



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Survey
Standards
Branch

BULLETIN NO. 83015

DATE: May 30, 1983

TO:
ALL LAND REGISTRARS

PATENTS OF ROAD ALLOWANCES

LAND TITLES ACT
REGISTRY ACT

In the past, staff of this Division and Ministry of Natural Resources staff agreed to an arrangement whereby a patent of a part of a road allowance would be registered under the Registry Act, where the adjacent lands of the patentee were registered under that Act. This procedure was intended to facilitate future transactions by the owner as all of his land would be registered under the same Act. In future cases, such as this, we will be following a strict interpretation of subsection 36(5) of the Public Lands Act. That is, unless an instrument affecting the land has been previously registered, the patent will be registered under the Land Titles Act if the land is situate in a part of the Province to which the Land Titles Act applies.

Where it is preferable that the patent be registered under the Registry Act the Order-in-Council closing the road could first be registered under that Act. This "prior registration" would then qualify the patent for registration under the Registry Act, as provided by subsection 36(5) of the Public Lands Act.

Richard E. Priddle
Director