

Title and Survey Services Office  
Registration Division  
393 University Avenue, 3<sup>rd</sup> Floor  
Toronto ON M5G 1E6  
Telephone: (416) 314 - 4881  
Facsimile: (416) 314 - 4878

Bureau de l'arpentage et des droits immobiliers  
Division de l'enregistrement  
393, av. University, 3e étage  
Toronto ON M5G 1E6  
Téléphone: (416) 314 - 4881  
Télécopieur: (416) 314 - 4878

January 06, 2004

**MEMORANDUM: EM 2004-01**

**TO:** All Land Registrars

**FROM:** Kate Murray  
Director of Titles

**RE:** Encroachment Agreements

---

Recently, there have been some questions concerning the registration of Encroachment Agreements and whether or not they are title related. We have taken the position that these agreements are title related documents and should be accepted for registration. A proper legal description is required and it must comply with O.Reg. 43/96.

The requirements for an Encroachment Agreement are set out below.

**Land Titles Paper**

An application under section 71 of the *Land Titles Act* is required with Form 16 O.Reg. 690 incorporated in Box 8 of a Document General. The actual agreement must be attached to the Document General. Such an agreement may also be accepted for registration by using the form set out in Appendix "A" of Bulletin 96001, whereby the solicitor must sign the application. In this case the solicitor has the option of not attaching the agreement.

**Electronic Registration**

A Notice under section 71 of the *Land Titles Act* with the agreement imported may be used. Alternatively Appendix "A" of Bulletin 96001 whereby the solicitor must sign the document and has the option of not attaching the agreement may also be used.

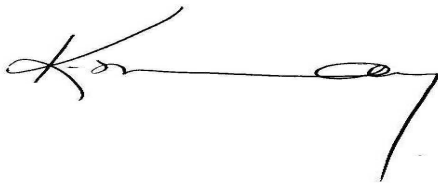
**Registry**

An executed copy of the encroachment agreement is attached to a Document General and registered as an agreement.

Page 2  
January 06, 2004  
Encroachment Agreements

In all cases it is up to the registrant to indicate in the application which property the agreement or notice is to be registered against.

If you have any questions, please contact Naz Karamat at (416) 314-5098.

A handwritten signature in black ink, appearing to read 'Naz Karamat', with a long horizontal stroke extending to the right and a vertical stroke at the end.

Cc John Dalgliesh, Director - Real Property Registration Branch  
Regional Managers  
Business Improvement Team  
TSSO Staff