



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Surveys
Standards
Branch

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TO: ALL LAND REGISTRARS

THE PLANNING ACT, R.S.O. 1970,
C.349, S.29(4)(c)

DEFINITION OF UTILITY LINE

Section 29(4)(c) of The Planning Act provides that part-lot control does not apply to land or any use of or right therein that is being acquired for the construction of a transmission line or utility line as defined in The Ontario Energy Board Act and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose.

The Ontario Energy Board Act, R.S.O. 1970, C.312, defines a utility line to mean "a pipe line, a telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public".

It is our opinion that cable television fits within this definition of utility line. Accordingly, when an easement is given for cable television across a lot or block within a registered plan of subdivision, the Land Registrar in the land titles system need only be satisfied that the declaration provided for in section 29(4)(c) of The Planning Act is attached to the instrument. No further affidavit or consent under The Planning Act is necessary.

Page 13-1 of The Land Titles Procedural Guide provides that easements for utilities may be acquired without specifying the land to be benefited. This also applies to easements for cable television.

Darlene Allems
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DA:ls.