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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.-B. 3/2021(III)

THE COLOMBO PORT CITY ECONOMIC COMMISSION ACT, No. 11 OF 2021

REGULATIONS made by the Minister of Investment Promotion in consultation with the Colombo Port City Economic Commission and the Condominium Management Authority established under section 2 of the Condominium Management Authority Law, No. 10 of 1973, under paragraph (q) of subsection (2) of section 71 of the Colombo Port City Economic Commission Act, No. 11 of 2021 read with section 54 of that Act.

RANIL WICKREMESINGHE,
Minister of Investment Promotion.

Colombo,
26th of July, 2024.

Regulations

1. These regulations may be cited as the Colombo Port City (Management of Condominium Property) Regulations, No. 03 of 2024.



PART I

Issuance of Certificate of Common Amenities and Common Elements

2. (1) The owner of any condominium property who intends to apply for a certificate from the Commission certifying that the common amenities provided for the benefit and welfare of the occupants of the condominium parcels of the building are satisfactory and arrangements made as regards the control, administration, maintenance or management of the common elements of the condominium property are satisfactory under paragraph (i) of subsection (2) of section 3A of the Apartment Ownership Law shall make an application to the Commission in the form set out in Schedule I hereto.

(2) The owner or owner and developer of any provisional condominium property who intends to apply for a certificate from the Commission certifying that the common amenities required to be provided for proposed building has been provided for in the approved building plan and common elements of the proposed building has been properly designed in the proposed building plan to ensure proper control, administration, maintenance or management of the such common elements by the management corporation under paragraph (f) of subsection (2) of section 3B of the Apartment Ownership Law shall make an application to the Commission in the form set out in Schedule II hereto.

(3) The owner or owner and developer of any semi-condominium property who intends to apply for a certificate from the Commission certifying that the common amenities provided for the benefit and welfare of the occupants of the condominium parcels of the building are satisfactory and arrangements made as regards the control, administration, maintenance or management of the common elements of the condominium property are satisfactory under section paragraph (f) of subsection (2) of section 3C of the Apartment Ownership Law shall make an application to the Commission in the form set out in Schedule III hereto.

3. (1) Every application made under regulation 2 shall be signed by the owner or owner and developer of the condominium property, provisional condominium property or semi condominium property as the case may be, and shall accompany the following documents in triplicate: -

- (a) the condominium plan, provisional condominium plan or semi-condominium plan, as the case may be, prepared and drawn by a licensed surveyor, or by or under the authority of the Surveyor- General;
- (b) a report on services and plans relating to common amenities signed by the persons who are duly qualified in relevant fields specified in Schedule IV hereto;
- (c) the relevant building plan approved by the Commission;
- (d) in the case of an application relating to a provisional condominium property or semi-condominium property, a valid building permit issued by the Commission to construct the building;
- (e) in the case of a condominium plan or a semi- condominium plan, the Certificate of Conformity issued by the Commission for the completed building;
- (f) the structural plan of the building and a certificate issued by a Chartered Civil Engineer;
- (g) an insurance certificate issued by a recognized insurance company in respect of the condominium property or semi- condominium property, as the case may be; and
- (h) a title report relating to the land on which the condominium building stands issued by a licensed Notary Public with at least 10 years' experience.

(2) The Commission may, in addition to the documents referred to in sub-regulation (1), require any other documents as may be required for that purpose.

4. For the purpose of considering any application made under regulation 2, the owner may be required to furnish, in addition to the documents referred to in regulation 3, any certified information showing the arrangements made for the future maintenance of the property together with any plans as the Commission may consider necessary to satisfy itself of the suitability of the proposed development work.

5. The condominium plan, provisional condominium plan or semi -condominium plan, as the case may be, submitted along with the application under regulation 2 shall -

- (a) be in compliance with the requirements of the provisions of the Apartment Ownership Law and these regulations; and
- (b) be in the following order –
 - (i) cover page;
 - (ii) index;
 - (iii) survey plan depicting the land and the building with legend;
 - (iv) type of building and use of building and particulars of the title;
 - (v) plan for the storeys with necessary details showing condominium parcels, accessory parcels and common elements with boundaries;
 - (vi) schedule which contains boundaries of such condominium parcel, the assessment number, boundary details, area and percentage of the share value;
 - (vii) list of common elements;
 - (viii) dimension plan of each parcel;
 - (ix) vertical section; and
 - (x) any other particulars as the Commission may deem necessary.

6. When preparing the condominium plan, provisional condominium plan or semi- condominium plan, the following requirements shall be complied with -

- (a) the plan shall be in triplicate, and on the first page of each such plan the words “original”, “duplicate” and the “triplicate” as the case may be, shall be written legibly;
- (b) on every page of the plan, on top right-hand corner, the words “condominium plan”, provisional condominium plan, “semi- condominium plan”, “a plan of re-division”, or “amalgamated plan”, as the case may be, shall be written together with the number of the plan and shall also specify the purpose of the plan;
- (c) every page of the plan shall be numbered on the top right-hand corner in the following manner; viz. when there are 10 pages, every page beginning with the first page shall be numbered as 1 of 10, 2 of 10, 3 of 10 and so on;
- (d) the plan shall be prepared using “A” standard paper, and if there are more than one volume and the first volume has 10 pages, the second volume shall be started with the continuous number 11 of 20;
- (e) the plan shall be printed and shall have a cover page and an index, and shall adhere to the order as set out in regulation 5 (b) in arranging the leaves. The thickness of the page shall be 120gsm or more (the weight of a leaf shall be over 120 grams per one square meter). The plan shall be prepared in the form of a strongly bound book. On the cover page, the purpose and the number of the plan, the address and other relevant particulars of the surveyor shall be printed and shall not carry any advertisements or pictures; and
- (f) the surveyor who prepared the relevant plan shall sign and place his seal on every page of the plan.

7. The details in a condominium plan, provisional condominium plan or semi- condominium plan as the case may be, shall be indicated in the following manner: -

- (a) in the instances where parts of a condominium parcel comprised of two or more floors with internal access, the parts of the top most condominium parcel in the plan in respect of each storey, shall be indicated as “1st floor part”, “2nd floor part” *etc.* with boundaries of each such part indicating its usage in the schedule prepared under regulation 5(b)(vi). The total area of the condominium parcel shall be computed with details of each condominium parcel and the percentage of the value of the relevant parcel shall be indicated;
- (b) where a condominium property, provisional condominium property or semi- condominium property as the case may be, is to be erected, the relevant condominium plan shall indicate, in addition to the delineation which indicates the surface boundary of the building, all the common elements such as common drains, soakage pits and septic tanks found on the boundaries of the lands situated outside the building. There shall be indications to distinguish a proposed building from an existing building;
- (c) there shall be drawn a vertical section, for every building, the scale of which shall be 1:100 or 1:200 and shall show the height between two storeys and also the thickness of each floor;
- (d) when calculating the gross area of a condominium parcel, the center line of the external walls shall be considered as the boundary and the concrete beams, service duct and common spaces over one square meter shall be excluded;
- (e) the share value shall be calculated on the basis of the floor area including that of the accessory parcel, the degree of use of common elements, the level of parcel upon which it is situated and the location thereof, multiplied by 100 to make it a whole number;
- (f) the boundaries of the land shown in the approved building plan of a completed or proposed condominium building shall be the same as the boundaries of the land shown in the condominium plan;
- (g) at the time a provisional condominium plan or semi-condominium plan is submitted in respect of a building or property, the validity of the building permit shall not have lapsed, and the reference number of the approved building permit and the date shall be indicated in the relevant condominium plan;
- (h) in the case of a condominium building used for mixed purposes such as residential purpose and any other purpose, separate parking areas with distinctive numbers shall be demarcated separately without obstructing the usage of the building;
- (i) the buildings shown in a semi-condominium plan shall be marked with permanent lines, and proposed parcels shall be marked with broken lines or using any other method which would enable easy identification of the building;
- (j) the individual numbers allocated according to the location of each parcel and relating to the storey, the assessment number, if any, the boundary details of six sides shown relating to the centre line of the storey or concrete floor, the area of the parcel, the percentage of the share value of the area, the closest adjoining common access, the details of the common elements shall be included in the plan, and the boundaries of each parcel shall be marked so that it could be distinguishable and included in the plan along with the purpose of each room;
- (k) when preparing a condominium plan, provisional condominium plan or semi- condominium plan, as the case may be, the laws relating to the disabled persons shall also be taken into consideration;
- (l) in amending a registered condominium plan, provisional condominium plan or semi-condominium plan, as the case may be, the share value mentioned in the prior registered plan and the share value mentioned in the amended plan shall be shown in separate columns in red and black respectively so that the different values could be identified easily;

- (m) the boundaries and particulars of accessory parcels such as enclosed balconies without facility of access to other parcels and limited to the exclusive use of the main parcel and situated adjacent to, and outside the outer boundaries of the condominium parcel described in the plan shall be indicated in the schedule separately as accessory parcels and added to the square area of the main parcel, and the percentage of the share value shall be calculated accordingly; and
- (n) the responsibility of registering the condominium property, provisional condominium property or semi-condominium property as the case may be, lies on the owner of the same.

PART II

Space Allocation

8. The following matters shall be taken into consideration in planning the space allocation in a condominium property, provisional condominium property or semi-condominium property as the case may be: -

- (a) where there are five or more parcels in a condominium property, provisional condominium property or semi-condominium property as the case may be, a space shall be allocated in the building for the Management Corporation, to be used as an office room and another room to keep the equipment;
- (b) when an agreement is signed to sell a condominium parcel, semi-condominium parcel or provisional condominium parcel, as the case may be, for any relevant purposes, the area of that parcel shall be equal to the area shown in the relevant condominium plan, semi-condominium plan or provisional condominium plan.
- (c) where the need arises to change the approved purpose of any condominium parcel or part thereof, the prior written approval shall be obtained for the same from the Commission;
- (d) the provision of the main water supply system or water collection tanks shall be in compliance with the requirements of the National Water Supply and Drainage Board established under the provisions of section 2 of the National Water Supply and Drainage Board Law;
- (e) the electricity supply and water supply meters shall be fixed securely in a place where the common elements are provided;
- (f) the space consumed by the service pipelines of each parcel of the condominium property, provisional condominium property or semi-condominium property as the case may be, in cases where supplied through other parcels, that space shall be indicated as common element in the relevant condominium plan, provisional condominium plan or semi-condominium plan;
- (g) the heat-proofing shall be arranged in such manner so as to control the heat caused by the common roof;
- (h) a generator with adequate capacity shall be installed for the lift and the common lamps which shall be fired with an automatic switch;
- (i) any passage which provides access to residential parcels shall have a minimum width of 1.5 meters;
- (j) the height of the balcony walls shall be in compliance with the international standards;
- (k) in the event any contractor fails to fulfill the obligations during the warranty period in terms of the warranty certificate in respect of a condominium building, the owner or developer of the property shall be bound to fulfill such obligations.

PART III

Administration and Management of Condominium Property or Semi-Condominium Property and Parcels

9. It shall be the duty of any Management Corporation to ensure that the following are complied with, in the management of any condominium property or semi-condominium property as the case may be, or condominium parcel: -

- (a) where the parking areas are defined as common elements in the registered condominium plan, every occupant has a common right to park his vehicle on the first come first serve basis in such parking area:

Provided however, where parking parcels are identified as accessory parcels to a condominium parcel, the owner of such parcel shall have the exclusive right to park his or her vehicle within the area of such accessory parcel;

- (b) where, in the case of a corrosion or leak inside a condominium parcel, and the nature of such corrosion or leak has been identified by a technical report, the responsible party shall repair such corrosion or leak and if that party fails to repair it, the Management Corporation may repair it and recover the cost of such repairs from that party;
- (c) a person shall not use a condominium parcel in such manner so as to obstruct the use of common amenities by other occupants of such condominium parcel or cause inconvenience to the other occupants thereof;
- (d) the Management Corporation shall continue to maintain the fire extinguishers and ensure its proper function;
- (e) the Management Corporation shall, from the date of coming into operation of these regulations, charge the management fees in proportion to the share value of the condominium parcels;
- (f) while an inquiry is pending before the Commission on a complaint relating to a non-registration of a condominium property or semi-condominium property as the case may be, a person shall not sell, mortgage or give on lease any of the other condominium parcels without the permission of the Commission; and
- (g) where the title deeds of condominium parcels have not been issued to the purchasers thereof after the relevant condominium plans or semi- condominium plans of such property have been registered, the owner or developer of such property has no power to make any rules affecting the rights of the prospective purchasers, at a meeting of the Management Corporation.

PART IV

General Provisions

10. A person shall not occupy any condominium property or semi-condominium property as the case may be, unless such person has the certificate of conformity issued by the Commission in respect thereof.

11. In these regulations –

“Apartment Ownership Law” means the Apartment Ownership Law, No. 11 of 1973;

“Commission” means the Colombo Port City Economic Commission established under the provisions of section 3 of the Colombo Port City Economic Commission Act, No. 11 of 2021; and

“Condominium Management Authority Law” means Condominium Management Authority Law, No. 10 of 1973.

SCHEDULE I

Regulation 2(1)

For Official use only
No.
Date of receipt
Date of payment

COLOMBO PORT CITY ECONOMIC COMMISSION

Application for a certificate in respect of the common amenities and common elements of a condominium property

1. Name/s of the owner/owners:
2. National Identity Card Number/Passport Number/ Company Registration Number:
3. Mailing address:
4. E-mail address:
5. Telephone No:
6. Name of the condominium property:
7. Address of the condominium property:
8. Number of the condominium parcels
 - i. Residential:
 - ii. Commercial
9. Total floor area of the condominium property: m²
 - i. Name of the Surveyor:
 - ii. Condominium plan No:.....
10. In the case of a company, details of the company :.....
11. Title deed of the land:
12. If any loan has been obtained for the project, the details about the mortgages and other obligations:
.....
13. Details about the sale agreements and the owners of the condominium parcels:
14. Period for which the condominium plan is intended to be registered :.....

15. Annexes: -

- (a) Building plan, with amendments as last approved by the Commission (original and two copies certified by a Chartered Architect and a Chartered Structural Engineer)

Reference No:	Date:
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- (b) Condominium plan (original/duplicate/triplicate)

Reference No:	Date:
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- (c) Certificate of conformity issued by the Commission (original and two copies)

Reference No:	Date:
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- (d) Title deed of the land (original and two copies)

Reference No:	Date:
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- (e) Management proposals relating to maintenance (In the case of a company, should have been signed by two directors with the company seal)

Reference No:	Date:
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- (f) Following plans/drawings relating to the construction certified by relevant qualified persons: -
 - (i) plan for water supply;
 - (ii) plan for the disposal of waste water;
 - (iii) plan for the sewerage disposal;
 - (iv) plan for the draining out rain water;
 - (v) plan for the management of garbage;
 - (vi) plan for the supply of electricity;
 - (vii) plan for the provision of telephone facilities;
 - (viii) plan for the provision of the electric elevators;
 - (ix) plan for the provision of fire protection;
 - (x) structural drawings; and
 - (xi) plans for other services.

I/We confirm that the foregoing information is correct.

Signature of the owner /s/ or applicant	Signature of the Chartered Engineer/ Chartered Architect	Signature of the Registered Surveyor
Date	Date	Date

For office use

Other remarks

SCHEDULE II

Regulation 2(2)

For Official use only
No.
Date of receipt
Date of payment

COLOMBO PORT CITY ECONOMIC COMMISSION

Application for a certificate in respect of the common amenities and common elements of a provisional condominium property

1. Name/s of the owner/owners:
2. National Identity Card Number/ Passport Number / Company Registration Number:
3. Mailing address:
4. E-mail address:
5. Telephone No:
6. Name of the provisional condominium property:
7. Address of the provisional condominium property:
8. Number of the condominium parcels:
 - i. Residential:
 - ii. Commercial
9. Total floor area of the provisional condominium property: m²
 - i. Name of the Surveyor:
 - ii. Condominium plan No:.....
10. Annexes

(a) Building plan, with amendments as last approved by the Commission

Reference No:	Date:
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(b) Provisional condominium plan (original/duplicate/triplicate)

Reference No:	Date:
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(c) Proposed development programme relating to the construction, prepared and signed by a qualified person in terms of the Apartment Ownership Law

Reference No:	Date:
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(d) Title deed of the land (original and two copies)

Reference No:	Date:
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(e) Management proposals relating to maintenance (In the case of a company, should have been signed by two directors with the company seal)

Reference No:	Date:
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(f) Following plans/drawings relating to the construction certified by relevant qualified persons: -

- (i) plan for water supply;
- (ii) plan for the disposal of waste water;
- (iii) plan for the sewerage disposal;
- (iv) plan for the draining out rain water;
- (v) plan for the management of solid waste;
- (vi) plan for the supply of electricity;
- (vii) plan for the provision of telephone facilities;
- (viii) plan for the provision of the electric elevators;
- (ix) plan for the provision of fire protection;
- (x) structural drawings; and
- (xi) plans for other services.

I/We confirm that the foregoing information is correct.

Signature of the owner/s/ or applicant	Signature of the Chartered Engineer/ Chartered Architect	Signature of the Registered Surveyor
Date	Date	Date

For office Use

Other Remarks

SCHEDULE III

Regulation 2(3)

<p>For Official use only</p> <p>No.</p> <p>Date of receipt</p> <p>Date of payment</p>
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COLOMBO PORT CITY ECONOMIC COMMISSION

Application for a certificate in respect of the common amenities and common elements of a semi-condominium property

1. Name/s of the owner/owners :
2. National Identity Card Number/ Passport Number / Company Registration Number :
3. Mailing address :
4. E-mail address :
5. Telephone No :
6. Name of the semi-condominium property :
7. Address of the semi-condominium property :
8. Number of the semi-condominium parcels :
 - i. Residential:
 - ii. Commercial
9. Total floor area of the semi-condominium property : m²
 - i. Name of the Surveyor:
 - ii. Semi-condominium plan No:.....
10. Details of the certified company :.....
11. Title deed of the land :
12. If any loan has been obtained for the project, the details about the mortgages and other obligations :
.....
13. Details about the sales agreements and the owners of the condominium parcels :
14. Period for which the semi-condominium plan is intended to be registered :.....

15. Annexes: -

- (a) Building plan, with amendments as last approved by Commission (original and two copies certified by a Chartered Architect and a Chartered Structural Engineer)

Reference No:	Date:
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- (b) Semi-condominium plan (original/duplicate/triplicate)

Reference No:	Date:
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- (c) Certificate of conformity for the completed parcels.

Reference No:	Date:
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- (d) Proposed development programme relating to the construction prepared and signed by a qualified person in terms of the Apartment Ownership Law

Reference No:	Date:
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- (e) Title deed of the land (original and two copies)

Reference No:	Date:
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- (f) Management proposals relating to maintenance (In the case of a company, should have been signed by two directors with the company seal)

Reference No:	Date:
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- (g) Following plans/drawings relating to the construction certified by relevant qualified persons :
 - (i) plan for water supply;
 - (ii) plan for the disposal of waste water;
 - (iii) plan for the sewerage disposal;
 - (iv) plan for the draining out rain water;
 - (v) plan for the management of garbage;
 - (vi) plan for the supply of electricity;
 - (vii) plan for the provision of telephone facilities;
 - (viii) plan for the provision of the electric elevators;
 - (ix) plan for the provision of fire protection;
 - (x) structural drawings; and
 - (xi) plans for other services.

I/We confirm that the foregoing information is correct.

..... Signature of the owner/s/ or applicant Date Signature of the Chartered Engineer/ Chartered Architect Date Signature of the Registered Surveyor Date
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For office Use
 Other Remarks

SCHEDULE IV

Regulation 3 (1)(b)

Qualified persons who are authorised to certify the reports on services and plans relating to common amenities

Report/Plan		Qualified person who is authorised to approve or certify the report/plan
1	Condominium plan, semi condominium plan or provisional condominium plan.	A Licensed Surveyor or a person authorized by the Surveyor- General.
2.	Structural design report along with design calculations and drawings (certificate stating that the foundation and the building are in accordance with the approved plan and the building is structurally safe).	A Chartered Civil Engineer who is a member of the Engineering Council of Sri Lanka and qualified for the respective building category as per the Structural Engineers Directory published by the Institute of Engineers, Sri Lanka, incorporated by Act, No. 17 of 1968.
3.	Building services design report along with design calculations and drawings relating to the electricity supply, water supply, waste water discharge, storm water management (including rain water harvesting) and fire safety.	Any of the following engineers who are members of the Engineering Council of Sri Lanka and qualified for the respective areas as per the Directories published by the Institute of Engineers, Sri Lanka, incorporated by Act, No. 17 of 1968: - (i) Chartered Electrical Engineer; (ii) Chartered Civil Engineer; (iii) Chartered Building Services Engineer; (iv) Chartered Mechanical Engineer.
4.	Proposal for garbage disposal	Estate Management Corporation.
5.	Fire Extinguishing Certificate	the Fire Department of the Municipal Council.
6.	Estimates on expenditure	a Chartered Civil Engineer who is a member of the Engineering Council of Sri Lanka or a Chartered Quantity Surveyor who is a member of the Institute of Quantity Surveyors Sri Lanka.

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