

Ministry of Consumer and  
Commercial Relations  
Real Property Registration Br.  
3rd Floor  
393 University Avenue  
Toronto, Ontario  
M5G 1E6  
Tel: (416) 314-4886  
Fax: (416) 314-4878

Ministère de la Consommation et  
du Commerce  
Direction de l'enregistrement  
immobiliers  
393, av. University, 3<sup>e</sup> étage  
Toronto (Ontario)  
M5G 1E6  
Tél : (416) 314-4886  
Télééc : (416) 314-4878



December 18, 1997

EM199712

**MEMORANDUM TO:** All Land Registrars

**FROM:** Doug Aron  
Examiner of Surveys

**RE:** Transfers from Ontario Clean Water Agency to  
Municipalities

Beginning in the very near future, and over the coming period until the end of 1999, various water works and sewage works will be transferred from the Ontario Clean Water Agency to Ontario's municipalities. These transfers will involve about 230 treatment works, including easements, and will affect approximately 12,000 properties.

The title to these properties are currently registered in one of the following names: the Ontario Water Resources Commission, the Minister of the Environment, the Minister of Environment and Energy or the Ontario Clean Water Agency. The Ontario Clean Water Agency became the owner of the lands, or interests in land, held by its predecessors by virtue of section 53 of the *Capital Investment Plan Act, 1993*. By subsection 2(6) of the *Municipal Water and Sewage Transfer Act, 1997* the Minister of Environment and Energy may make an order transferring these lands to a municipality. An Order in Council will be passed to give this authority to the Minister of the Environment, as successor to the Minister of Environment and Energy.

The transfer of title to the relevant lands and the transfer of the Agency's easement interests (either permanent or temporary) will be made by "Minister's Transfer Order" which you will be receiving in the form of a Document General (Form 4). The Order will be signed either by the Minister of Environment and Energy or by the Minister of the Environment. The documents will contain schedules which will include complete descriptions of the lands being transferred and will identify the type of interest (fee, permanent easement, temporary easement) being transferred.

Under both the *Registry Act* and the *Land Titles Act*, these transfer Orders are to be treated as documents that vest title (or the stated lesser interest) in the Municipality (or Municipalities) identified as the transferee(s). They should be abstracted accordingly. For automated records, please use document type "Order" (for both *Registry* and *Land Titles* documents).

.../2

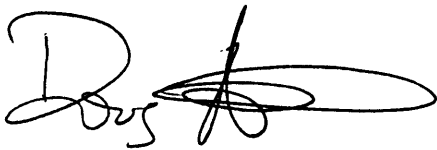
It is our understanding that each document will transfer lands in only one land registration division and that separate documents will be provided for lands under the registry system or under the land titles system.

The descriptions contained in these documents should be complete descriptions that comply with the regulations. They will usually be the same descriptions that were previously registered when the interests were last dealt with in registered documents. In some cases they will, of necessity, be updated to reflect the current municipalities and/or current geographical abstracting entities or PINs. Where only part of a prior parcel is to be transferred, a reference plan description will be provided.

In those rare instances where the description provided would not comply entirely with the current regulations, and where proof is supplied that the transferee municipality has agreed to accept such a description, land registrars are encouraged to exercise their discretion in arriving at the most cost effective method of achieving a description that can be recorded in the proper place and that would be expected to provide a reasonably accurate description of the interest to be conveyed. The Regional Surveyors should be consulted in this matter and will make recommendations as to what would be appropriate in the circumstances. If necessary, such descriptions should be stamped as acceptable for this one time use only.

A sample Minister's Transfer Order is attached for your information. Although not included in the package, a Land Transfer Tax Affidavit is required for each transfer unless proof of exemption by the Ministry of Finance is provided.

Any questions in this matter should be directed to your Regional Surveyor.



c.c. Ian Veitch  
Kate Murray  
Regional Managers  
Regional Surveyors  
Head Office Managers  
L. Dalton - Teranet  
J. Slemming - Teranet

FOR OFFICE USE ONLY

(1) Registry  Land Titles  (2) Page 1 of N pages

(3) Property Identifier(s) Block Property see attached Schedules (for automated Land Registry Offices only) Additional: See Schedule

(4) Nature of Document Minister's Transfer Order - [Municipality] [W or S]#[L or R]/1997 (e.g. Minister's Transfer Order Haileybury #W1-R/1997)

(5) Consideration N I L Dollars \$ NIL

(6) Description See the following schedules which include lands in the Town of X in the County of Y

- Schedule A - Fee Simple
- Schedule B - Permanent Easements
- Schedule C - Temporary Easements

New Property Identifiers

Additional: See Schedule

Executions

Additional: See Schedule

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch  (b) Schedule for: Description  Additional Parties  Other

(8) This Document provides as follows:

**MINISTER SIGNING AS THE MINISTER OF ENVIRONMENT AND ENERGY**

Pursuant to subsection 2(6) of the Municipal Water and Sewage Transfer Act, 1997, the Minister, hereby transfers from the Ontario Clean Water Agency to the [Legal Name of Town/County], the lands described in the Schedule(s) which are part of the [Name of Facility/System] and which became vested under s. 53, in the Ontario Clean Water Agency, pursuant to purchase or expropriation by them or under s. 59 of the Capital Investment Plan Act, 1993.

OR

**MINISTER SIGNING AS THE MINISTER OF THE ENVIRONMENT**

Pursuant to subsection 2(6) of the Municipal Water and Sewage Transfer Act, 1997, the Minister, as successor to the Minister of Environment and Energy pursuant to subsection 5(3) of the Executive Council Act (OIC #), hereby transfers from the Ontario Clean Water Agency to the [Legal Name of Town/County], the lands described in the Schedule(s) which are part of the [Name of Facility] and which became vested under s. 53, in the Ontario Clean Water Agency, pursuant to purchase or expropriation by them or under s. 59 of the Capital Investment Plan Act, 1993.

Continued on Schedule

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)

Name(s) Signature(s) Date of Signature Y M D

From: The Ontario Clean Water Agency [Minister's signature]

(11) Address for Service c/o Ontario Clean Water Agency, 20 Bay St., Suite 700 Toronto, Ontario M5J 2N8

(12) Party(ies) (Set out Status or Interest)

Name(s) Signature(s) Date of Signature Y M D

To: The [Legal Name or Town/County] TRANSFEREE

(13) Address for Service

Address of Municipality

(14) Municipal Address of Property

multiple

(15) Document Prepared by:

Waste Reduction Branch  
Ministry of the Environment  
7th Floor, 40 St. Clair Avenue West  
Toronto, Ontario M4V 1M2

Fees and Tax	
Registration Fee	
Total	

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Form 4 — Land Registration Reform Act

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(1) Registry  Land Titles  (2) Page 1 of N pages

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OR

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 Pursuant to subsection 2(6) of the Municipal Water and Sewage Transfer Act, 1997, the Minister, as successor to the Minister of Environment and Energy pursuant to subsection 5(3) of the Executive Council Act (OIC #), hereby transfers from the Ontario Clean Water Agency to the [Legal Name of Town/County], the lands described in the Schedule(s) which are part of the [Name of Facility] and which became vested under s. 53, in the Ontario Clean Water Agency, pursuant to purchase or expropriation by them or under s. 59 of the Capital Investment Plan Act, 1993.

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Name(s)	Signature(s)	Date of Signature Y M D
From: The Ontario Clean Water Agency	[Minister's signature]	

(11) Address for Service c/o Ontario Clean Water Agency, 20 Bay St., Suite 700 Toronto, Ontario M5J 2N8

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
To: The [Legal Name or Town/County]	TRANSFeree	

(13) Address for Service Address of Municipality

(14) Municipal Address of Property

multiple

(15) Document Prepared by:

Waste Reduction Branch  
 Ministry of the Environment  
 7th Floor, 40 St. Clair Avenue West  
 Toronto, Ontario M4V 1M2

Fees and Tax	
Registration Fee	
<b>Total</b>	

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**Schedule "A"**

All rights, title and interest in the following lands is hereby transferred in fee simple to the transferee.

Firstly:

Part of Lots 54 and 55 east of the Hasting Road,  
Village of Bancroft  
Geographic Township of Dungannon  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 1 on Reference Plan 21R-593  
As previously described in Instrument 172813

Secondly:

Lot 76, Registered Complied Plan 2194  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

As previously described and shown on a sketch attached to Instrument 179075.

Thirdly:

Part of Lot 57, Concession 1  
West of the Hastings Road  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 1 on Reference Plan 21R-832  
As previously described in Instrument 264464

The parcels outlined in Schedules A, B and C are currently associated with the Bancroft Sewage Collection System. Pursuant to **Section 27 from the Ontario Water Resources Act**, the benefit of any easements acquired by the Town for sewage or water works is not restricted to use with a particular dominant or serviant tenement.

**Schedule "B"**

The easement rights more fully described in the instrument referred to for each parcel are hereby transferred to the transferee.

Firstly:

Part of Lot 55, West of the Hastings Road  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 4 on Reference Plan 21R-593  
As previously described Firstly in Instrument 180456

Secondly:

Part of Lot 55, East of the Hastings Road  
Part of the road allowance between  
Township of Faraday and Dungannon  
(Closed by By-Law 711, Instrument 33471)  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Parts 2 and 3 on Reference Plan 21R-593  
As previously described Secondly in Instrument 180456

Thirdly:

Part of Lot 55, East of the Hastings Road  
Village of Bancroft  
Geographic Township Dungannon  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part I on Reference Plan 21R-1474  
As previously described in Instrument 205490

Fourthly:

Part of Lots 54 and 55, East of the Hastings Road  
Village of Bancroft  
Geographic Township of Dungannon  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part I on Reference Plan 21 R-1474  
As previously described in Instrument 205491

Fifthly:

Part of Lot 21, Registered Complied Plan 2194  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

More particularly described as follows:

PREMISING that the northerly limit of said Lot 1 has an astronomic course of N 670 31' E derived from observation and relating all bearings herein, thereto;

COMMENCING where a survey post has been planted defining the northeasterly angle of the said parcel and being in the easterly limit of Chemaushgon Road distant thereon 243.25 feet measured

**Schedule "B" (cont'd)**

S 28° 59' E from a survey post planted at an angle therein distant thereon 487.88 feet measured  
S 24° 25' E from a survey post planted at an angle therein distant thereon 121.96 feet measured  
S 34° 30' E from a survey post planted at an angle therein distant thereon 266.57 feet measured  
S 59° 31' E from a survey post planted at an angle therein distant thereon 131.83 feet measured  
S 59° 46' E from its intersection with the northerly limit of said Lot 1 distant thereon 452.95 feet measured  
N 67° 31' E from the northwest corner of Lot 1, Concession B, aforesaid;

THENCE S 21° 22' 3" E along the said easterly limit of Chemaushgon Road 69.63 feet to a survey post planted at its intersection with the westerly limit of the right-of-way of the Canadian National Railway;

THENCE S 68° 37'30"W, 10.00 feet to a point;

THENCE N 21° 22'30" W, 69.63 feet to a point;

THENCE N 68° 37'30" E, 10.00 feet to the point of commencement.

As previously described as Schedule "A" and on plan attached to Instrument 205489.

**Sixthly:**

Part of Lot 65, West of the Hastings Road, -  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 1 on Reference Plan 21 R-1475  
As previously described as Schedule "B" in Instrument 205489

**Seventhly:**

Part of Lot 35, Registered Compiled Plan 2194  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 6 on Reference Plan 21 R-1541  
As previously described Firstly in Instrument 181485

**Eighthly:**

Part of Lot 48, Registered Compiled Plan 2194  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 4 on Reference Plan 21 R-1541  
As previously described Firstly in Instrument 194483

**Ninthly:**

Part of Lot 37, Registered Compiled Plan 2194  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 7 on Reference Plan 21 R-1541  
As previously described in Instrument 209517

Schedule "B" (cont'd)

Tenthly:

Part of Lot 58, West of the Hastings Road  
Village of Bancroft  
(Geographic Township of Faraday)  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 2 on Reference Plan 21 R-830  
As previously described Firstly in Instrument 180458

Eleventhly:

Part of Lot 49, Registered Plan 411  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part I on Reference Plan 21 R-1 4478  
As previously described Firstly in Instrument 180455

Twelvthly:

Part of Lot 49, Registered Plan 411  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part I on Reference Plan 21 R-588  
As previously described Firstly in Instrument 179391

Thirteenthly:

Part of Lots 57 and 58, West of Hastings Road  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 3 on Reference Plan 21R-5841  
As previously described Firstly in Instrument 180460



**Schedule "C"**

The easement rights more fully described in the instrument referred to for each parcel are hereby transferred to the transferee.

**Firstly:**

Part of Lot 35, Registered Compiled Plan 2194  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 5 on Reference Plan 21R-1541  
As previously described Secondly in Instrument 181485

**Secondly:**

Part of Lot 48, Registered Compiled Plan 2194  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 3 on Reference Plan 21R-1541  
As previously described Secondly in Instrument 194483

**Thirdly:**

Part of Lot 58, West of the Hastings Road  
Village of Bancroft  
Geographic Township of Faraday  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 3 on Reference Plan 21R-830  
As previously described Secondly in Instrument 180458

**Fourthly:**

Part of Lot 49, Registered Plan 411  
Village of Bancroft  
County of Hastings  
Registry Division of Hastings (No. 21)

Shown as Part 2 on Reference Plan 21R-588  
As previously described Secondly in Instrument 179391