



Section 99 of R.R.O. 1970 Reg. 780 prohibits the registration of plans or copies of plans on which surveyors' names appear, as attachments to registered instruments, unless the plans or copies so attached are either signed by the surveyors or impressed by their seals.

This section was added to the regulation as a result of representations made by the Association of Ontario Land Surveyors, and is intended to guard against the acceptance of plans or copies in which alterations have been made after signature by surveyors. It was not intended to prohibit the use of paper prints or other copies of plans made from originals filed in registry offices. If a person registering a document wishes to attach a copy of a plan already on file in your office, and the print of the plan is made directly from the original, the print may be attached to an instrument and accepted for registration notwithstanding section 99, so long as the survey information on the print is identical in all respects to the original.

Richard E. Priddle
Director of Land Registration

The surveyor when preparing a Judge's Plan should use special bronze caps on all standard iron bars planted in the perimeter of the survey area and on others at strategic points within the area. R.R.O. 808 70 requires SIB's to be planted at certain angles. A minimum of 20 percent of these SIB's should have special bronze caps. Bronze caps are available from Warwick Marking Products Ltd., 482 Belmont Avenue W., Kitchener, Ontario.

Audrey Loeb Burns
Legal Officer

We will not be initiating further Judges' Plans under The Registry Act, except in exceptional circumstances. Our experience with Judges' Plans during the past few years has, in many cases, been quite unsatisfactory. Many of the surveyors engaged to do this type of work seem to have carried out the required surveys only after all their other clients had been attended to, and in far too many cases, estimates of both time and costs have been unreliable.

The Land Titles Act has been extended to many of the areas where Judges' Plans

might be considered, and for little, if any, additional cost, both title and boundary problems could be resolved simultaneously by concurrent applications under The Land Titles Act and The Boundaries Act. Subsidies are obtainable from The Land Titles Survey Fund in respect of the cost of surveys under the Boundaries Act approximately equal to the amounts that would have been contributed by the Province in connection with Judges' Plans under The Registry Act, even in cases where the land titles system is not available. It should be noted, however, that unless an application is made under section 34 of The Land Titles Act, a municipality may not be able to recover its share of the costs through the levy of a special rate of assessment.

In some areas of the Province, Judges' Plans have resulted in improvements in both title and assessment records. It is not our intention to entirely discontinue the use of Judges' Plans in such areas, but in future, we will require assurance that the results will be worthwhile, having regard to the expenditures involved.

Richard E. Priddle
Director of Land Registration

Land Registrars are advised that effective June 1, 1975 the registration procedure and or distribution procedure of plans of subdivision under the registry and land titles systems will be changed. Part of the change in procedure is the result of certain Metropolitan, District and Regional Municipalities being delegated authority by Order-in-Council to approve plans of subdivision. A list of these delegated authorities will follow. More particularly, the changes involved are as follows:

The Registry Act

Under the registry system, the Ministry of Housing, Metropolitan, District or Regional Municipality, instead of sending the final approved plans of subdivision to the owner, will be forwarding the plan together with all copies directly to the Land Registrar. The Land Registrar will hold the plan until the owner requests the registration of the plan and pays the required registration fee.

With respect to the distribution of the copies of the plans of subdivision after registration, the Land Registrar will be required to deliver, endorsed with registration particulars -

- (a) one transparent (mylar) copy to the clerk of the municipality in which the land is situated;
- (b) two paper prints and one mylar copy to the Regional Assessment Branch; and
- (c) one mylar copy to the Ministry of Housing. Where the plan has been approved by a Metropolitan, District or Regional Municipality by way of delegated authority from the Ministry of Housing, two mylar prints should be sent to the Ministry of Housing. (These plans are required under section 33(16) of The Planning Act).

As a result of the above-noted changes, Land Registrars should be sure that when they receive a plan of subdivision and related copies from the Ministry of Housing or properly delegated Metropolitan, District or Regional Municipality, the following plans are provided -

1. one original
2. one mounted opaque linen copy
3. three mylar copies (four copies if received from a delegated Metropolitan, District or Regional Municipality)
4. two white paper print copies.

The Land Titles Act

Under the land titles system, the Ministry of Housing or Metropolitan, District or Regional Municipality will continue to send the final approved plan of subdivision together with all copies to the Examiner of Surveys who will forward them to the Land Registrar. Once the plan is registered, the scheme of distribution of the copies of the said plan will be identical to the procedure set out above with respect to The Registry Act.

M.D. Godfrey
Assistant Deputy Director
of Titles

SURVEYING METRO

cont'd from page 3

Roger Brown, Borough Engineer, Borough of Scarborough, is the Canadian representative on the Council and is prepared to advise Municipalities of the Council's activities and the need for Coordinating Committees.

In future issues of the Ontario Land Surveyor I will bring you up-to-date on Metro's new Mapping Agency, recent Control Surveys, Boundaries Act Applications, short form descriptions, integrated survey activities and Consultant Staff Levels and Rates.

R.A. Smith, O.L.S.
Chief Roads Surveyor
Metropolitan Toronto