

## Registry Act

### ONTARIO REGULATION 43/96 SURVEYS, PLANS AND DESCRIPTIONS OF LAND

**Consolidation Period:** From July 1, 2018 to the [e-Laws currency date](#).

Last amendment: 88/18.

Legislative History: 50/01, 433/11, 435/11, 88/18.

*This is the English version of a bilingual regulation.*

#### CONTENTS

	Sections
<a href="#">PART I</a>	1-3
<a href="#">PART II</a>	4-13.1
<a href="#">PART III</a>	14-16
<a href="#">PART IV</a>	17-21
<a href="#">PART V</a>	22-28
<a href="#">PART VI</a>	29-37
<a href="#">PART VII</a>	38-43
<a href="#">PART VIII</a>	44-45.-48
<a href="#">PART IX</a>	49
<a href="#">PART X</a>	50
<a href="#">PART XI</a>	51
<a href="#">PART XII</a>	52-67
<a href="#">PART XIII</a>	68-75
	76
	77-80
	81-82
	83-85
<a href="#">Schedule 2</a>	(section 64)

#### PART I INTERPRETATION AND APPLICATION

1. (1) In this Regulation,

“Compiled Plan” means a plan prepared and registered under subsection 83 (1) of the Act; (“plan compilé”)

“deposited” means deposited under the *Registry Act* or the *Land Titles Act*; (“déposé”)

“examiner of surveys” means the examiner of surveys appointed under subsection 14 (1) of the *Land Titles Act*; (“inspecteur des arpentages”)

“expropriating authority” means the Crown or any person empowered by statute to expropriate land; (“autorité expropriante”)

“expropriation plan” means a plan under the *Expropriations Act* or a predecessor of that Act; (“plan d’expropriation”)

“land registrar” includes a land registrar within the meaning of the *Land Titles Act*; (“registreur”)

“local description” means a description made in accordance with sections 53 to 63; (“description particulière”)

“lot” means a lot or any other area defined and designated by an original survey or by a registered plan; (“lot”)

“monument” includes any monument referred to in Ontario Regulation 525/91 (Monuments) under the *Surveyors Act* and any other thing, device or object used to mark or witness a boundary of surveyed lands; (“borne”)

“municipal plan” means a plan prepared under section 91 of the Act, section 48 of the *Surveys Act* or section 149 of the *Land Titles Act*; (“plan municipal”)

“original survey” has the same meaning as in section 1 of the *Surveys Act*; (“levé primitif”)

“property map” means a map prepared and maintained under subsection 21 (3) or (4) of the *Registry Act* or subsection 141 (3) or (4) of the *Land Titles Act*; (“plan foncier”)

“reference plan” means a plan deposited under section 150 of the *Land Titles Act* or section 80 or 81 of the *Registry Act* and includes any other plan deposited as a reference plan; (“plan de renvoi”)

“registered” means registered under the *Registry Act* or the *Land Titles Act*; (“enregistré”)

“subdivision unit” means,

- (a) a lot shown on the original plan of an original survey and includes a section, block, gore, reserve, common, mining location or mining claim, or
  - (b) a lot, block, part or other unit of land shown on a plan registered or deposited under the *Registry Act* or the *Land Titles Act*. (“unité de lotissement”) O. Reg. 43/96, s. 1 (1); O. Reg. 88/18, s. 1 (1-5).
- (2) For the purposes of this Regulation, a survey of property is a current survey if, at the time a plan based on that survey is submitted to the land registrar or the examiner of surveys,
- (a) both the survey and plan comply with the applicable requirements of the statutes and regulations; and
  - (b) the survey monuments on the property are in place and correctly shown on the plan and no changes to the plan are necessary, as confirmed by a search of the land registration records for the documentary evidence required by clause 8 (a) of Ontario Regulation 216/10 (Performance Standards for the Practice of Professional Land Surveying) made under the *Surveyors Act*. O. Reg. 43/96, s. 1 (2); O. Reg. 88/18, s. 1 (6).

2. This Regulation applies to instruments and plans that are to be registered or deposited under the *Registry Act* or the *Land Titles Act* and that are executed on or after April 21, 1996. O. Reg. 43/96, s. 2; O. Reg. 50/01, s. 1; O. Reg. 88/18, s. 2.

3. (1) This Regulation does not apply to,
- (a) a plan under the *Navigation Protection Act* (Canada);
  - (b) a preliminary plan authorized by an Act of Canada or Ontario;
  - (c) an order under section 7, 29, 29.1, 36, 37, 40, 41 or 42 of the *Public Transportation and Highway Improvement Act*;
  - (d) a deed or a transfer given by the Director under the *Veterans’ Land Act* (Canada) if the instrument by which the Director acquired title was registered before July 1, 1964, and if the deed or transfer includes all the land described in the instrument by which the Director acquired title;
  - (e) a plan illustrating a gas storage area designated under the *Ontario Energy Board Act, 1998*;
  - (f) a plan to illustrate land to be expropriated under an Act of Canada if the expropriating authority undertakes to register, either separately or as a part of an instrument, a plan of survey of the land so expropriated;
  - (g) a sketch under subsection 81 (2) of the Act;
  - (h) an agreement under the *Forestry Act*;
  - (i) REVOKED: O. Reg. 88/18, s. 3 (3).
  - (j) a Compiled Plan;
  - (k) an order of the Ontario Municipal Board referred to in section 68 of the Act;
  - (l) a property map;
  - (m) a plan on which a surveyor’s name appears and that is attached to an instrument or document solely for the purpose of providing an illustration of the description of land for that instrument or document; or
  - (n) architectural plans or structural plans mentioned in clause 8 (1) (b) or 157 (1) (b) of the *Condominium Act, 1998*. O. Reg. 43/96, s. 3 (1); O. Reg. 50/01, s. 2; O. Reg. 435/11, s. 1; O. Reg. 88/18, s. 3 (1-5).
- (2) Despite clause (1) (b),
- (a) section 6, subsection 7 (1), clauses 9 (1) (a), (c), (d) and (e) and subsections 9 (4), (5) and (6) apply to,
    - (i) Preliminary Assumption Plans under subsection 8 (2) of the *Public Transportation and Highway Improvement Act*,
    - (ii) preliminary plans under subsection 9 (5) of the *Expropriations Act*; and
  - (b) subsection 31 (3) and sections 32 and 36 apply to preliminary plans under subsection 9 (5) of the *Expropriations Act*. O. Reg. 43/96, s. 3 (2).
- (3) Despite clause (1) (c), section 64 applies to orders under the *Public Transportation and Highway Improvement Act* listed in that clause. O. Reg. 43/96, s. 3 (3).
- (4) Despite clause (1) (g), section 50 applies to sketches under subsection 81 (2) of the Act. O. Reg. 43/96, s. 3 (4).
- (5) Despite clause (1) (j), sections 6 and 49 apply to Compiled Plans. O. Reg. 43/96, s. 3 (5); O. Reg. 88/18, s. 3 (6).

(6) Despite clause (1) (l), section 44 applies to property maps. O. Reg. 88/18, s. 3 (7).

(7) Despite clause (1) (m), subsection 6 (5) and section 51 apply to plans on which a surveyor's name appears and that are attached to an instrument or document solely for the purpose of providing an illustration of the description of land for that instrument or document. O. Reg. 88/18, s. 3 (7).

## **PART II PLANS — GENERAL**

**4.** Except as otherwise provided, this Part applies to all plans that are to be registered or deposited and to all amendments to plans prepared under the *Condominium Act, 1998* or a predecessor of it. O. Reg. 50/01, s. 3.

**5.** (1) Subject to subsection 6 (5) and subsections 19 (2) and (3), plans that are to be submitted for registration or deposit shall comply with,

- (a) the Act, or the *Land Titles Act* if the plan was prepared under that Act, and this Regulation;
- (b) the *Surveys Act* and the regulations made under it;
- (c) the Act and the regulations under which the plan was prepared; and
- (d) the *Surveyors Act* and the regulations made under it. O. Reg. 43/96, s. 5 (1); O. Reg. 88/18, s. 4.

(2) If there is a conflict between the Acts or regulations specified in clause (1) (a), (b), (c) or (d), the provisions of the Act, or of the *Land Titles Act* if the plan was prepared under that Act, and of this Regulation prevail. O. Reg. 43/96, s. 5 (2); O. Reg. 88/18, s. 4.

**6.** (1) Before registration or deposit, a plan shall be submitted to the examiner of surveys for approval if,

- (a) the Act or regulation under which the plan was prepared requires the approval of the examiner of surveys;
- (b) the examiner of surveys requires the plan to be submitted for approval; or
- (c) the land registrar requests that the examiner of surveys approve the plan. O. Reg. 43/96, s. 6 (1); O. Reg. 88/18, s. 5 (1).

(2) Despite subsection (1), the approval of the examiner of surveys is not required with respect to a plan of public lands prepared under the *Public Lands Act* and signed by the Surveyor General of Ontario or an official authorized by the Surveyor General of Ontario. O. Reg. 43/96, s. 6 (2).

(3) If a plan is submitted to the examiner of surveys for approval under subsection (1) and if the examiner is satisfied that the survey and the plan meet the requirements under the applicable Acts and regulations referred to in subsection 5 (1), the examiner shall provide written approval of the plan to the surveyor and the surveyor shall indicate the examiner's approval and the date of the approval in the prescribed form on the plan near the upper right corner. O. Reg. 88/18, s. 5 (2).

(4) Despite subsection (3), the examiner of surveys may rely solely on a certificate of a surveyor in approving a plan but if a plan is so approved, the examiner shall require the surveyor to indicate on the plan that it is approved under this subsection. O. Reg. 88/18, s. 5 (2).

(5) The examiner of surveys may approve a plan for the purpose of registration or deposit, either separately or as attached to an instrument or document, although the plan does not strictly comply with the requirements of the applicable acts or regulations referred to in subsection 5 (1). O. Reg. 43/96, s. 6 (5).

(6) Subject to Part XIII, if the approval of the examiner of surveys is required under subsection (1), the person submitting the plan shall submit the plan to the examiner for approval and shall submit,

- (a) three paper prints of the plan, signed by the surveyor;
- (b) a paper print of every registered or deposited plan that shows lands included in the plan or that shows lands adjoining the lands included in the plan;
- (c) notes of a search of the land registration records for the lands included in the plan showing all the boundary-related information respecting the lands;
- (d) computations that show verification of all curve data, tangentiality and closures with respect to the perimeter of the land surveyed and the limits of each new subdivision unit designated on the plan;
- (e) if requested by the examiner, a certified copy of the field notes; and
- (f) any other material that the examiner requests. O. Reg. 43/96, s. 6 (6); O. Reg. 50/01, s. 4; O. Reg. 88/18, s. 5 (3-5).

(7) If subsection (1) requires a plan to be submitted to the examiner of surveys for approval before registration or deposit, the examiner may require that the plan and all or part of the other material mentioned in subsection (6) be submitted in electronic format. O. Reg. 88/18, s. 5 (6).

(8) No plan that is required to be submitted to the examiner of surveys for approval under this section shall be registered or deposited unless the approval of the examiner and the date of the approval are shown in the prescribed form on the plan near the upper right corner. O. Reg. 88/18, s. 5 (6).

(9) REVOKED: O. Reg. 88/18, s. 5 (6).

**7.** (1) Except in the case of a plan described in Part XIII, a person who submits a plan for registration or deposit shall submit it in the manner specified by the Director of Land Registration. O. Reg. 88/18, s. 6.

(2) Except in the case of a plan described in Part XIII, in addition to the original plan and the paper prints required by subsections (3), 21 (1) and (2) and clauses 25 (1) (d) and 36 (1) (b), a person who submits a plan under subsection (1) shall also submit,

(a) one paper print of the plan signed by the surveyor;

(b) two copies of the proposed declaration, if the plan is submitted for registration under the *Condominium Act, 1998*; and

(c) upon the request of the land registrar,

(i) a paper print of every registered or deposited plan that shows lands included in the plan or that shows lands adjoining the lands included in the plan, and

(ii) a search of the title of the lands included in the plan showing all the boundary-related information respecting the lands. O. Reg. 88/18, s. 6.

(3) A plan submitted for registration or deposit on translucent linen or on translucent plastic material under subsection (1) shall be accompanied by a paper print of the plan that is signed by the surveyor and to which is attached a plan submission form of the Association of Ontario Land Surveyors. O. Reg. 88/18, s. 6.

**8.** Subsection 7 (1) and clause 7 (2) (a) do not apply to a description within the meaning of the *Condominium Act, 1998* or a predecessor of it. O. Reg. 50/01, s. 6.

**9.** (1) Subject to Part XIII, a plan shall,

(a) be drawn on translucent linen or on translucent plastic material that, in the opinion of the examiner of surveys, is of durable quality and will not crack or break;

(b) be rectangular and not exceed 915 millimetres by 1,500 millimetres or be less than 261 millimetres by 356 millimetres;

(c) be prepared to a drafting standard that in the opinion of the examiner of surveys will permit legible and accurate copies to be made from it;

(d) not consist of more than one sheet, except for a plan prepared under the *Condominium Act, 1998* or a predecessor of it and a strata plan prepared under Part III; and

(e) not include any notes, words or symbols that indicate that the right to make or distribute copies is in any way restricted. O. Reg. 43/96, s. 9 (1); O. Reg. 50/01, s. 7 (1); O. Reg. 88/18, s. 7 (1, 2).

(2) Except for a Compiled Plan or a plan prepared under the *Condominium Act, 1998*, and subject to subsections 19 (4) and (5), a plan shall not be registered or deposited unless it is certified by the surveyor in the prescribed form. O. Reg. 43/96, s. 9 (2); O. Reg. 50/01, s. 7 (2); O. Reg. 435/11, s. 2 (1); O. Reg. 88/18, s. 7 (3).

(3) Except in the case of a plan described in Part XIII, a translucent duplicate of a plan signed by the Surveyor General of Ontario, or an official designated by him or her made on linen or on plastic material that, in the opinion of the examiner of surveys, is of durable quality and will not crack or break may be registered or deposited instead of the original plan. O. Reg. 43/96, s. 9 (3); O. Reg. 88/18, s. 7 (4).

(4) Except in the case of a plan described in Part XIII and despite clause (1) (a), a plan may be in whole or in part a photographic reproduction on plastic material that, in the opinion of the examiner of surveys, is of durable quality and will not crack or break, but all additions to the photographic reproduction shall be in black adhesion type ink, and signatures shall not be reproductions. O. Reg. 43/96, s. 9 (4); O. Reg. 88/18, s. 7 (5).

(5) Except in the case of a plan described in Part XIII, an original plan or a translucent duplicate of a plan to be retained as part of the land registration records shall not be folded. O. Reg. 88/18, s. 7 (6).

(6) Except in the case of a plan described in Part XIII, the title, legend and margin and any applicable certificates and forms prescribed by the regulations under which the plan is prepared may be pre-printed on a plan in a manner that is permanent and, in the opinion the examiner of surveys, permits accurate and legible copies of the plan to be made. O. Reg. 43/96, s. 9 (6); O. Reg. 88/18, s. 7 (7).

(7) The consent of the following person or body may be indicated on a plan:

1. The Minister of Municipal Affairs as required under the *Planning Act*.

2. The person or body to whom the authority to give consent has been delegated, if applicable. O. Reg. 88/18, s. 7 (8).

**10.** (1) On a plan each new subdivision unit shall be designated by a number, by words or by both and, if designated by numbers, the units shall be numbered consecutively beginning with the number 1. O. Reg. 43/96, s. 10 (1).

(2) On a plan, a new subdivision unit shall not be designated,

(a) by the same number or words as any other new subdivision unit on the same plan;

(b) as a “parcel” or “parcelle”;

(c) as a “PART” or “PARTIE” except on an expropriation plan, a plan under the *Boundaries Act*, a reference plan or a plan prepared under the *Public Transportation and Highway Improvement Act*; or

(d) as a “unit” or “partie privative” except on a plan forming part of a description within the meaning of the *Condominium Act, 1998* or a predecessor of it. O. Reg. 43/96, s. 10 (2); O. Reg. 50/01, s. 8; O. Reg. 88/18, s. 8.

(3) Vincula shall not be used in the designation of new subdivision units. O. Reg. 43/96, s. 10 (3).

**11.** Except as required under any Act and subject to subsection 19 (5), a plan shall not contain information describing the purpose for which any portion of the land on the plan is intended to be used. O. Reg. 43/96, s. 11.

**12.** If the approval of the examiner of surveys is required to be indicated on a plan, the examiner’s approval and the date of the approval shall be included on the plan in the prescribed form near the upper right corner of the plan. O. Reg. 88/18, s. 9.

**13.** Except in the case of a plan described in Part XIII, if a plan is prepared for registration, a certificate of registration in the prescribed form shall be included on the plan in the upper right corner. O. Reg. 43/96, s. 13; O. Reg. 435/11, s. 4; O. Reg. 88/18, s. 10.

**13.1** Sections 12 and 13 do not apply to plans prepared by a surveyor for descriptions under the *Condominium Act, 1998* or a predecessor of it. O. Reg. 50/01, s. 9.

### **PART III STRATA PLANS**

**14.** This Part applies to three-dimensional plans, otherwise known as strata plans, that meet the requirements of section 16 but does not apply to plans prepared under the *Condominium Act, 1998* or a predecessor of it. O. Reg. 43/96, s. 14; O. Reg. 50/01, s. 10.

**15.** If structures have been adopted as the survey monuments under subsection 11 (8) of Ontario Regulation 525/91 (Monuments) under the *Surveyors Act*, sufficient detail must be shown on the plan so that the boundaries of the subdivision units defined by these structures are determinable, both horizontally and vertically, from the information shown on the plan without the support of any structural or other plans. O. Reg. 43/96, s. 15; O. Reg. 88/18, s. 11.

**16.** (1) Subject to Part XIII, a strata plan shall,

(a) consist of one or more sheets and include the title “Strata Plan of Survey” in English or “Plan d’arpentage de stratification verticale” in French on each sheet;

(b) include horizontal sections and vertical sections, and, if necessary, perspective drawings to illustrate fully the boundaries of the subdivision units;

(c) show elevations on all horizontal and vertical sections at the boundaries of the subdivision units and at the beginning and end of sloping planes;

(d) show the location, elevation, datum and origin of the bench marks from which the elevations have been derived;

(e) contain a schedule relating the new subdivision units to the horizontal sections, vertical sections and the sheet locations;

(f) illustrate all structures adopted as survey monuments under subsection 11 (8) of Ontario Regulation 525/91 (Monuments) under the *Surveyors Act*;

(g) show the plan sheet number and the total number of plan sheets on each plan sheet near the upper right corner of each sheet;

(h) if structures have been adopted as survey monuments, be certified by a surveyor using a certificate in the prescribed form on sheet 1;

(i) be certified by the surveyor using a certificate in the prescribed form on sheet 1;

(j) if the plan is prepared for registration, include a certificate of registration in the prescribed form in the upper right corner of each sheet; and

(k) if the plan is prepared for deposit, include,

(i) a receipt in the prescribed form in the upper right corner of each sheet, and

(ii) a requisition for deposit in the prescribed form signed by the depositor on each sheet. O. Reg. 43/96, s. 16 (1); O. Reg. 435/11, s. 5; O. Reg. 88/18, s. 12.

(2) A strata plan shall be prepared from a current survey. O. Reg. 43/96, s. 16 (2).

#### **PART IV REFERENCE PLANS**

**17.** This Part, and Part XIII where applicable, apply to plans that are to be deposited as reference plans. O. Reg. 88/18, s. 13.

**18.** A plan that meets the requirements of sections 19 and 20, including a plan under section 150 of the *Land Titles Act* and sections 80 and 81 of the *Registry Act*, may be deposited as a reference plan. O. Reg. 43/96, s. 18.

**19.** (1) Subject to subsections (2) and (5), a reference plan shall be prepared from a current survey. O. Reg. 43/96, s. 19 (1).

(2) A reference plan may be partially or wholly compiled with the approval of the examiner of surveys if he or she is of the opinion that a survey or complete survey is not required and that a reference plan will facilitate the description of the land. O. Reg. 43/96, s. 19 (2).

(3) A reference plan that is partially compiled under subsection (2) shall include a note that clearly indicates that the plan was partially compiled from, and is a graphic illustration of, information obtained from specified sources. O. Reg. 43/96, s. 19 (3); O. Reg. 88/18, s. 14 (1).

(4) Except in the case of a plan described in Part XIII, a reference plan that is wholly compiled under subsection (2) shall be certified by a surveyor using a certificate in the prescribed form. O. Reg. 43/96, s. 19 (4); O. Reg. 435/11, s. 6 (1); O. Reg. 88/18, s. 14 (2).

(5) Subject to Part XIII, a reference plan that is prepared to illustrate utility easements on an existing plan of subdivision or an existing plan prepared under the *Condominium Act, 1998* or a predecessor of it, other than a plan for a common elements condominium corporation, may be wholly or partially compiled without the approval of the examiner of surveys if,

- (a) the plan is certified by a surveyor using a certificate in the prescribed form with respect to the parts that are compiled and a certificate in the prescribed form with respect to the parts that are surveyed;
- (b) the plan is deposited before any conveyance or encumbrance is registered against the subdivision plan lots or condominium units affected by the reference plan;
- (c) each compiled part shown on the plan,
  - (i) is of uniform perpendicular or radial width, and
  - (ii) has one limit coincident with a limit of a subdivision lot or condominium unit for its whole length;
- (d) the plan does not show dimensions on the part limits that are compiled; and
- (e) the plan includes in the title a heading that indicates the plan is a wholly or partially compiled easement plan. O. Reg. 43/96, s. 19 (5); O. Reg. 50/01, s. 11; O. Reg. 435/11, s. 6 (2); O. Reg. 88/18, s. 14 (3, 4).

**20.** (1) Subject to Part XIII, a reference plan shall,

- (a) show parcels of land as consecutively numbered parts beginning with the number 1 and the number of a part shall be preceded by "PART" or "PARTIE";
- (b) show as a separate part each portion of every existing easement that is included in a new subdivision unit created by the plan;
- (c) include a receipt in the prescribed form in the upper right corner;
- (d) include, immediately below or adjacent to the receipt mentioned in clause (c), a requisition for deposit in the prescribed form signed by the depositor;
- (e) include, in a conspicuous place beneath or adjacent to the receipt mentioned in clause (c) and the requisition mentioned in clause (d), a schedule in the prescribed form that relates the numbered part or parts shown on the plan, consecutively,
  - (i) to the existing subdivision units and either the instrument numbers of the existing registered instruments or the property identifiers assigned to the existing subdivision units, if any, if the plan is to be deposited under the *Registry Act*,
  - (ii) to the existing subdivision units and the property identifiers assigned to the existing subdivision units, if any, if the plan is to be deposited under the *Land Titles Act*,
  - (iii) to the whole or part of the land identified by the property identifiers,
  - (iv) to the new headings in the abstract index for each parcel included in the plan, if the plan includes land in an area that has been divided into parcels for abstract purposes under subsection 83 (3) of the *Registry Act*, and

- (v) to the perpendicular or radial width of those parts which are compiled, if the plan is a wholly or partially compiled easement plan;
  - (f) include, below or adjacent to the schedule mentioned in clause (e), a list of all parts on the plan that are subject to easements and the instrument numbers of those easements; and
  - (g) include, within or below the schedule mentioned in clause (e), a statement of all parts on the plan under each property identifier, if any, and whether the parts represent the whole or part of the land under that property identifier. O. Reg. 43/96, s. 20 (1); O. Reg. 435/11, s. 7 (1-4); O. Reg. 88/18, s. 15 (1-7).
- (2) Despite subclauses (1) (e) (i) and (ii) and section 80, the schedules mentioned in clause (1) (e) or 80 (a) shall not relate the numbered parts on a plan to an existing subdivision unit designated as a part. O. Reg. 88/18, s. 15 (8).
- (3) For each part shown on a reference plan, the plan may include in the schedule mentioned in clause (1) (e) or 80 (a) a quantitative measurement of the area of each part and the name of the transferee or grantee contained in the instrument by which land was last transferred. O. Reg. 43/96, s. 20 (3); O. Reg. 435/11, s. 7 (5); O. Reg. 88/18, s. 15 (9).
- 21.** (1) Except in the case of a plan described in Part XIII, in addition to submitting the paper prints required under subsections 7 (2) and (3), a person depositing a reference plan shall deliver the original and three paper prints of it to the land registrar, together with the person's duplicate plan, if any. O. Reg. 43/96, s. 21 (1); O. Reg. 88/18, s. 16 (1).
- (2) Except in the case of a plan described in Part XIII, if the land is situate in a regional municipality, the person shall deliver to the land registrar an additional paper print of the plan. O. Reg. 43/96, s. 21 (2); O. Reg. 88/18, s. 16 (1).
- (3) Reference plans submitted for deposit shall be numbered consecutively in order of receipt in a separate series of numbers and each number shall incorporate, as a prefix, the number of the registry or land titles division followed by "R". O. Reg. 88/18, s. 16 (2).
- (4) All reference plans deposited in a land registry office that is a combined registry office and land titles office may be numbered in one series of numbers. O. Reg. 43/96, s. 21 (4).
- (5) Except in the case of a plan described in Part XIII, when a land registrar receives a reference plan for deposit, the land registrar shall,
- (a) complete and sign the receipt in the prescribed form on the original plan and on each sheet, if there is more than one sheet, and enter the particulars of the receipt on the duplicate, if any, and on the paper prints;
  - (b) retain the original plan and one paper print;
  - (c) return the duplicate to the depositor; and
  - (d) deliver one paper print to,
    - (i) the clerk of the municipality where the land included in the plan is situate,
    - (ii) the Municipal Property Assessment Corporation, if the record for the land is not automated,
    - (iii) the clerk of the regional municipality, if the land is situate in a regional municipality, and
    - (iv) the Association of Ontario Land Surveyors, with the plan submission form attached. O. Reg. 43/96, s. 21 (5); O. Reg. 50/01, s. 12; O. Reg. 435/11, s. 8; O. Reg. 88/18, s. 16 (3-5).
- (6) An index in a form approved by the Director of Land Registration to be known as the "Reference Plan Index" in English and "Répertoire des plans de renvoi" in French shall be kept. O. Reg. 88/18, s. 16 (6).
- (7) Upon deposit of a reference plan, the plan shall be recorded in the Reference Plan Index and in the appropriate abstract index or parcel register, if any. O. Reg. 88/18, s. 16 (6).

## **PART V PLANS OF SUBDIVISION**

- 22.** This Part, and Part XIII where applicable, apply to plans of subdivision but not to plans prepared under the *Condominium Act, 1998* or a predecessor of it. O. Reg. 88/18, s. 17.
- 23.** A plan of subdivision shall be prepared from a current survey. O. Reg. 43/96, s. 23.
- 24.** Subject to Part XIII, a plan of subdivision that is submitted for registration shall include,
- (a) the certificate of every owner of the lands included in the plan in the prescribed form, and if an owner is a corporation, the certificate shall,
    - (i) be signed by the officers of the corporation who have the authority to bind it, and
    - (ii) include a statement that the signing officers have the authority to bind the corporation;
  - (b) in a conspicuous place beneath or adjacent to the certificate of registration, a note in the prescribed form that relates the land included in the plan to the whole or part of the land described in the existing underlying property identifiers; and

(c) in a conspicuous place either below or to the left of the certificate of registration, a note in the prescribed form setting out the subdivision units that are subject to an easement, together with the registration number of the applicable instrument for the easement. O. Reg. 88/18, s. 18.

**25.** (1) Except in the case of a plan described in Part XIII, a plan of subdivision submitted for registration shall be accompanied by,

- (a) a Plan Document, including a statement in the prescribed form;
- (b) if the consent of the chargee or mortgagee is required, the consent in the prescribed form attached to the Plan Document;
- (c) two translucent duplicates of the plan; and
- (d) in addition to the paper prints required under subsections 7 (2) and (3), three paper prints of the plan. O. Reg. 43/96, s. 25 (1); O. Reg. 435/11, s. 10; O. Reg. 88/18, s. 19 (1-3).

(2) A translucent duplicate of a plan of subdivision submitted under clause (1) (c) shall be a mechanically reproduced copy of the plan and shall be on translucent linen or on plastic material that, in the opinion of the examiner of surveys, is of sufficient quality to permit reproduction of accurate and legible copies. O. Reg. 43/96, s. 25 (2).

(3) A person registering a plan of subdivision under subsection (1) may submit duplicate plans with the plan of subdivision. O. Reg. 43/96, s. 25 (3); O. Reg. 88/18, s. 19 (4).

**26.** Clauses 24 (b) and 25 (1) (a) and (b) do not apply to plans of subdivision of public lands under the *Public Lands Act*. O. Reg. 43/96, s. 26.

**27.** (1) Plans of subdivision shall be numbered consecutively in order of receipt in a separate series of numbers and each number shall incorporate, as a prefix, the number of the land titles division followed by "M-". O. Reg. 88/18, s. 20.

(2) Except in the case of a plan described in Part XIII, upon registration of the Plan Document,

- (a) the registration number of the Plan Document shall be placed on the plan; and
- (b) the certificate of registration shall be completed in the prescribed form on the original plan, on each sheet, if the plan is a strata plan and there is more than one sheet, and on the translucent duplicates and paper prints. O. Reg. 88/18, s. 20.

(3) Except in the case of a plan described in Part XIII,

- (a) the original plan and one paper print shall be retained as part of the land registration records;
- (b) one paper print of the plan, with the plan submission form attached to it, shall be delivered to the Association of Ontario Land Surveyors;
- (c) one translucent duplicate shall be delivered to the clerk of the municipality where the land included in the plan is situate;
- (d) one paper print of the plan shall be delivered to the Municipal Property Assessment Corporation, if the record for the land is not automated;
- (e) one translucent duplicate shall be delivered to the Minister of Municipal Affairs or, if that Minister has delegated his or her authority to a person or body, to that person or body; and
- (f) one duplicate shall be returned to the registrant. O. Reg. 88/18, s. 20.

**28.** REVOKED: O. Reg. 88/18, s. 20.

## **PART VI EXPROPRIATION PLANS**

**29.** This Part applies to expropriation plans. O. Reg. 43/96, s. 29.

**30.** The perimeter boundaries of the area of land that is to be expropriated by the registration of an expropriation plan shall be established by a current survey. O. Reg. 43/96, s. 30.

**31.** (1) Interior boundaries within the area of land that is to be expropriated may be compiled in so far as they coincide with the boundaries of the existing subdivision units or registered descriptions. O. Reg. 43/96, s. 31 (1).

(2) Subsection (1) applies in respect of interior boundaries within an area that is acquired by an expropriating authority even though the expropriating authority has already purchased or agreed to purchase one or more parcels included within the perimeter of the area. O. Reg. 43/96, s. 31 (2).

(3) To the extent that information shown on an expropriation plan is compiled, the sources of the compiled information shall be shown on the plan in relation to the boundaries of the land that is to be expropriated. O. Reg. 43/96, s. 31 (3).

**32.** (1) An expropriation plan shall include,

- (a) the title and section of the Act from which the expropriating authority derives its power to expropriate;



- (b) the title “*Expropriations Act*” or “*Loi sur l’expropriation*”;
- (c) the registration number of the approval required under subsection 4 (1) of the *Expropriations Act*, if the approval is registered before the expropriation plan is registered in accordance with clause (2) (a); and
- (d) if a plan is partially compiled in accordance with section 31, a note that states that the plan was partially compiled from, and is a graphic illustration of, information obtained from specified sources. O. Reg. 43/96, s. 32 (1); O. Reg. 88/18, s. 21.

(2) An approval referred to in clause (1) (c) shall be,

- (a) registered before the expropriation plan is registered; or
- (b) endorsed on the expropriation plan. O. Reg. 43/96, s. 32 (2).

(3) An approval registered or endorsed under subsection (2) shall be in the form prescribed under subsection 8 (3) of the *Expropriations Act*. O. Reg. 43/96, s. 32 (3).

(4) Despite clause (1) (a), if an expropriating authority derives its power to expropriate under the *Public Transportation and Highway Improvement Act*, the section of that Act under which the expropriating authority derives its power need not be shown on the expropriation plan. O. Reg. 43/96, s. 32 (4).

**33.** If, before the registration of an expropriation plan, an expropriating authority has exercised its statutory power to expropriate land by passing a by-law or otherwise, there shall be shown on the plan,

- (a) in the case of a municipality that exercises its power by passing a by-law, the name of the municipality and the number of the by-law and the date it was passed; or
- (b) in the case of any other expropriating authority, a reference to the official publication or public record, if any, where evidence of the exercising of the statutory power is published or recorded. O. Reg. 43/96, s. 33.

**33.1** If the expropriating authority is a corporation, including a municipal corporation, the plan shall include a statement that the signing officers have the authority to bind the corporation. O. Reg. 88/18, s. 22.

**34.** Parcels of land that are to be expropriated by an expropriation plan shall be designated on the plan as consecutively numbered parts, beginning with the number 1 and the number of a part shall be preceded by “PART” or “PARTIE”. O. Reg. 43/96, s. 34; O. Reg. 88/18, s. 23.

**35.** (1) An expropriation plan shall include, in a conspicuous place beneath or adjacent to the certificate of registration, a schedule in the prescribed form that relates the numbered parts shown on the plan to,

- (a) the existing subdivision units and either the instrument numbers of the existing registered instruments or the property identifiers assigned to the existing subdivision units, if any, if the plan is to be registered under the *Registry Act*;
- (b) the existing subdivision units and either the underlying parcel numbers or the property identifiers assigned to the existing subdivision units, if any, if the plan is to be registered under the *Land Titles Act*; and
- (c) the new headings in the abstract index for each parcel included in the plan, if the plan includes land in an area that has been divided into parcels for abstract purposes under subsection 83 (3) of the *Registry Act*. O. Reg. 43/96, s. 35 (1); O. Reg. 435/11, s. 12 (1).

(2) Despite clauses (1) (a) and (b), a schedule mentioned in subsection (1) shall not relate the numbered parts on a plan to an existing subdivision unit designated as a part. O. Reg. 43/96, s. 35 (2); O. Reg. 435/11, s. 12 (2).

(3) For each part shown on an expropriation plan, the plan may include in the schedule mentioned in subsection (1) a quantitative measurement of the area of each part and the name of the transferee or grantee contained in the instrument by which the land was last transferred. O. Reg. 43/96, s. 35 (3); O. Reg. 435/11, s. 12 (2).

**36.** (1) Upon registering an expropriation plan, the expropriating authority shall deliver to the land registrar,

- (a) the original plan, unfolded; and
- (b) in addition to the paper prints required under subsections 7 (2) and (3), three paper prints of the plan. O. Reg. 43/96, s. 36 (1).

(2) The land registrar shall assign a registration number to the expropriation plan and complete the certificate of registration in the prescribed form on the original plan and on each sheet, if there is more than one sheet, and enter the particulars of the certificate of registration on each print. O. Reg. 43/96, s. 36 (2); O. Reg. 435/11, s. 13.

(3) The land registrar shall,

- (a) retain in his or her custody the original plan and one print;
- (b) deliver one paper print to the clerk of the municipality where the expropriated land is situate;
- (c) deliver one paper print to the Municipal Property Assessment Corporation, if the record of the land is not automated; and

(d) deliver one paper print of the plan, with the plan submission form attached, to the Association of Ontario Land Surveyors. O. Reg. 43/96, s. 36 (3); O. Reg. 50/01, s. 15; O. Reg. 88/18, s. 24.

(4) If at the time of registration of an expropriation plan the registrant delivers additional copies of the plan to the land registrar, the land registrar shall enter the particulars of the certificate of registration on the additional copies and return them to the registrant. O. Reg. 43/96, s. 36 (4).

37. REVOKED: O. Reg. 88/18, s. 25.

## PART VII MUNICIPAL PLANS

38. This Part applies to municipal plans. O. Reg. 43/96, s. 38.

39. A municipal plan shall be prepared from a current survey but, with the approval of the examiner of surveys, the plan may be partially compiled if the examiner is of the opinion that a complete survey is not required. O. Reg. 43/96, s. 39.

40. (1) Each parcel of land shall be shown on a municipal plan as a separate lot; however, when the examiner of surveys is satisfied that abutting lots share common ownership, he or she may approve the plan showing them as one lot. O. Reg. 43/96, s. 40 (1).

(2) Subsection (1) applies even if the separate parcels were acquired under separate instruments by the common owner. O. Reg. 43/96, s. 40 (2).

(3) An existing parcel shall not be shown as more than one lot on a municipal plan. O. Reg. 43/96, s. 40 (3).

41. (1) A municipal plan shall include a schedule in the prescribed form, with appropriate changes, near the upper right corner of the plan that relates the new lot numbers to,

(a) the existing subdivision units and either the instrument numbers of the existing registered instruments or the property identifiers assigned to the existing subdivision units, if any, if the plan is to be registered under the *Registry Act*;

(b) the existing subdivision units and either the underlying parcel numbers or the property identifiers assigned to the existing subdivision units, if any, if the plan is to be registered under the *Land Titles Act*; and

(c) the new headings in the abstract index for each parcel included in the plan, if the plan includes land in an area that has been divided into parcels for abstract purposes under subsection 83 (3) of the *Registry Act*. O. Reg. 43/96, s. 41 (1); O. Reg. 435/11, s. 14 (1).

(2) Despite clauses (1) (a) and (b), a schedule mentioned in subsection (1) shall not relate the numbered parts on a plan to an existing subdivision unit designated as a part. O. Reg. 43/96, s. 41 (2); O. Reg. 435/11, s. 14 (2).

42. (1) A municipal plan submitted for registration shall be accompanied by,

(a) two translucent duplicates of the plan; and

(b) in addition to the paper prints required under subsections 7 (2) and (3), three paper prints of the plan. O. Reg. 43/96, s. 42 (1).

(2) A translucent duplicate of a municipal plan submitted under clause (1) (b) shall be a mechanically reproduced copy of the plan and shall be on translucent linen or on plastic material that, in the opinion of the examiner of surveys, is of sufficient quality to permit reproduction of the duplicate. O. Reg. 43/96, s. 42 (2).

(3) A caution that clearly indicates that the municipal plan is not a plan of subdivision within the meaning of the *Planning Act* shall be included below the title block on every municipal plan. O. Reg. 43/96, s. 42 (3); O. Reg. 88/18, s. 26.

(4) A municipal plan that is a partially compiled plan shall include a note that clearly indicates that the plan was partially compiled from, and is a graphic illustration of, information obtained from specified sources. O. Reg. 43/96, s. 42 (4); O. Reg. 88/18, s. 26.

(5) A municipal plan shall include the certificate of the clerk and the head of the council of the municipality that certifies that the plan has been prepared in accordance with their directions under section 91 of the *Registry Act* and that is in the prescribed form. O. Reg. 435/11, s. 15.

(6) A person registering a municipal plan may submit duplicate plans with the municipal plan. O. Reg. 43/96, s. 42 (6).

43. (1) Upon registration of the municipal plan, the land registrar shall complete the certificate of registration in the prescribed form on the original plan and on each sheet, if the plan is a strata plan and there is more than one sheet, and enter the particulars of the certificate of registration on every copy. O. Reg. 43/96, s. 43 (1); O. Reg. 435/11, s. 16.

(2) The land registrar shall,

(a) retain the original plan and one paper print;

(b) deliver one translucent duplicate to the clerk of the municipality where the land included in the plan is situate;

(c) deliver one translucent duplicate and two paper prints to the Municipal Property Assessment Corporation, if the record of the land is not automated;

- (d) deliver one paper print of the plan, with the plan submission form attached, to the Association of Ontario Land Surveyors; and
- (e) if the registrant delivers additional copies of the plan to the land registrar, enter the particulars of the certificate of registration on the additional copies and return them to the registrant. O. Reg. 43/96, s. 43 (2); O. Reg. 50/01, s. 15; O. Reg. 88/18, s. 27.

**PART VIII  
PROPERTIES AND PROPERTY MAPS**

**44.** (1) The Director of Titles shall divide land into blocks and properties in the manner set out by the Minister. O. Reg. 88/18, s. 28.

(2) The Director of Titles shall prepare and maintain an electronic property map for each registry division and land titles division in the manner set out by the Minister. O. Reg. 88/18, s. 28.

(3) Copies of the whole or part of a property map may be provided in non-electronic or electronic format. O. Reg. 88/18, s. 28.

**45.-48.** REVOKED: O. Reg. 88/18, s. 28.

**PART IX  
CORRECTION OF PLANS**

**49.** (1) The examiner of surveys may order the correction of an error, defect or omission in a registered or deposited plan if the examiner of surveys,

- (a) has knowledge of the error, defect or omission;
- (b) is satisfied that the error, defect or omission should be corrected; and
- (c) has the information needed to correct the plan. O. Reg. 43/96, s. 49 (1).

(2) Upon payment of the required fee, a land registrar, a surveyor or a person who has an interest in land shown on a registered or deposited plan may apply to the examiner of surveys to correct an error, defect or omission in a plan. O. Reg. 43/96, s. 49 (2); O. Reg. 88/18, s. 29 (1).

(3) An application to correct a registered or deposited plan shall be in the prescribed form. O. Reg. 43/96, s. 49 (3); O. Reg. 435/11, s. 17 (1).

(4) Before an order to correct a plan is made under this section, the examiner of surveys may give notice of the alleged error, defect or omission and of how he or she proposes to correct it to any person whose interest in land may be affected by the correction. O. Reg. 43/96, s. 49 (4).

(5) If a plan was signed by the Surveyor General of Ontario or an official authorized by the Surveyor General of Ontario, the examiner of surveys shall give notice of the alleged error, defect or omission and of how he or she proposes to correct it to the Surveyor General of Ontario before an order to correct a plan is made under this section. O. Reg. 43/96, s. 49 (5).

- (6) The examiner of surveys may provide in an order to correct a plan that the correction be made,
- (a) by the applicant, under the supervision of the examiner of surveys or the land registrar; or
  - (b) by the land registrar. O. Reg. 43/96, s. 49 (6).

(7) The examiner of surveys shall forward an order to correct a plan to the land registrar for registration on title to the land affected by the plan. O. Reg. 88/18, s. 29 (2).

(8) When the land registrar receives an order to correct a plan under subsection (7),

- (a) the land registrar shall register the order;
- (b) unless the plan is corrected immediately after the registration of the order, the registration number of the order and the intention to correct the plan shall be noted on the original plan and on every copy of the plan retained as part of the land registration records; and
- (c) the order shall be entered in each abstract index, parcel register or plan index, as may be required by the examiner of surveys. O. Reg. 88/18, s. 29 (2).

(9) Within a reasonable time after the order to correct the plan has been made and registered, the examiner of surveys or other person named in the order shall correct the original plan and every copy retained as part of the land registration records. O. Reg. 88/18, s. 29 (2).

(10) The correction of the plan shall be certified using the prescribed form. O. Reg. 88/18, s. 29 (2).

(11) After the correction of the plan, a copy of the corrected plan shall be delivered to,

- (a) the clerk of the municipality where the land included in the plan is situate;

- (b) the Municipal Property Assessment Corporation, if the record of the land is not automated; and
- (c) the clerk of the regional municipality, if the land is situate in a regional municipality. O. Reg. 88/18, s. 29 (2).

(12) This section does not apply to plans of survey of boundaries confirmed and certified under the *Boundaries Act* or any predecessor of it. O. Reg. 43/96, s. 49 (12).

#### **PART X SKETCHES TO ILLUSTRATE DESCRIPTIONS**

**50.** (1) This section applies to a sketch prepared under subsection 81 (2) of the *Registry Act* and attached to an instrument to illustrate a description of land contained in the instrument. O. Reg. 43/96, s. 50 (1).

(2) Sketches shall be rectangular and shall not exceed 915 millimetres by 1500 millimetres. O. Reg. 43/96, s. 50 (2).

(3) If the dimensions of a sketch exceed 20 centimetres by 70 centimetres or 40 centimetres by 35 centimetres, an original translucent tracing drawn on linen or on plastic material or a translucent duplicate of the sketch shall also be delivered to and retained in the custody of the land registrar. O. Reg. 43/96, s. 50 (3).

(4) The material on which the translucent tracing or translucent duplicate of the sketch is made shall, in the opinion of the examiner of surveys, be of durable quality and will not crack or break. O. Reg. 43/96, s. 50 (4).

(5) A sketch shall be drawn to a scale sufficient to clearly show all particulars on the sketch. O. Reg. 43/96, s. 50 (5).

(6) Subject to subsection (7), a sketch shall be compiled exclusively from information recorded in the land registry office. O. Reg. 43/96, s. 50 (6).

(7) A sketch signed by an Ontario Land Surveyor may be compiled from information from sources other than documents recorded in the land registry office. O. Reg. 43/96, s. 50 (7).

(8) A sketch shall indicate the exact source of the information from which it was compiled on the sketch. O. Reg. 43/96, s. 50 (8).

(9) A sketch attached to an instrument shall include a note in bold print that clearly indicates that the sketch is not a plan of survey. O. Reg. 43/96, s. 50 (9).

(10) A sketch shall not include any notes, words or symbols that indicate that the right to make or distribute copies is in any way restricted. O. Reg. 43/96, s. 50 (10).

#### **PART XI PLANS TO ILLUSTRATE DESCRIPTIONS**

**51.** (1) This Part applies to plans that are attached to an instrument or document submitted for registration or deposit in order to illustrate a description in that instrument or document. O. Reg. 43/96, s. 51 (1).

(2) An original or a copy of a plan on which a surveyor's name appears shall not be registered as attached to a transfer or a charge. O. Reg. 43/96, s. 51 (2).

(3) An original of a plan referred to in subsection (2) or a copy of such a plan, subject to subsection (4), may be registered as attached to an instrument other than a transfer or a charge or deposited as attached to a document if,

(a) it complies with subsection 6 (5) and this section; and

(b) the plan is dated no more than five years prior to the registration or deposit of the instrument or document to which it is attached. O. Reg. 43/96, s. 51 (3).

(4) A copy of a plan referred to in subsection (3) shall only be registered or deposited under that subsection if the copy is a valid copy under subsection 29 (3) of Regulation 1026 of the Revised Regulations of Ontario, 1990 (General) made under the *Surveyors Act*. O. Reg. 43/96, s. 51 (4); O. Reg. 88/18, s. 30.

(5) If the dimensions of an original or of a copy of a plan referred to in subsection (3) that is to be registered or deposited as attached to an instrument or document exceed 20 centimetres by 70 centimetres or 40 centimetres by 35 centimetres, an original translucent tracing drawn on linen or on plastic material or a translucent duplicate of the copy shall also be delivered to and retained in the custody of the land registrar. O. Reg. 43/96, s. 51 (5).

(6) The material on which the original tracing of such a plan is drawn or on which the translucent duplicate of a plan is made shall, in the opinion of the examiner of surveys, be of durable quality, will not crack or break and will permit accurate and legible copies to be made from it. O. Reg. 43/96, s. 51 (6).

(7) The plan shall not include any notes, words or symbols that indicate that the right to make or distribute copies is in any way restricted. O. Reg. 43/96, s. 51 (7).

**PART XII  
DESCRIPTIONS OF LAND**

**52.** This Part applies to descriptions of land in an instrument, other than a plan, tendered for registration except with respect to matters for which regulations made under the *Condominium Act, 1998* or a predecessor of it provide otherwise. O. Reg. 50/01, s. 17.

**53.** (1) A local description shall contain sufficient information to enable the land registrar to record the instrument in the proper abstract index or parcel register. O. Reg. 43/96, s. 53 (1).

(2) A local description shall mention every lot affected by the instrument and shall mention,

- (a) if the land is a designated part on an expropriation plan, or is a portion of such a part, the number of the part and the registration number of the expropriation plan;
- (b) if the lot is according to an original survey, the concession, tract, range, section or other designation in accordance with the original grant from the Crown; and
- (c) if the lot is according to a registered plan, the registration number of the plan. O. Reg. 43/96, s. 53 (2).

**54.** A local description shall include,

- (a) the name of the geographic township, if any, where the land was situate at the time of the original survey except if the land is within a registered plan of subdivision, municipal plan, Compiled Plan or Judge's Plan;
- (b) the name of the municipality where the land was included at the time of execution of the instrument; and
- (c) the name of the other municipality if the land was described in the last previously registered deed, transfer or conveyance as being included in a municipality other than the municipality referred to in clause (b). O. Reg. 43/96, s. 54; O. Reg. 88/18, s. 31.

**55.** (1) Except as provided by section 63, a local description shall be by metes and bounds and,

- (a) if bearings in degrees are included in the description, the origin of the bearings shall be stated in the description;
- (b) if the description includes a course along a curved boundary, the arc length, radius and chord length and chord bearing shall be included in the description;
- (c) if the description is of a part of a lot, the description shall refer to at least one of the corners of the lot and shall give the distance and direction from the corner to an angle of the part being described; and
- (d) contractions, abbreviations and symbols shall not be used except for,
  - (i) the use of "N", "E", "S" and "W" for "North", "East", "South" and "West", respectively,
  - (ii) the use of "N", "E", "S" and "O" for "nord", "est", "sud" and "ouest", respectively, and
  - (iii) the use of symbols for the words "degrees", "minutes" and "seconds". O. Reg. 43/96, s. 55 (1); O. Reg. 88/18, s. 32.

(2) Clause (1) (b) does not apply if the course described is the whole of a limit of a lot according to a registered plan. O. Reg. 43/96, s. 55 (2).

**56.** (1) A local description shall not describe land by reference to a registered plan of subdivision that has been entirely superseded by a subsequent registered plan of subdivision. O. Reg. 43/96, s. 56 (1).

(2) A local description may describe land by reference to a registered plan of subdivision that has been partially superseded by a subsequent registered plan of subdivision if the land being described is not included in the subsequent plan. O. Reg. 43/96, s. 56 (2).

**57.** A local description shall not describe land by excepting buildings, structures, improvements or land unless,

- (a) the same land has been described by exception in an instrument registered before July 1, 1964;
- (b) the land excepted is entirely surrounded by the land described in the instrument;
- (c) the land excepted is a designated part on a reference plan or expropriation plan;
- (d) the land excepted is the whole of the land shown on a registered plan; or
- (e) the land excepted is the right-of-way of a railway company, or is a public street, road or highway that was laid out by an original survey or shown on a registered plan. O. Reg. 43/96, s. 57.

**58.** (1) Subject to sections 63 and 64, a local description shall not describe any boundary of the land affected by the instrument solely by reference to the registration number of a registered instrument or be dependent upon another instrument, unless the registered instrument is a registered plan. O. Reg. 43/96, s. 58 (1).

(2) Nothing in subsection (1) prohibits including in a description a reference to a registration number. O. Reg. 43/96, s. 58 (2).

- 59.** (1) A description shall state distances in metric units or in feet and decimals of a foot. O. Reg. 43/96, s. 59 (1)
- (2) Despite subsection (1), distances may be stated in feet and inches if the description is the same as in a previously registered instrument. O. Reg. 43/96, s. 59 (2).
- 60.** If a plan or sketch is attached to the instrument, a description shall include a statement that the description is the same as the description illustrated on the plan or sketch, if that is the case. O. Reg. 43/96, s. 60.
- 61.** (1) This section does not apply to land to which the *Land Titles Act* applies. O. Reg. 43/96, s. 61 (1).
- (2) If a description is by metes and bounds, in whole or in part, and appears in a previously registered deed, it shall include the registration number of the deed containing the same description that was registered most recently before the date of registration of the instrument containing the description unless,
- (a) the instrument is a certificate of discharge;
  - (b) a property identifier has been assigned to the land; or
  - (c) the land has been divided into parcels for abstract purposes under subsection 83 (3) of the *Registry Act*. O. Reg. 43/96, s. 61 (2).
- (3) If a description sets out an easement and appears in a previously registered deed, it shall include the registration number of the deed containing the same description that was registered most recently before the date of registration of the instrument containing the description. O. Reg. 43/96, s. 61 (3).
- (4) If the description does not appear in a previously registered deed but describes the same land as a description that appears in a previously registered deed, the description shall include the registration number of the most recently registered deed containing the earlier description. O. Reg. 43/96, s. 61 (4).
- 62.** For the purposes of section 55 and subsection 61 (2), the following descriptions shall be deemed to be metes and bounds descriptions:
1. A description of a part of a lot lying to one side of a described line.
  2. A description by reference to the perpendicular width, either throughout or to a given perpendicular depth, of a rectangular part of a rectangular lot. O. Reg. 43/96, s. 62.
- 63.** A local description in an instrument that is tendered for registration and that is not by metes and bounds,
- (a) shall be of a lot and the concession, tract, range, section or other designation in accordance with the original grant from the Crown, if the instrument affects the whole of a lot according to an original survey;
  - (b) shall be of a lot and shall include the registration number of a registered plan, if the instrument affects the whole of a lot according to a registered plan;
  - (c) may be of an aliquot part if the land was described in such a manner in the grant from the Crown or in a registered instrument and the instrument affects an aliquot part of a lot according to an original survey;
  - (d) may be of an aliquot part, if the instrument affects an aliquot part of a lot according to an original survey and no adjacent part of the lot is owned by the person who owns the aliquot part;
  - (e) may be of half a lot, if the instrument affects half of a lot according to a registered plan and the land was described in such a manner according to a registered instrument;
  - (f) shall be of the part with reference to the registration or deposit number of the expropriation plan or reference plan, if the land is shown as a part on an expropriation plan or a reference plan;
  - (g) shall refer to the lot, block, part or parcel, if the instrument affects a lot, block, part or parcel on a Compiled Plan or a parcel designated for abstract purposes under subsection 83 (3) of the *Registry Act* or a predecessor of that subsection;
  - (h) shall refer to a by-law or other instrument by which the street or highway was closed or stopped up if the instrument affects a part of a street or highway that has been stopped up or closed and shall refer to the registration number of,
    - (i) the by-law, if passed on or after March 29, 1873, in respect of land registered under the *Registry Act* at the time that the by-law was passed, or if passed on or after February 12, 1987, in respect of lands registered under the *Land Titles Act*, or
    - (ii) the other instrument; or
  - (i) shall conform and refer to a plan confirmed or certified under the *Boundaries Act*, if the instrument affects any parcel that adjoins a confirmed boundary shown on such a plan unless, because of special circumstances, the examiner of surveys authorizes the registration of an instrument in which the description does not so conform. O. Reg. 43/96, s. 63; O. Reg. 88/18, s. 33.
- 64.** (1) If an instrument or document is presented for registration containing a description that is not a local description, the land registrar shall register the instrument or document if the description complies with clause (2) (b), subsection (3), (4), (5), (6), (7) or clause 9 (b). O. Reg. 43/96, s. 64 (1); O. Reg. 88/18, s. 34 (1).

(2) An award, certificate, release, claim, consent, notice, order or other like instrument under an Act listed in Schedule 2 that is tendered for registration shall be registered if it contains either,

- (a) a local description; or
- (b) a description of the land affected by means of abbreviations, contractions or references to registration numbers of previously registered instruments of the land affected, if the description is sufficient to enable the land registrar to record the instrument in the proper abstract index or parcel register for the land. O. Reg. 43/96, s. 64 (2).

(3) If the description in an instrument tendered for registration is not a local description, the instrument shall be registered if,

- (a) the description is the same as in a previously registered instrument affecting the same land;
- (b) the description contains sufficient information to enable the land registrar to record the instrument in the proper abstract index or parcel register for the land; and
- (c) the instrument is,
  - (i) a deed or transfer given by the personal representative of a deceased person,
  - (ii) a notice of claim under section 113 of the *Registry Act*, or
  - (iii) an assignment of a lease or mortgage. O. Reg. 43/96, s. 64 (3); O. Reg. 88/18, s. 34 (2).

(4) The description in an order under the *Public Transportation and Highway Improvement Act* that is tendered for registration may describe the land affected by reference to a plan, if a paper print of the plan is attached to the order. O. Reg. 43/96, s. 64 (4).

(5) In an assignment of a mortgage or lease being submitted for registration, a description is sufficient for registration purposes if the mortgage or lease being assigned is identified by its date, registration date and number, parties and lot and plan or lot and concession reference and the description need not repeat in full the description contained in the mortgage or lease. O. Reg. 43/96, s. 64 (5).

(6) In the case of a multiple assignment of mortgages or leases presented for registration, the description may be in the form of a schedule in which each mortgage or lease is identified in the manner described in subsection (5). O. Reg. 43/96, s. 64 (6).

(7) Subject to subsection 56 (7) of the *Registry Act*, in the case of a discharge of a charge or mortgage that purports to discharge all of the mortgaged land, the description is sufficient for registration purposes if it is presented for registration under the *Registry Act*, and contains a reference to each lot and plan or lot and concession or to any other geographic designation of land as referred to in the mortgage and the description need not repeat the full description as contained in the mortgage. O. Reg. 43/96, s. 64 (7).

(8) In a zoning regulation made under the authority of subsection 5.4 (2) of the *Aeronautics Act* (Canada) that is presented for registration under the *Land Titles Act* and that affects all of the land in a registered plan of subdivision, the land may be described in a schedule by reference to the section number of the registered plan followed by the term “all parcels” or “toutes les parcelles” if the parcel numbers are not created using a sequential numbering system. O. Reg. 43/96, s. 64 (8); O. Reg. 88/18, s. 34 (3).

(9) If a lease or notice of a lease is presented for registration and the leased premises are only a part of a property of the lessor and are wholly contained within an existing structure, the description shall contain either,

- (a) a local description of the leased premises; or
- (b) a local description of the property of the lessor, and a description of the leased premises by reference to a paper print of a sketch illustrating the premises in solid heavy outline. O. Reg. 43/96, s. 64 (9).

**65.** (1) If the description of land in an instrument presented for registration is not a local description or a description acceptable for registration under section 64, the land registrar, having regard to the circumstances, may register the instrument if,

- (a) the description accurately describes the land; or
- (b) the description is exactly or substantially the same as in a previously registered instrument. O. Reg. 43/96, s. 65 (1).

(2) A description of land contained in an instrument registered under subsection (1) shall be deemed to be a local description for that instrument only. O. Reg. 43/96, s. 65 (2).

**66.** OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 43/96, s. 66.

**67.** OMITTED (PROVIDES FOR TRANSITION). O. Reg. 43/96, s. 67.

**PART XIII  
ELECTRONIC REGISTRATION AND DEPOSIT OF PLANS**

GENERAL

**68.** In this Part,

“certificate border” means the solid lines enclosing the space reserved for the placement of the certificate of deposit or the certificate of registration for a plan of survey prepared under this Part; (“bord du certificat”)

“intended plot size” means the intended overall physical dimensions of a plan, including a 15 mm plan margin, when a plan is printed at the scale at which the plan was drawn; (“taille voulue”)

“PDF” means Portable Document Format. (“PDF”) O. Reg. 88/18, s. 35.

**69.** (1) This Part applies to any of the following plans submitted through direct electronic submission to the land registration system:

1. Plans of subdivision submitted for registration under the *Land Titles Act*.
2. Reference plans submitted for deposit under the *Land Titles Act*. O. Reg. 88/18, s. 35.

(2) Clauses 6 (6) (a) and (b), 9 (1) (a) and (b), 16 (1) (h), (i), (j) and (k), 19 (5) (a), 20 (1) (c), (d), (e), (f) and (g) and 24 (a) do not apply to a plan to which this Part applies. O. Reg. 88/18, s. 35.

**70.** Plans submitted for registration or deposit under this Part shall be in an electronic format, in the manner specified by the Director of Titles. O. Reg. 88/18, s. 35.

**71.** (1) A plan that is submitted electronically under this Part shall,

- (a) be produced directly from a computer assisted drafting system at the intended plot size;
- (b) be a PDF file;
- (c) be rectangular and not exceed 915 millimetres by 1,500 millimetres or be less than 216 millimetres by 356 millimetres, regardless of orientation, when printed at the intended plot size;
- (d) depict all features in black on a white background;
- (e) have a straight margin line placed 15 millimetres inside and parallel to the outside edge of the electronic plan;
- (f) comply with any other requirements for electronic plan preparation, as specified by the examiner of surveys; and
- (g) include the following notation, in English or French, below the scale bar required by clause 18 (1) (h) of Ontario Regulation 216/10 (Performance Standards for the Practice of Professional Land Surveying) made under the *Surveyors Act*:

The intended plot size of this plan is \_\_mm in width by \_\_mm in height when plotted at a scale of 1:\_\_ .

O. Reg. 88/18, s. 35.

(2) A plan that is submitted electronically under this Part shall be deemed to be a prescribed form for the purposes of section 44 of the Act and section 85 of the *Land Titles Act* if it meets the requirements of this Regulation. O. Reg. 88/18, s. 35.

**72.** If, under subsection 6 (1), the approval of the examiner of surveys is required before a plan is submitted under this Part for registration or deposit, the person submitting the plan shall submit the following to the examiner in electronic format:

1. The plan, including the completed surveyor’s certificate in the applicable prescribed form.
2. If the examiner so requests, a copy of every registered or deposited plan that shows the land included in the plan and all the boundary-related information respecting the land and that the surveyor has certified as current to the date of the plan.
3. If the examiner so requests, the documents required by clauses 6 (6) (c), (d) and (e). O. Reg. 88/18, s. 35.

**73.** (1) Before submitting a plan to which this Part applies for registration or deposit, a person shall provide the plan to the land registrar for approval. O. Reg. 88/18, s. 35.

(2) A person who provides a plan to the land registrar under subsection (1) shall also provide the following to the land registrar in electronic format, if the land registrar so requests:

1. A copy of every registered or deposited plan that shows the land included in the plan or the lands adjoining that land.
2. A copy of the parcel register of the land included in the plan that the surveyor has certified as current to the date of the plan. O. Reg. 88/18, s. 35.

(3) Upon approving a plan under subsection (1), the land registrar shall provide an approval number for it. O. Reg. 88/18, s. 35.



**74.** (1) A plan shall not be registered or deposited under this Part unless a surveyor's certificate in the prescribed form is included on the plan. O. Reg. 88/18, s. 35.

(2) Despite any other Act or regulation, a surveyor's certificate in the prescribed form included on a plan of survey submitted under this Part has the same effect for all purposes as a certificate on a plan that is physically signed by a surveyor. O. Reg. 88/18, s. 35.

**75.** A plan submitted under this Part shall include the number from the related plan submission form of the Association of Ontario Land Surveyors in the following statement in English or French, which shall be placed in a prominent location immediately below the surveyor's certificate:

This plan of survey relates to AOLS Plan Submission Form Number \_\_\_\_\_.

O. Reg. 88/18, s. 35.

#### STRATA PLANS

**76.** A strata plan registered or deposited under this Part shall,

- (a) use the same sheet size and have the same sheet orientation for all sheets if multiple sheets are required;
- (b) include a note in the prescribed form on sheet number 1 if structures have been adopted as survey monuments on the plan;
- (c) include a surveyor's certificate in the prescribed form on sheet number 1; and
- (d) include a space reserved for the certificate of registration or the certificate of deposit, as described in sections 77, 81, 83 and 84, on each sheet of the plan image. O. Reg. 88/18, s. 35.

#### REFERENCE PLANS

**77.** (1) A reference plan submitted for deposit shall have a 110 millimetre high by 85 millimetre wide blank space located at the upper right corner of the plan reserved for the placement of the certificate of deposit. O. Reg. 88/18, s. 35.

(2) The blank space shall be enclosed by the plan margin on the upper and right sides and by the certificate border on the lower and left sides. O. Reg. 88/18, s. 35.

**78.** A reference plan that is wholly compiled under subsection 19 (2) shall include a surveyor's certificate in the prescribed form. O. Reg. 88/18, s. 35.

**79.** A reference plan that is prepared under subsection 19 (5) to illustrate utility easements on an existing plan of subdivision or an existing plan prepared under the *Condominium Act, 1998* or a predecessor of it, other than a plan for a common elements condominium corporation, shall include a surveyor's certificate in the prescribed form with respect to the parts that are compiled and a certificate in the prescribed form with respect to the parts that are surveyed. O. Reg. 88/18, s. 35.

**80.** A reference plan deposited under this Part shall include,

- (a) a schedule in the prescribed form, as clause 20 (1) (e) requires, that is in a conspicuous place beneath the space reserved for the placement of the certificate of deposit;
- (b) below or adjacent to the schedule mentioned in clause (a), a list of all parts that are subject to easements and the instrument numbers of those easements; and
- (c) within or below the schedule mentioned in clause (a), a statement of all parts on the plan under each property identifier, if any, and whether the parts represent the whole or part of the land under that property identifier. O. Reg. 88/18, s. 35.

#### PLANS OF SUBDIVISION

**81.** (1) A plan of subdivision submitted for registration shall have a 110 millimetre high by 160 millimetre wide blank space located at the upper right corner of the plan reserved for the placement of the certificate of registration. O. Reg. 88/18, s. 35.

(2) The blank space shall be enclosed by the plan margin on the upper and right sides and by the certificate border on the lower and left sides. O. Reg. 88/18, s. 35.

**82.** (1) A plan of subdivision that is submitted for registration under this Part shall include the certificate of every owner of the lands included in the plan in the prescribed form. O. Reg. 88/18, s. 35.

(2) Despite any other Act or regulation, the certificate of every owner of the lands included in a plan of subdivision submitted under this Part has the same effect for all purposes as a certificate on a plan that is physically signed by every owner. O. Reg. 88/18, s. 35.

(3) A Plan Document, with the consents of chargees or mortgagees if required and with a statement in the prescribed form, must be registered immediately before the submission of an application to register a plan of subdivision. O. Reg. 88/18, s. 35.

## REGISTRATION OR DEPOSIT

**83.** Upon deposit of a plan under this Part, the land registrar shall place a completed certificate of deposit on the plan in the blank space reserved for the certificate. O. Reg. 88/18, s. 35.

**84.** Upon registration of a plan of subdivision under this Part, the land registrar shall place a completed certificate of registration and the registration number of the Plan Document on the plan in the blank space reserved for the certificate. O. Reg. 88/18, s. 35.

**85.** (1) The land registrar shall transmit an electronic copy of a plan deposited under this Part to,

- (a) the Association of Ontario Land Surveyors;
- (b) the clerk of the municipality where the land included in the plan is situate;
- (c) the clerk of the regional municipality, if the land is situate in a regional municipality; and
- (d) the person who submitted the original plan under this Part. O. Reg. 88/18, s. 35.

(2) The land registrar shall transmit an electronic copy of a plan registered under this Part to,

- (a) the Association of Ontario Land Surveyors;
- (b) the clerk of the municipality where the land included in the plan is situate;
- (c) the clerk of the regional municipality, if the land is situate in a regional municipality;
- (d) the Minister of Municipal Affairs or, if that Minister has delegated his or her authority to a person or body, that person or body; and
- (e) the person who submitted the plan for registration under this Part. O. Reg. 88/18, s. 35.

**Note:** Despite the revocation of Regulation 997 of the Revised Regulations of Ontario, 1990, that Regulation, as it read on April 19, 1996, continues to apply to instruments and plans that are to be registered or deposited and that were executed before April 20, 1996. See: O. Reg. 43/96, s. 67.

SCHEDULE 1 REVOKED: O. Reg. 88/18, s. 36.

## SCHEDULE 2 (SECTION 64)

- 1. *Assessment Act.*
- 2. *Bail Act.*
- 3. *Construction Act.*
- 4. *Drainage Act.*
- 5. *Environmental Protection Act.*
- 6. *Housing Development Act.*
- 7. *Land Titles Act.*
- 8. *Legal Aid Services Act, 1998* and its predecessor.
- 9. *Line Fences Act.*
- 10. *Local Roads Boards Act.*
- 11. REVOKED: O. Reg. 88/18, s. 37 (3).
- 12. *Mining Act.*
- 12.1 *Municipal Act, 2001.*
- 13. *Municipal Affairs Act.*
- 14.-16. REVOKED: O. Reg. 88/18, s. 37 (3).
- 17. *Personal Property Security Act* and its predecessor.
- 18. *Planning Act* and its predecessor.
- 19. *Power Corporation Act.*
- 20. *Provincial Land Tax Act, 2006* and its predecessor.
- 21. *Public Transportation and Highway Improvement Act.*
- 22. *Shoreline Property Assistance Act.*

23. REVOKED: O. Reg. 88/18, s. 37 (3).

O. Reg. 43/96, Sched. 2; O. Reg. 435/11, s. 18; O. Reg. 88/18, s. 37 (3); O. Reg. 88/18, s. 37.

FORMS 1-15 REVOKED: O. Reg. 433/11, s. 1.

[Français](#)

[Back to top](#)