



Ministry of Consumer
and Business Services
Registration Division
Title and Survey Services Office

BULLETIN NO. 2005-01

DATE: March 3, 2005

TO: All Land Registrars

Land Titles Act
Registry Act

Subdivision by Reference
Plan

In 1997, Memo EM 199711 was issued to deal with the marketplace reality of lands being subdivided by way of a reference plan and exemptions to part lot control. Often reciprocal easements were established and the Memo established a simplified and expedited process to facilitate the creation of the new parcels with the easements appropriately reflected.

The purpose of this bulletin is to replace the Memo and to outline the procedure that ensures that the descriptions for the new parcels are created in a way that makes the easements consistent between parcels. Some Land Registry Offices may also choose to apply the process set out herein when easements are not part of the development, when workload levels permit. It is expected that with the sustained co-operation between clients and Land Registry Office staff, the process will continue to be an effective manner in creating new parcels/PINs in the circumstances outlined herein.

When staff followed the usual procedure for opening new parcels/PINs, which was the only alternative prior to the issuance of the Memo, it resulted in a lengthy process for clients and staff when subsequent transfers and charges are registered on such a parcel or PIN. Clients needed to ensure that the same part on the reference plan has not already been sold and that the easements, appurtenant to the subject property, were properly described in all associated documents. Staff also had to duplicate this effort at the time of registration.

As a result, an optional procedure that will assist clients in expediting the registration process and facilitate a simplified registration process for staff was developed. It applies only to blocks of contiguous lands and is set out below.

- If all the lands are owned by the same entity and subject to the same encumbrances, consideration should be given to consolidating all the lands into one parcel or PIN. This will reduce the effort later required for splits.
- The developer deposits a reference plan indicating how the block of land will be subdivided.
- The developer conveys utility easements and other lands required by the municipality as a condition of planning approval.
- The developer registers a Transfer from itself to itself (or to itself "in trust") which sets out separate descriptions in schedules for all of the potential new parcels, including any appurtenant (together with) easements and any servient (subject to) easements, all referring to the reference plan. Registrars should ensure that all easements are consistent between the dominant and servient tenements. In the accompanying Land Transfer Tax Affidavit, there is to be a statement to the effect that "this transfer is registered only to parcelize the land in the manner in which the transferee intends to ultimately convey it to third parties".

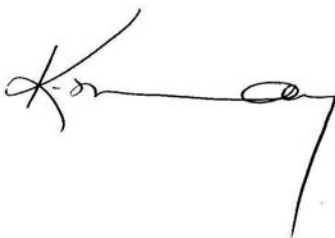
- The Transfer is certified and the appropriate splits take place immediately, creating separate parcels/PINS based upon the schedules contained in the Transfer document. The description for each parcel/PIN will include the appropriate easements with reference to the registration number of the Transfer as the creating instrument.
- The Property Index Map is updated to indicate the newly created PINS.
- When subsequent registrations are submitted, the transaction of each property can take place in a less cumbersome fashion as the parcels have already been created in the automated system. The “as in number” for the easements would be the registration number of the transfer from the developer to itself.

This procedure will ensure that the descriptions for the new parcels are created in a way that makes the easements consistent between parcels.

In order to realize the benefit, land registry office staff will need to communicate with the developer to time the processing of the registration of the initial Transfer, which sets out the parts to be conveyed, and any subsequent transfers which depend upon the splits having occurred.

The principles of the process outlined herein can also be applied to scenarios where registrants are transferring a new parcel to themselves to satisfy a planning approval condition of registration within a specified time period. In the accompanying Land Transfer Tax Affidavit there is to be statement to the effect of “this transfer is registered only to parcelize the land to satisfy a condition of Planning Approval and the transferee intends to ultimately convey the parcel(s) to a third party”. Severance approval may also include the creation of an easement in the transfer, which should be included in the new parcel/PIN.

This Bulletin replaces Memo EM 199711, which is hereby revoked.

A handwritten signature in black ink, appearing to read 'K. Murray', with a long horizontal stroke extending to the right and a vertical line ending in a hook at the bottom right.

Katherine M. Murray
Director of Titles