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Surveys
Standards
Branch

BULLETIN NO. 84036

DATE: December 28, 1984

TO: ALL LAND REGISTRARS
AND ASSISTANT EXAMINERS
OF SURVEY

ORIGINAL ROAD ALLOWANCES

RECORDING UNDER
THE REGISTRY ACT

This bulletin deals with the recording of instruments and plans with respect to original road allowances in the registry system, and implements the recommendations of our Legal and Survey Advisory Committee. Subsequent bulletins will deal with original road allowances in the land titles system and with water lots in both systems.

Our research has revealed that over the years various methods have been employed to record registered instruments dealing with parts of original road allowances. Some of these dealings have been drawn together, some abstracted separately and others have been noted or cross-referenced from one abstract index book to another.

Most of the descriptions have been based on the original Crown survey of the township or townsite; however, different methods have been employed to describe these road allowances.

Some land registry offices are experiencing a significant increase in the number of road allowance registrations. The lack of description and abstracting guidelines creates problems for both the users and the system.

Therefore, a need exists for consistency, and any attempt to bring consistency province-wide should recognize the existing diversity and should draw on recommendations that would have the least effect on existing practices. In a few instances it is recognized that to achieve this consistency, changes will have to occur. These changes, in many instances, will only require further subdividing of existing information, and in many other instances no change will be required.

Land Registrars are therefore advised of the following procedures to be implemented effective April 1, 1985.

GENERAL

- a. The identification (plans and descriptions) of road allowances shall be in accordance with the original Crown survey.
- b. Original road allowances will be separated into four classifications;

1. Original Shore Road Allowance
2. Original Road Allowances Between Townships
3. Original Road Allowances Between Concessions
4. Original Road Allowances Between Lots

(N.B. In the context of this bulletin, the lowest classification number is 1.)

- c. For recording purposes, the extent of road allowances or parts thereof shall be determined by the productions of the side, rear, or front lines of the originally created units (e.g. Township or Townsite lots).

Where road allowances of two or more classifications intersect, the intersection shall be deemed, for recording purposes, to be part of the road allowance having the lower classification number, as shown above. Since there are other "road allowances" that were created, subsequent to the "original" such as "forced/travelled roads," "by-law roads", etc., the inclusion of the word "original" in the classification list attempts to ensure reference to only those roads created by the original survey.

N.B. The above order of classification is strictly for plan title, description and abstracting (i.e. recording) purposes. It is not our intention to require surveying, beyond that normally required, solely for the purpose of determining the extent of the road allowance in the manner set out above.

- d. To facilitate future registrations, original road allowances should be registered under the Act under which the abutting lands are registered, where they are intended to be conveyed to the adjoining owners. (Subject to Bulletin 83015, with respect to Crown patents of road allowances). However, where a road allowance is registered under one Act and the adjoining land under the other, the Land Registrar should consider making appropriate cross-reference notes on the abstract index and parcel register.

PROCEDURES TO BE FOLLOWED

1. All transactions with respect to original road allowances, (with the exception of original shore road allowances for which the manner of abstracting is outlined in item 6 on page 4) will be abstracted in a separate abstract index book for original road allowances within the registry division. Where warranted, a separate abstract index book may be used for each township.
2. The first pages in each Road Allowance Abstract Index Book will comprise an index of abstract index pages opened. The first index page will list, in alphabetical order, all geographic townships within the registry division where transactions with respect to original road allowances may occur. A typed entry "opened" will be made opposite the particular township when the first abstract index page for that township is opened. In southern Ontario, the first index page will list all the geographic townships within the registry division, whereas in the northern Districts, this page will list only those townships in which land is registered under the Registry Act.

The following pages (one for each township) will provide an index of all possible abstract index pages (see sample Appendix A). An entry "opened" will be made on the appropriate index page whenever a particular abstract index page is opened.

3. Individual pages in the abstract index book will be opened for each original road allowance being dealt with. (See Appendix B). It is suggested that an abstract index page be opened at the time the initial instrument dealing with any part of a road allowance is presented for registration or deposit. The initial instrument in most instances, will be a reference plan.

For example, an individual abstract index page will be opened for a road allowance between the two specified concessions across the entire township. When abstracting an instrument, dealing with a part of that road allowance, the location of that part will be identified in the "Land and Remarks" column by the notation - "In front of Lot _____", or "In front of the Road Allowance Between Lots - and -", etc., as the case may be.

4. Subject to item 6, the individual pages for road allowances within each township will be separated in the abstract index book into four sections in the following order:

1. Original Shore Road Allowances
2. Original Road Allowances Between Townships
3. Original Road Allowances Between Concessions
4. Original Road Allowances Between Lots

The individual pages shall be placed in the abstract index book within each section in the order as indicated on the index page for that particular township.

5. In order to assist the user to search both forward and backward, an "audit trail" shall be established as follows:

On the newly created abstract page the following entry will be made:

"NOTICE - Only instruments registered after April 1, 1985 are entered in this abstract index. For prior registered instruments refer to previously existing indexes, including, but not limited to, _____".

On the abstract index referred to in the "NOTICE", the following entry shall be made:

"NOTICE - A separate page has now been opened in the Road Allowance Abstract Index Book for registered instruments dealing with (*identify road allowance*)

The standard abstract index pages can be adapted for use in the Road Allowance Abstract Index Book and rubber stamps will be supplied for entering the "NOTICES"

6. Abstracting Original and Other Shore Road Allowances

In a number of registry divisions, the majority of registrations with respect to roads will deal with parts of the original or subsequently created shore road allowances, around various lakes and rivers, that are being closed and conveyed to adjoining land owners. Thereafter each part of a closed road and the adjoining upland property are considered by the owner as being one property, and for convenience of future searching, it is desirable to have the closed shore road allowance abstracted in the abstract index of the adjoining land, i.e. township lot or lot according to a registered plan.

Where the shore road allowance was created by a registered plan of subdivision, entries will be made in the abstract index page for the streets that were created by the plan.

Where the closed shore road allowance is abstracted in the abstract index of adjoining lands, the procedures set out in items 3 and 4 above will, of course, not apply.

NOTE: In most cases, the boundary between two registry divisions coincides with the centre line of the road allowance between them (See subsection 1(4) of O. Reg. 551/81). This may necessitate registration in both land registry offices in a case where an instrument deals with parts on both sides of the centre line of the road allowance.



Richard E. Priddle
Director of Land Registration

REP:kk

- NOTES:
- (1) A footnote to the form of Cessation of Charge in the 1984 edition of the Land Titles Procedural Guide (page 5060, paragraph 30,400) reads:
"See Bulletin 84029 concerning the use of parcel numbers as the only identification of the land to be discharged." Bulletin 84029 has not yet been issued, so that Bulletin 83008 will continue in effect until further notice.
 - (2) This is our final bulletin for 1984, and completes thirteen years of the current series, which I instituted in 1972. It is likely to be my last, as I have opted for a change in responsibilities after the end of this month. I extend my best wishes to all my associates (and other readers) for good health and happiness in the new year.



This is the last Bulletin of the 1984 series.

APPENDIX A

TOWNSHIP OF PICKERING
INDEX TO ROAD ALLOWANCE ABSTRACTS

CON.	ROAD ALLOWANCE BETWEEN AND CON.	PAGE OPENED	PAGE NO.
1 BF	2 BF		
2 BF	3 BF		
3 BF	1		
1	2		
2	3		
3	4		
4	5		
5	6		
6	7		
7	8		
8	9		
9	10		
10	11		

LOT	4	LOT	ROAD ALLOWANCE BETWEEN	PAGE OPENED	PAGE NO.
2		3			
4		5			
6		7			
8		9			
10		11			
12		13			
14		15			
16		17			
18		19			
20		21			
22		23			
24		25			
26		27			
28		29			
30		31			
32		33			
34		35			

TOWNSHIP	ROAD ALLOWANCE BETWEEN AND	TOWNSHIP	OPENED
PICKERING		SCARBOROUGH	
PICKERING		UXBRIDGE	
"		WHITBY	

