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Bureau de l'arpentage et des droits immobiliers
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June 4, 2001

MEMO EM200103

TO: Land Registry Offices
Regional Surveyors
Business Improvement Team

FROM: Kate Murray
Director of Titles

RE: **Plan Document for Plan of Subdivision**

Section 151 of the *Land Titles Act* sets out that when streets are being laid out on a Plan of Subdivision consent in writing of all persons who are registered as mortgagees or chargees is required. Section 78 of the *Registry Act* includes the same requirement.

O.Reg 43/96 Surveys, Plans and Descriptions sets out the following:

25. (1) *A plan of subdivision submitted for registration shall be accompanied by*
- a) a Plan Document in Form 11; and*
 - b) if the consent of the chargee or mortgagee is required, the consent in Form 12 attached to the Plan Document*

It has come to my attention that there is a variance of practice across the province with regard to the Plan Document and it is for this reason that this memo is being circulated.

Confusion has perhaps arisen because the O.Reg 43/96 Form 4 Registration Certificate states:

*Where the plan is a Plan of Subdivision add, **where applicable:**
And the required consents are registered as plan Document No. _____*

Confusion may also arise from the Document Registration Guide, 4th Edition, 2001 which states on page 320 "*Where a plan of subdivision contains land designated for streets, street widenings or lanes, the registration application for the plan must be accompanied by a "plan document", as defined by Regulation under the Registry Act.*"

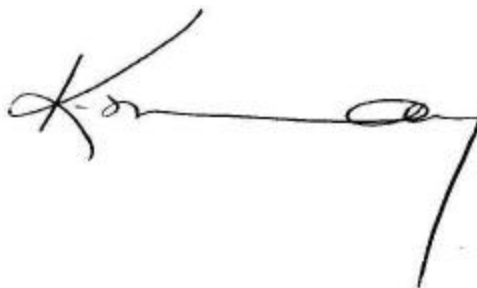
Plan Document for Plan of Subdivision

Page 2

June 4, 2001

Please note that a Plan Document (Form 11) must be registered in all cases whether or not streets etc. are being laid and whether or not there are registered mortgagees or chargees. Form 12 should be attached to the Plan Document only if streets etc. are being laid out and there are registered mortgagees or chargees. No registration fee should be charged for the Plan Document as it is considered to be part of the fees charged for the registration of the Plan of Subdivision.

A Plan Document registered in the electronic registration system requires a registration fee. Clients may request a refund through the land registry office until a change can be made to override this registration fee in Teraview.

A handwritten signature in black ink, appearing to be 'K. Veitch', written in a cursive style.

c: Ian Veitch
Regional Managers
Title and Survey Services staff