

Subject <b>Dedicated Roads in Private Plans of Subdivision in Unincorporated Territory</b>		Procedure PL 4.11.08	Page 1 of 3
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued July 30, 2008	
Replaces Directive Title N/A	Number N/A	Dated N/A	

## **1.0 PROGRAM GUIDELINES**

### **1.1 Purpose**

This procedure provides direction for the implementation of Policy PL 4.11.08 Dedicated Roads in Private Plans of Subdivision in Unincorporated Territory.

### **1.2 Procedural Flexibility**

A high degree of conformity to this procedure is required to ensure the application of the appropriate authority in the transfer of dedicated roads in private plans of subdivision in unincorporated territory (hereafter referred to as dedicated roads). Refer to Policy PL 4.11.08 for definitions.

## **2.0 PROCEDURE**

### **2.1 Application**

An application for a dedicated road or portion thereof shall be accompanied by the following:

- a completed and signed (i.e. registered owner(s) of the backshore or adjacent parcel) letter of application;
- a sketch of the lands being applied for showing: location of the known survey monuments of the adjacent parcel; proposed location of the boundaries of the lands being applied for; and any and all encroachments onto the lands being applied for. The applicant will be required to mark all found survey monuments and the proposed boundaries on the ground with orange flagging tape and or paint to facilitate an inspection by MNR. Refer to Appendix 'B' for a sample sketch;
- proof of ownership of the adjacent parcel (e.g. current copy of parcel Property Identification Number (PIN)); and
- documentation of the adjacent landowners comments, where applicable, regarding the proposed purchase.

### **2.2 Disposition Processes**

#### Responsibility

District

#### Action

1. Upon receipt of a complete application, confirm that the subject lands are dedicated roads subject to Section 29.1 of the Public Transportation and Highway Improvement Act.
2. Review the application per section 3.2 (A) of PL 4.11.08 Policy and consistent with PL 4.02.01.
3. If the application is approved, authorize a survey and issue survey instructions using the "Crown Land Survey Requirements" form.  
Note: a Crown land plan is required to provide for a review by Crown Land Surveys Section
4. Upon receipt of the draft plan from the surveyor, review for accuracy and forward to Crown Land Surveys for review and

preparation of a legal description using  
“Request for Survey Review and Legal  
Description” form.

5. Upon receipt of approved survey plan, requests fee from applicant, prepares a Requisition for an Order in Council (Section 29.1 Public Transportation and Highway Improvement Act) per PL 4.01.01.

#### Land Management Section

6. Submits a request for an Order in Council to stop up and sell the dedicated road per PL 4.02.02.
7. Upon receipt of the Order-in-Council prepares the transfer documents.  
If the MNR is the registered owner of the parcel, proceed to step 8.  
If parcel is not in MNR’s name, prepare for registration a Document General requesting MNR to be entered as owner of the lands to be transferred, not the entire parcel for the dedicated roads (refer to Appendix ‘A’ for wording).
8. Submits the transfer documents for registration at appropriate Land Registry Office. After registration forwards copy of registered documents to the district and the transferee.

### **3.0 REFERENCES**

#### **3.1 Legislative Cross References**

Public Transportation and Highway Improvement Act, Section 29.1

#### **3.2 Directive Cross References**

PL 4.01.01 – Obtaining Orders in Council (Procedure)

PL 4.02.01 – Application Review and Land Disposition Process (Policy and Procedure)

PL 4.11.08 – Dedicated Roads in Private Plans of Subdivision in Unincorporated Territory (Policy)

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**Appendix 'A': Document General Requesting MNR be entered as Owner**

*WHEREAS the Minister of Transportation is the "Public Authority having jurisdiction" over these parcels of Land described in Box (6) Description;*

*AND WHEREAS by letter dated September 23, 2003 the Deputy Minister of Transportation authorized the Minister of Natural Resources to apply for Orders-in-Council for the stopping up, closing and ordering the sale of these lands;*

*AND WHEREAS the said lands are dedicated roads (OR) are deemed to be dedicated lands by virtue of Section 57 of the Surveys Act and as such have been stopped up and closed by Order(s)-in-Council #####, pursuant to Section 29.1 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50.*

*NOW THEREFORE the Minister of Natural Resources hereby makes application to be entered as the owner of these parcels of Land for the purpose of stopping up, closing and transferring title pursuant to the above mentioned Order(s)-in-Council.*

NOTE: This wording may have to be modified to reflect the actual wording (i.e. "Public Authority having jurisdiction") in the parcel for the dedicated roads.