The property must be properly described and the Volume and Folio number quoted in the application must be consistent with that on the parent title
- The Plan Examination Number or Deposited Plan Number as the case may be must be stated

### Guidelines to assist in preventing the rejection of Title applications

- Applications by companies and corporations must be under the seal
- The law under which the company or corporation exists must be stated or it must be stated that it exists under the Laws of Jamaica
- In such applications, where directors swear to the application they must state that are duly authorised by the company to do, in which case the director must also co-sign the application in his capacity as a director along with the execution by the company