



Ontario

Ministry of
Consumer and
Commercial
Relations

Registration
Division

Property
Law
Branch

BULLETIN NO. 87007

DATE: June 5, 1987

TO:
ALL LAND REGISTRARS

LAND TITLES ACT
PLANS OF SUBDIVISION

HOW OWNERSHIP OF ROADS TO BE
SHOWN IN PARCEL REGISTER -
OWNER'S CERTIFICATE

THIS BULLETIN REPLACES BULLETIN NO. 87001

Streets, street widenings and lanes laid out by plans of subdivision are dedicated as public highways by owners' certificates on the plans. The combined effect of dedication and sections 257 and 258 of the Municipal Act, R.S.O. 1980, c. 302, and section 57 of the Surveys Act, R.S.O., c. 493, makes the corporation of the municipality having jurisdiction the owner of the streets, etc. The owner can be either the local municipality or the Metropolitan, Regional or District Municipality or County.

Following the registration of a plan of subdivision, the land registrar shall open a parcel register and enter the appropriate authority as owner of the streets, street widenings or lanes dedicated as public highways if the ownership is apparent in paragraph 2 of a modified owner's certificate or if there is some evidence of ownership in the plan document.

An example of a modified paragraph 2 in an owner's certificate would be:

"2. The streets and street widenings and lanes are hereby dedicated to the Corporation of the City of as public highways."

However, if the owner's certificate does not indicate the appropriate authority to be entered as owner or if the land registrar cannot determine which municipality is to be shown as the registered owner, then the registrar shall open a parcel register and enter "the Corporation of the Municipality having jurisdiction over it (or them)" as owner of the streets, street widenings or lanes dedicated as public highways. Subsequently, if a street, etc., or a part thereof is closed or is closed and transferred, evidence proving the authority of the municipal corporation purporting to have jurisdiction will be required before the related by-law, transfer, etc., is accepted for registration. (See subsection 151(1) of the Land Titles Act.)

[Handwritten signature]
LP

07007

If the land subdivided by a plan is in a territory without organized municipal government, it seems likely that the ownership of the roads reverts in the Crown. Section 319 of the Municipal Act, R.S.O. 1980, c. 302, permits the Lieutenant Governor in Council to deal with highways in provisional judicial districts, not being within an organized municipality. Thus the entry of the ownership of roads on subdivision plans where there is no municipal Government should read: "The Crown in the Right of Ontario".