



Ontario

Ministry of  
Consumer and  
Commercial  
Relations

Property  
Rights  
Division

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TO:  
ALL LAND REGISTRARS

THE EXPROPRIATIONS ACT  
R.S.O. 1970 CHAPTER 154

ABANDONMENT OF EXPROPRIATED LAND

Section 9 of The Expropriations Act provides that upon the registration of an expropriation plan, the land shown on the plan vests in the expropriating authority. All encumbrances against the land are converted into claims for compensation and, accordingly, the entries of these encumbrances should be ruled off the register in the land titles system.

If the expropriating authority subsequently abandons all or part of the expropriated land pursuant to section 42 of the Act, all encumbrances should be re-created on the register as they were shown immediately before the registration of the expropriation plan.

The abandonment of expropriated land is complete upon service of a copy of a Declaration of Abandonment on all persons entitled and the registration of the Declaration of Abandonment. In this regard, the Declaration of Abandonment should recite that

- (a) compensation has not been paid in full;
- (b) it has been found that the expropriated land is unnecessary for the purposes of the expropriating authority or that a more limited estate or interest is required;
- (c) all the owners entitled to be notified of the abandonment have elected in writing to take back the expropriated land.

The Declaration of Abandonment must also be accompanied by a statutory declaration made by the expropriating authority setting out the names of all persons entitled to be served with a copy of the Declaration of Abandonment and declaring that they have been properly served.

The procedure for abandonment of expropriated land is set out in the "Department of Highways Plans - Procedural Guide for Land Titles and Registry Offices 1969"; however, the Procedural Guide was incomplete in that it did not mention that encumbrances must be reinstated on the register.

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