

The Road to Follow For Registration – Street Designation

BY J. J. H. HUNT, O.L.S.

I feel that I have, as have many other surveyors, past and present, been misguided in the manner of illustrating Street Names on Legal Survey Plans. The main problem appears to be in the random use of "Formerly" prefixed to a street name of "GEOGRAPHIC" record. For example: "Formerly Blue Street by Reg'd. Plan 123". This is now written alongside or under the present street name, which has been created by a Road Naming By-Law or by way of "judicial notice". The writer realizes that the usage of the word "Formerly" was of some value in Metes and Bounds descriptions, if only to historically relate "Deed to Deed" thus avoiding possible confusion to the client. However, with the advent of the Reference Plan, I can see no valid reason for the continuance of "Formerly".

This "Formerly" usage would seem to indicate that the "GEOGRAPHICAL" entry for the Street, as originally shown on the Registered Plan of Subdivision has disappeared and that a new geographical unit has been created. I have yet to see Legal Survey Plans which use a notation such as: Lawrence Avenue (Formerly the Road Allowance between Concessions C and D) and there appears to be no legal precedent which enjoins the use of "formerly" to a road created by a Registered Plan of Subdivision, or by other types of plans as set out below.

1. A REGISTERED Registrar's Compiled Plan on which the existing road fabric becomes a part and is named by the compiled plan
2. A Judge's Plan
3. A Municipal Plan
4. A former Unregistered Subdivision

Try as he would to make it work,
It wouldn't come out right.

Until at last they closed the place
(though not without a fight).
Which wasn't odd, because it was
The middle of the night!

And all this time the map-man used
His cartographer's skill

And in due time, produced a map
Which showed off every hill.

The Walrus? Well, I don't know
He's likely waiting still!

(To appear in Area - Institute of
British Geographers)

Plan which has now been Registered
by the Registrar

I would submit that the most convenient and least misleading statement to append to a plan under the conditions heretofore mentioned would be:

YELLOW STREET
(Blue Street by Reg'd. Plan 123)

or

(Blue Street, dedicated by
Reg'd. Plan 123)

The above form of notation then does not PRECLUDE the correct geographical description.

The only instance, where the notation "formerly" could be properly applied, is in a case where a street is established and named by a By-law across an EXISTING geographical unit, - say Lot 35 Concession B and at a LATER date the Street Name is changed by By-law or publicly accepted under another name. In this case, I would suggest the following forms of notations.

RED STREET as named by By-law 345
(Formerly Brown Street as
Established or Dedicated by
By-Law 234 - Instrument No. 12345)

or

PURPLE STREET
(Formerly Green Street as
Dedicated or Established
by By-Law 467 - Instrument No. 3456)

In the above cases, it is necessary that the UNDERLYING lot fabric should be, by statement and/or line-work, indicated on a legal plan. This is especially important where an "established" or "travelled road" might cross many small lots of a Reg'd Plan; this procedure reduces confusion as to where that road may be traced in the Land Registry Offices.

It has always seemed incongruous that some Legal Survey Plans prepared for Municipalities do not show the correct status/designation of the roads, even though 75%, more or less, of all lands which a Municipality holds in trust for the Public, is in the form of roads.

It has been the writer's experience that the authorities of most roads are traceable, - be it by Statute, Home District By-Law, Court of the Quarter Sessions, Plank/Toll Roads bought by Local Municipalities, Unregistered By-Laws, etc.

As a passing thought it occurs to me that each area group of the Association could initiate a preparation of an "Old Plan" of their area, which would indicate such authorities as mentioned above. "A picture is worth a thousand words", or perhaps more aptly in this case, "one would be on the right track".

The above comments are not meant to be definitive, but are only tendered for your consideration, as a guide when preparing Legal Surveys Plans and Geographic designation and status as it applies to roads. These designations are especially important when B.A. plans are to be registered against title so that the necessary entries for any roads are correctly assigned to the proper Parcel Registers or Abstract Books.

The Invisible Surveyor – It Was Ever Thus

*English sub-titles from Jean Renoir's
1938 film starring Jean Gabin.*

"GRAND ILLUSION"

The scene:— A prisoner of war
camp in Germany during World War I.

You know the banking family Rosenthal?
He's the son.

And him?

Runs a fashion house. What did you used
to do?

I was a Land Surveyor.
Say, between us, your pal the Captain,
can he be trusted?

He's an old duck alright, but OK. You
can trust him.

Good, because during the nights we are
digging a tunnel, to escape.

Digging with what?

A coal shovel, and old tin cans. We
should end up in the garden beyond
those buildings there. In open country.
Must be slow work.

We've been at it for two months. A
couple of weeks more.

The war will be over by then.

That's an illusion.

You think so?

Anyway, we're taking no chances.

Where are you digging?

You will see tonight after roll call.

So you are digging a tunnel, like Monte
Cristo. That's cute.

Thanks very much. Well, after all, I'd
like to ask you something. What's a
Land Surveyor?