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## LEGAL DESCRIPTIONS - REVIEW

The following notes should be helpful to indicate types and form of legal descriptions. They were prepared many years ago and in many cases the municipal designation has changed. This will not affect the form of the description except in the case of lands that are registered under the Registry Regulations stipulate that where the municipal Act. designation has changed since the last registration concerning the lands has taken place, the description must include the former as well as the present designation. In other words the preamble will be modified as follows - "in the City of North York, in the Municipality of Metropolitan Toronto, formerly in the Borough of North York, in the Municipality of Metropolitan Toronto". In addition the actual name of the office has been changed since these notes were written. A Registry Office is now a Land Registry Office in both the Registry and Land Titles systems. Therefore we now must write - "registered in the Land Registry Office for the Registry Division of Toronto Boroughs" or "registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto" or whatever the present designation of the particular office may be.

The question at the end of these notes is from a very old O.L.S. paper. There are two permissible forms that a metes and bounds description could take. Prepare both answers before the lecture session and bring them with you.

DESCRIPTIONS OF LAND: The legal description

A basic and essential part of every legal survey is the legal description. Almost all legal surveys involve the location on the ground of an existing description, or the measuring or marking out of a new parcel so that a description can be written. DESCRIPTION is the act of deliniation or outlining. A DESCRIPTION is a picturing in words, or a statement or passage that describes.

A "legal description" of land is then a WORD-PICTURE or a WORD/PICTURE of a parcel of land which is (or was) acceptable for the legal purpose of inclusion with intent to describe the land in a legal document. (Generally deeds, transfers, leases, mortgages, foreclosures, patents, wills etc.)

A description is necessary so that a parcel of land may be accurately located on the ground, and relocated in the same position at any later date.

An accurately written and properly researched description will also define a parcel so that it does not encroach on earlier parcels and so that when desired it is contiguous with earlier parcels. It will also provide a single, firm and accurate statement of intent for all parties concerned in any legal transaction involving land.

Types of Descriptions

Legal descriptions fall within two broad categories, known as GRAPHIC and METES AND BOUNDS descriptions.

GRAPHIC DESCRIPTIONS - the WORD/PICTURE description.

A graphic description describes land by reference to a previously created geographical entity which is shown on a plan (or picture). For a graphic description to be acceptable for legal purposes in Ontario, this plan must be on file in the Land Titles or Registry Office in whose jurisdiction the land lies. In addition, the pure graphic description refers to an entire unit on such a plan.

Examples of parcels which may be described by a graphic description.

On a Township Plan - a whole Township Lot, or several whole lots.

On a Registered Plan (in Land Titles or Registry Office) - one or more entire lots or blocks.

**On "R" Plans (Description** Reference Plans in Land Titles or Registry **Offices)**- one or more entire Part.

On Registrar's Compiled Plans, Judges Plans or any other plan acceptable in special cases - one or more entire unit according to the terminology used on the plan.

METES AND BOUNDS DESCRIPTIONS - the WORD-PICTURE description.

A metes and bounds description describes land by reference in words to the boundaries enclosing the parcel.

All descriptions which do not describe one or more entities on an acceptable plan fall within the broad area of metes and bounds descriptions, even if the form of expression used is the same as the graphic description.

This is because they imply the deliniation of at least one NEW boundary in addition to those already created by the plan on file.

UNDERSTANDING LEGAL DESCRIPTIONS

Parts of a Description.

Every complete description may be divided in two sections. The first section is a generalized description, in which is given all the necessary pertinent facts about the property which could also pertain to some other piece of land. Such items of information as County, Township, City, Town, Concession, Township Lot Number, Registered Plan Number, Registry or Land Titles jurisdiction, could be common to the subject land and other lands as well. Their proper place, if such is the case, is in the generalization. The second section of a description gives the particular facts about the subject property which differentiate it from any other parcel of land.

The general description is placed at the beginning of the description, and is called the preamble.

In a normal graphic description, the preamble is split by the insertion of the particular description within it.

In normal metes and bounds descriptions the preamble is followed by the particularization, which is the "metes and bounds".

In some simple metes and bounds descriptions, the form of the graphic description may be followed, and the particularization appears within the preasmble.

Acceptable terminology and forms in current use.

- 1. The form and terminology of the Graphic Description as used in the Registry Office System.
  - (a) To describe an entire Township Lot.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of <u>Markham</u>, in the County of <u>York</u>, being composed of Lot  $\underline{6}$  Concession <u>8</u> of the said Township.

(b) To describle entire units on a Registered Plan. \*

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the <u>City</u> of <u>Toronto</u>, in the County of <u>York</u>, being composed of <u>Lots 80, 81, 82, 83 and 84 and Block A</u> as shown on Plan <u>608B</u> registered in the Registry Office for the Registry Division of the City of Toronto.

In the above examples the underlined sections are variable. The correct designations are filled in to suit the individual case. The Lot numbers (or Block numbers or letters) constitute the particular description of the property in each case.

2. The form and terminology of the Graphic Description as used in the Office of Land Titles

The forms of description used in the Land Titles Office avoid the tautology, redundancy and verbosity which characterize the forms currently required for Registry Office use. This is to a great measure possible because of differences in the statutes under which the two systems operate. Terms such as "all and singular", "that certain parcel or tract", "land and premises", "situate, lying and being" are unnecessary in the Land Titles description.

\* The plural is used if the units are not contiguous (adjoining). If the individual units are contiguous, the wording of example (a) should be used.

- (a) To describe an entire Township Lot.
- i In the Township of Lake in the County of Hastings and being all of Lot 10 in Concession VII.
- ii In the Township of Proudfoot in the District of Muskoka and being all of Lot 16 in Concession VIII.
- (b) To describe an entire lot on an "M" type Plan (Plan of Subdivision registered in Land Titles Office).

In the Township of Ignace in the District of Kenora and being Lot 36 as shown on Plan M - 86 registered in the Office of Land Titles at Kenora.

(c) To describe a unit on an "R" Plan (Reference Plan) over Township Lot.

That part of Lot 10 in the 4th Concession in the Township of Vaughan in the County of York, and being designated as PARTS 1 and 2 on a plan of survey of record in the Office of Land Titles at Toronto as R - 600.

(d) To describe a unit on an "R" Plan over a Registry Office Plan.

In the Borough of Etobicoke in the County of York and being those parts of Lots 506 and 507 as shown on Plan 3020 registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York and designated as PARTS 1, 2, 3 and 4 on a plan of survey of record in the Office of Land Titles at Torontu as R - 700.

(e) To describe a unit on an "R" Plan over "M" Plan.

In the Borough of Etobicoke in the County of York and being that part of Lot 104 as shown on Plan M - 300 registered in the Office of Land Titles at Toronto and designated as PARTS 1 and 2 on a plan of survey of record in the said Office as R - 100.

- (f) To describe a right of way shown as units on an "R" plan.
- i TOGETHER WITH A RIGHT-OF-WAY at all times, in common with all others entitled thereto, over, along and upon that part of Lot 105 on the said Plan M - 300 and designated as PART 3 on said R - 100.
- ii SUBJECT TO A RIGHT-OF-WAY at all times, for all those now and hereafter entitled thereto, over, along and upon that part of said Lot 104 on said Plan M 300 and designated as PART 2 on said R 100.
- iii TOGETHER WITH A RIGHT-OF-WAY at all times, in common with all others entitled thereto, over, along and upon that part of Lot 105 on the said Plan M - 300 and designated as PART 3 on said R - 100 and subject to a right-of-way at all times, for all those now and hereafter entitled thereto, over, along and upon that part of said Lot 104 on said Plan M - 300 and designated as PART 2 aforesaid.
- (g) To describe a parcel subject to a Public Utilities Easement when both are shown as units on an "R" Plan.

In the Township of Etobicoke in the County of York and being that part of Lot 10 as shown on Plan M - 300 registered in the Office of Land Titles at Toronto and designated as PARTS 5 and 6 on a plan of survey of record in the said Office as R - 150.

SUBJECT TO an easement in favour of The Bell Telephone Company of Canada over the said PART 6 on Plan R - 150 for the purposes as set out in B-83695.

3. The form and terminology of the Graphic Description as used with the Description Reference Plan in the Registry Office System.

Authorized use of description Reference Plans in the Registry Office dates only from 1967. Descriptions based on these plans have not therefore had time to evolve into a common usage. The following would appear to be a correct and acceptable form.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Markham in the County of York, being all that portion of Lot 11 Concession 10 of the said Township designated as PARTS 1 and 2 on a Reference Plan deposited in the Registry Office for the Registry Division of the East and West Ridings of the County of York as Plan R - 5.

TOGETHER WITH a Right-of-Way at all times, in common with all others entitled thereto, over, along and upon that part of said Lot 11 designated as PART 3 on said Reference Plan.

SUBJECT TO a Right-of-Way at all times, for all those now and hereafter entitled thereto, over, along and upon PART 2 aforesaid.

4. Preambles to Registry Office Descriptions, by Metes and Bounds.

The preamble of a Registry Office Description follows the same general form as that of the Registry Office Graphic Description, with one or two minor changes. (Refer to 1.(a) and (b).)

(a) To describe part of a township lot.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Markham, in the County of York, being composed of part of Lot 6 Concession 8 of the said Township, described as follows,

(b) To describe part of a unit on a Registered Plan.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the County of York, being composed of Lots 80, 81 and 82 and parts of Lots 83 and 84 and part of Block A as shown on Plan 608B registered in the Registry Office for the Registry Division of the City of Toronto, described as follows.

(c) To describe as one parcel part of Township Lot and (part) of a unit on a Registered Plan.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Borough of North York, formerly the Township of North York, in the County of York, being composed of part of Lot 15 Concession 1 East of Yonge Street of the original Township of York and part of Lot 74 as shown on Plan 3425 registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York described as follows,

(d) To include the area of the parcel in a metes and bounds description. (Refer to 4. (a).)

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Markham, in the County of York, being composed of part of Lot 6 Concession 8 in the said Township and containing by admeasurement 6.754 acres, be the same more or less, described as follows. EXAMPLE 1



#### DESCRIPTION of Parcel "A"

point of commencement.

ALL AND SINGULAR that certain parcel or tract of land and premises situate. lying and being in the Township of King, in the County of York, being composed of part of Lot 23 Concession 4 in the said Township, described as follows: PREMISING that the easterly limit of said Lot 23 has a bearing of North 16 degrees 07 minutes West and relating all bearings herein thereto; COMMENCING at a standard iron bar planted in the easterly limit of said Lot 23 at a point distant 50 feet 0 inches measured southerly thereon from the northeasterly angle of said lot; THENCE westerly parallel to the northerly limit of said lot, 300 feet O inches, more or less, to an iron bar planted in the line of an old fence: THENCE South 15 degrees 48 minutes East, along the line of said fence, 100 feet  $5\frac{1}{2}$  inches, more or less, to an iron bar planted in a line drawn on a course of South 73 degrees 53 minutes West from a point in the easterly limit of the said lot distant 100 feet 0 inches measured southerly thereon from the point of commencement; THENCE North 73 degrees 53 minutes East, 300 feet 0 inches, more or less, to the easterly limit of said lot; THENCE northerly along the last mentioned limit, 100 feet 0 inches to the

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DESCRIPTION of Parcel "B"

Same Preamble as Parcel "A" Same Premise

COMMENCING at a point which may be located as follows: BEGINNING at a standard iron bar planted in the easterly limit of said Lot 23 at a point distant 50 feet 0 inches measured southerly thereon from the northeasterly angle of said lot; THENCE westerly, parallel to the northerly limit of said lot, 300 feet 0 inches, more or less, to an iron bar planted in the line of an old fence, said iron bar being the point of commencement; THENCE South 15 degrees 48 minutes East, along the line of said fence, 100 feet 5½ inches, more or less, to an iron bar planted in a line drawn on a course of South 73 degrees 53 minutes West from a point in the easterly limit of said lot distant 100 feet 0 inches measured southerly thereon from the point of beginning; THENCE South 73 degrees 53 minutes West, 50.00 feet to an iron bar planted; THENCE North 15 degrees 48 minutes West, 100.54 feet, more or less, to a standard iron bar planted in a line drawn parallel to the northerly limit of said lot 23 from the point of commencement; THENCE easterly, along said parallel line, 50.00 feet, more or less, to the point of commencement.



### DESCRIPTION of Parcel "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate. lying and being in the Town of Mississauga, formerly the Township of Toronto, in the County of Peel, being composed of part of Lot 201 as shown on Plan 676 registered in the Registry Office for the Registry Division of the County of Peel, described as follows; COMMENCING at the most westerly angle of said Lot 201; THENCE northeasterly, along the northwesterly limit of said lot, 50.00 feet; THENCE southeasterly, parallel to the southwesterly limit of said lot, 120.00 feet, more or less, to the southeasterly limit thereof; THENCE southwesterly, along the said southeasterly limit, 50.00 feet, more or less, to the most southerly angle of said lot; THENCE northwesterly, along the southwesterly limit of said lot, 120.08 feet. more or less, to the point of commencement. DESCRIPTION of Parcel "B" Same preamble COMMENCING at a point in the northwesterly limit of said lot 23 distant 50.00 feet measured northeasterly thereon from the most westerly angle of said lot: THENCE southeasterly, parallel to the southwesterly limit of said lot. 120.00 feet, more or less, to the southeasterly limit thereof; THENCE northeasterly, along said southeasterly limit, 60.00 feet, more or less, to the most easterly angle of said lot; THENCE, northwesterly, along the northeasterly limit of said lot, 119.90 feet, more or less, to the most northerly angle thereof; THENCE southwesterly, along the northwesterly limit of said lot, 60.00 feet, more or less, to the point of commencement.

EXAMPLE 3



DESCRIPTION of Parcel "A" (Southwesterly part of lot 126)

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Mississauga, formerly the Township of Toronto, in the County of Peel, being composed of part of Lot 126 as shown on Plan 611 registered in the Registry Office for the Registry Division of the County of Peel, described as follows;

COMMENCING at a point in the southeasterly limit of Kungsholm Drive, distant 32 feet 0 inches measured northeasterly thereon from the most westerly angle of said Lot 126;

THENCE southeasterly 30 feet 0 3/4 inches, more or less, to the northwesterly extremity of the centre line of the party wall between the brick dwellings standing in 1969 on the said lot;

THENCE southeasterly along the said centre line of party wall 46 feet 1 inch, more or less, to the southeasterly extremity thereof;

THENCE southeasterly 43 feet 10¼ inches, more or less, to a point in the southeasterly limit of said lot, distant 32 feet 0 inches measured northeasterly thereon from the most southerly angle thereof;

THENCE southwesterly along the southeasterly limit of said lot 32 feet 0 inches to the most southerly angle thereof;

THENCE northwesterly along the southwesterly limit of said lot 120 feet 0 inches to the most westerly angle thereof;

THENCE northeasterly along the southeasterly limit of Kungsholm Drive 32 feet 0 inches to the point of commencement.

DESCRIPTION of Parcel "B" (Northeasterly part of lot 126)

Preamble - Same COMMENCING at a point in the southeasterly limit of Kungsholm Drive, distant 32 feet 0 inches measured northeasterly thereon from the most westerly angle of said Lot 126;

THENCE southeasterly 30 feet 0 3/4 inches, more or less, to the northwesterly extremity of the centre line of the party wall between the brick dwellings standing in 1969 on the said lot; THENCE southeasterly along the said centre line of party wall 46 feet 1 inch, more or less, to the southeasterly extremity thereof; THENCE southeasterly 43 feet 10½ inches, more or less, to a point in the southeasterly limit of said lot, distant 32 feet 0 inches measured northeasterly thereon from the most southerly angle thereof; THENCE northeasterly along the southeasterly limit of said lot 32 feet 0 inches, more or less, to the most easterly angle thereof; THENCE northwesterly along the northeasterly limit of said lot 120 feet 0 inches to the most northerly angle thereof; THENCE southwesterly along the southeasterly limit of Kungsholm Drive 32 feet 0 inches more or less to the point of commencement.

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EXAMPLE 4



## DESCRIPTION

ALL AND SINGULAR that certain parcel or tract of land and premises situate. lying and being in the Borough of Scarborough, in the County of York, being composed of part of Lot 1 Concession 1 in the original Township of Scarborough, described as follows; that the easterly limit of said Lot 1 has a bearing of North 16 PREMISING degrees 49 minutes 30 seconds West, and relating all bearings herein thereto; COMMENCING at a point which may be located as follows; BEGINNING at a point in the southerly limit of said Lot 1 where it is intersected by a line drawn parallel to and perpendicularly distant 27.00 feet westerly from the said easterly limit of lot 1; THENCE North 16 degrees 49 minutes 30 seconds West, 27.00 feet, more or less, to a line drawn parallel to and perpendicularly distant 27.00 feet northerly from the southerly limit of said lot; THENCE South 72 degrees 53 minutes West, being parallel to the southerly limit of said lot, 175.00 feet to the said point of commencement; THENCE North 16 degrees 49 minutes 30 seconds West, 176.00 feet; THENCE North 72 degrees 53 minutes East, 175.00 feet to a point in a line drawn parallel to and perpendicularly distant 27.00 feet westerly from the said easterly limit of Lot 1; THENCE North 16 degrees 49 minutes 30 seconds West, along the last mentioned parallel line, 399.16 feet; THENCE on a curve to the left having a radius of 25.00 feet, an arc distance of 39.27 feet, the chord being 35.36 feet measured on a course of North 61 degrees 49 minutes 30 seconds West; THENCE South 73 degrees 10 minutes 30 seconds West, 913.81 feet more or less, to the easterly limit of Plan 8135 registered in the Registry Office for the Registry Division of the East and West Ridings of the County of York;

THENCE on a curve to the right having a radius of 466.00 feet, being along the said easterly limit of Plan 8135, an arc distance of 98.68 feet, more or less, the chord being 98.50 feet, more or less, measured on a course of South 01 degree 55 minutes 50 seconds East, to the end of said curve;

THENCE South 04 degrees 08 minutes 10 seconds West, continuing along the said easterly limit of Plan 8135, 221.17 feet more or less to a point of curve;

THENCE on a curve to the left having a radius of 300.00 feet, still continuing along the last mentioned limit, an arc distance of 111.27 feet more or less, the chord being 110.63 feet more or less measured on a course of South 06 degrees 29 minutes 20 seconds East, to the end of said curve; THENCE South 17 degrees 06 minutes 55 seconds East, still continuing along the last mentioned limit, 170.00 feet more or less, to a point distant 52.00 feet measured on a course of North 17 degrees 06 minutes 55 seconds West from the afore-mentioned southerly limit of Lot 1; THENCE on a curve to the left having a radius of 25.00 feet, an arc distance of 39.27 feet, more or less, the chord being 35.36 feet more or less measured on a course of South 62 degrees 06 minutes 55 seconds East to a point in a line drawn parallel to and perpendicularly distant 27.00 feet northerly from the said southerly limit of Lot 1; THENCE North 72 degrees 53 minutes East, along the last mentioned parallel line, 862.11 feet more or less, to the point of commencement.

EXAMPLE 5



### DESCRIPTION of Parcel "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York, being composed of all that part of Lot 20 as shown on Plan 75 registered in the Registry Office for the Registry Division of the City of Toronto lying to the east of the following described line;

COMMENCING at a point in the southerly limit of said Lot 20 distant 40 feet O inches measured easterly thereon from the southwesterly angle thereof; THENCE northerly 102 feet O inches more or less to a point in the northerly limit of said lot distant 50 feet O inches measured easterly thereon from the northwesterly angle thereof.

EXAMPLE 6



### DESCRIPTION

ALL AND SINGULAR that certain parcel or tract of land situate lying and being in the Town of Mississauga, in the County of Peel, being composed of part of Block A shown on Plan 785 registered in the Registry Office for the Registry Division of the County of Peel and being a strip of land 20 feet 0 inches in perpendicular width lying between the southwesterly and southeasterly limit of said Block A and lying 10 feet 0 inches on opposite sides of the following described centre line and the southwesterly and southeasterly productions thereof: PREMISING that the southwesterly limit of said Block A has a bearing of North 51 degrees 29 minutes West and relating all bearings herein thereto; COMMENCING at a point in the southwesterly limit of said Block A distant 50 feet 0 inches measured southeasterly thereon from the most westerly angle thereof: THENCE North 38 degrees 41 minutes East, 50 feet 0 inches; THENCE on a curve so the right having a radius of 81 feet 0 inches, an arc distance of 134 feet 9 3/4 in. the chord being 119 feet 9 1/8 inches measured on a course of North 86 degrees 21 minutes East; THENCE South 45 degrees 59 minutes East, 68 feet 2 3/4 inches more or less to the southeasterly limit of said Block A; THE said parcel being shown on a plan of survey dated December 20th, 1967, prepared by A. J. Grange, Ontario Land Surveyor, attached hereto.

UNFAMILIAR MEASUREMENTS WHICH MAY BE ENCOUNTERED IN OLD DESCRIPTIONS

N.B. When reading measurements in old descriptions <u>be quite sure whether they</u> are measurements of distance or area. Some terms are used in both systems of measurement and many very old deeds are vaguely phrased.

MEASUREMENTS OF AREA

Areas were formerly frequently expressed in "acres", "roods" and "perches". "Rods" was sometimes used incorrectly to mean "roods".

LINEAR MEASUREMENT

Distances were formerly shown in "chains", "links", "rods" or in "feet" and "yards". The terms "pole" or "perch" were used occasionally for "rod". These terms were correct, since "rod", "pole" and "perch" are synonymous in English measurement.

1 chain = 100 links = 22 yards = 66 feet 1 rod =  $\frac{1}{4}$  chain =  $5\frac{1}{2}$  yards = 25 links =  $16\frac{1}{2}$  feet 1 link = 0.01 chain = 0.04 rods = 0.66 feet = 7.92 inches 1 yard = 3 feet = 36 inches

By the 1967 Amendments to the Regulations under the Registry Act, distances must now be expressed in feet and inches, or feet and decimals of a foot. Areas are now generally given in acres and fractions or decimals of an acre or in square feet and fractions or decimals thereof.

HOW TO ESTABLISH CORRECT NOMENCLATURE FOR BOUNDARIES AND ANGLES OF A LOT

If the number of degrees in the bearings of the boundaries is less than 22 degrees 30 minutes or more than 67 degrees 30 minutes, use CASE 1.

If the number of degrees in the bearings of the boundaries is between 22 degrees 30 minutes and 67 degrees 30 minutes, use CASE 2.



