

# Unraveling Geographic Fabric

By Richard Jordan and Ken Greenberg

**G**eographic fabric is usually just *there*. We figure it out by doing a Land Registry Office search or we find it on a previous plan or deed. It forms the backdrop to which we pin a current survey. It's a rare thing to agonize over it, but once in a while we all do.

Most of us are experts ... or are we? Try this quick quiz. First, can you explain the difference between a geographic township and a municipal township? Second, apart from being superseded by plans that create new fabric, can you name five ways in which original geographic fabric might be changed?

Before we answer these questions, let's do a quick review. In most of the settled areas of the province, original geographic fabric means township fab-

were called Ranges. The key idea was to assign each parcel a unique description.

As time passed, the population grew and land was further subdivided by registered plans and, later, by condominium plans. These plans superseded the original township fabric and this new geographic fabric became the basis for the LRO to keep track of land.

In some areas, there was so much complex subdivision activity that the remaining pieces of township fabric were difficult to identify. In these cases, a municipality could request the creation of a Municipal Plan, or a land registrar could request a Registrar's Compiled Plan. The new lots and blocks created by these plans would then supersede the original geographic fabric.

Township of East Williams and the municipal Township of West Williams. Rarely, an entirely new municipal township might be created, for example the most southerly concessions of the geographic Township of Adelaide and the most northerly concessions of the geographic Township of Ekfrid became the municipal Township of Metcalfe.

Did all this change the geographic fabric? The answer is generally no but sometimes yes. All of the Crown patent and survey records held by the provincial government are still organized on the basis of geographic townships. However it was only natural that the new municipal townships would be regarded by many residents as the equivalent of geographic townships. Sometimes local Land Registry

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ric. The Crown employed the early surveyors to lay out townships in one of a number of patterns which are now described in the *Surveys Act*. Depending on the pattern, each township was subdivided into smaller units such as Concessions, Road Allowances, Lots and Sections.

These smaller units were then used to keep track of what land was being granted by the Crown, and afterward, to keep track of land ownership in the Land Registry Offices across the province. Each piece of land had a unique identifier, for example, Lot 1, Concession 1 in the Township of Adanac. If the township had been surveyed in several parts, further identifiers could be added to make the concessions unique, for example, Concession 1, East of Adanac Street and Concession 1 West of Adanac Street. Sometimes the Concessions

## Geographic and Municipal Townships

Before 1850, there were only geographic townships and the use of the township name helped give each parcel unique geographic fabric. As of January 1, 1850, local government began in the province and the geographic township was seen as being the ideal size for a municipality. The population was judged to be large enough to support self-government and, equally important, it was less than a day's journey between any two points in the township. This was the beginning of the municipal township.

Most municipal townships were organized within a single geographic township, but there were exceptions. Some large geographic townships were divided in two for municipal purposes. For example, the geographic Township of Williams became the municipal

Offices followed "local knowledge" and it affected the way land was abstracted. More about this later.

Although geographic townships don't change (or don't change much), municipal townships can and have changed their boundaries greatly over the years. Population in rural areas has dwindled and transportation has become much easier, so the old geographic township is now seen as being too small to form the basis of a municipality. Many of the old municipal townships have been reorganized into new towns and cities, but some municipal townships have grown in size to cover more than one geographic township.

Now this could create a problem. If parcels of land were only identified by their municipality, one of the new larger municipal townships might have two or even three examples of "Lot 1,

Concession 1". So, geographic township fabric should always include the geographic township name to make each identifier unique. Our parcel in the Township of Adanac mentioned above may now be in the *municipal* Township of Larger, and in the *former municipal township* of Adanac, but it will **always** be in the *geographic* Township of Adanac.

## Original Surveys and Changing Geographic Fabric By Resurvey

The original township plans produced by the early surveyors show many straight lines that were not run in the field. When these lines were established on the ground, jogs would often appear where the plan shows straight lines and neat corners. These differences do not represent a change in township fabric; they merely represent a changed *perception* of where the fabric is actually located.

After the original survey, the goal of most resurveys is to accurately repro-

duce the work of the original surveyor based on whatever evidence remains. Failing this, the statutory provisions of the Surveys Act are used. This also can't be considered a change to the geographic fabric. However, a Municipal Survey is a type of resurvey that can, in rare instances, modify existing geographic fabric and even create new fabric. This forms one way in which geographic fabric can be changed.

Where a municipal council (or, in an improvement district, a board of trustees) is aware of a lost survey line, boundary or corner, they can request that the Minister of Natural Resources issue instructions for a survey. Once the survey is completed and approved, the resulting geographic fabric is regarded as original. Most often, Municipal Surveys simply retrace the lost portion of fabric, but in the instructions, the Minister of Natural Resources has the option to modify existing fabric or even create new geographics. There are a few instances in Ontario where this has occurred.

## Changing Geographic Fabric by Patents and Abstracts

As noted above, geographic fabric provided unique identifiers to land granted by the Crown and registered in Land Registry Offices. The plan of the original surveyor was followed for the most part, but sometimes the land on the ground didn't quite match what was shown on the plan. This is a second way geographic fabric can be modified - by Patents and Abstracts.

For example, let's say an applicant for a Patent is granted Lot 1, Concession 1 and the swampy land in front of it. The limit of Concession 1 on the original township survey plan however is the limit of the 'dry land'. How will the swamp be described? The Patent could address this situation in a number of ways, including the common "lands in front of Lot 1, Concession 1". On the other hand, the swamp could also be described as being part of the lot and then further defined by a metes and bounds description. Thus the original geographic fabric as shown on the original

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surveyor's field notes and plan would be changed.

The same sort of thing could happen in Land Registry Offices. Awkward pieces of land had to be abstracted and Registrars had to make decisions. The result could be a 'stretching' or 'contracting' of the geographic fabric.

In addition, geographic fabric can receive new names in the LRO based on local knowledge. For example, in the geographic township of Toronto, six concessions run east from Hurontario Street. Adjacent to Concession 6 EHS is Concession 7, Southern Division, in the geographic township of Toronto Gore. Today this concession is known in the LRO by two names - its "correct name" Concession 7, Southern Division and its "local name" Concession 7 East of Hurontario Street.

## Ambulatory Boundaries and Geographic Fabric

A third way geographic fabric can be modified is by slow, imperceptible changes to natural boundaries such as rivers and shorelines. If a lot on a township or subdivision plan has a boundary on a river, the geographic description of a point may change if the river moves over time. The change may not be noticeable as it happens but, over the course of time, changes of position can occur.

The courts do not view all changes in water boundaries as being equal though. Sudden events such as flooding or a dramatic change in a river's course, or certain man-made activities such as the dumping of fill generally do not change boundaries or geographic fabric.

## Geographic Fabric and the Courts

The courts arbitrate disputes of all sorts and occasionally they become

involved with situations involving geographic fabric. This is a fourth way that fabric can be modified.

Judges may be asked to rule on the location or even the existence of a lot or a road allowance. They could be called upon to resolve ambiguities within and contradictions between the field notes and plans of the original surveyor.

In the past, Judges' Plans could be drawn up to properly identify land sold by unregistered plans or to clarify situations where parcels had duplicate or even no geographic identifiers. These new identifiers then took the place of the existing geographic fabric.

If a registered plan has been cancelled by a Judge's Order, the fabric generally reverts to what it was before the plan was registered. However, if the fabric is very complex, the judge may rule that the whole parcel will henceforth be abstracted under a single township lot, for example.

## Annulled Geographic Fabric

Finally, there is geographic fabric that has been 'changed' by being wiped out. The annulment (cancellation) of the survey fabric in all or part of many townships was a result of the difficulty surveyors faced in trying to tie interior parcels to lot corners in remote areas. Often, the original wooden lot corner posts had been lost through time and the effects of forest fires and logging. Some surveys cost more than the land was worth.

The solution was two-fold. First, survey regulations were relaxed so that surveys in remote areas could be tied to a known point such as the intersection of a lot line with a railway or highway. Second, in areas of sparse population that had few patented parcels and did not seem destined for future agricultural or mining development, the geographic fabric was annulled.

In annulled townships, only the township name and outer boundary remain. All surveys after the annulment are either tied to existing survey monuments (if they are close enough) or are they shown on a key plan.

## Conclusion

There are simple rules that govern geographic fabric, but applying them in the real world is often anything but simple. The best available evidence is the standard to which we are held accountable by the courts. The survey community is accustomed to finding evidence on the ground, but documentary evidence can be vital in the interpretation of this physical evidence.

When researching geographic fabric, the Land Registry Office is the place to start but sometimes finding the best available evidence requires tracing a title back to the original Patent or looking at the original township plan and Crown survey instructions and field notes.

What other resources are available? Communicating with the Ministry of Natural Resources' Crown Surveys Office in Peterborough can confirm factual issues and Regional Surveyors employed by the Ministry of Consumer and Business Services are also knowledgeable in questions involving survey fabric especially as they relate to the Land Registration System.



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