



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 75045

DATE: June 10, 1975

TO:
ALL LAND REGISTRARS

THE CROWN AGENCY ACT
R.S.O.1970 C.100

INTERMINISTERIAL TRANSFERS
OF ADMINISTRATION AND CONTROL

It has come to our attention that the Ministry of Natural Resources is encountering some difficulty in registering Orders in Council transferring administration and control to Ontario Housing Corporation.

The grounds of refusal have been that a mere transfer of administration and control would not give title to the land to the recipient minister or agency and as a consequence that minister or agency could not deal with the land in any manner.

Administration and control is transferred to a Crown Agency, as defined in section 1 of The Crown Agency Act, by order in council because it is not a separate legal entity from the Crown. A 1945 decision in the case of ATTORNEY GENERAL OF CANADA V. HIGBIE ET AL established the principle that, because the Crown is one and indivisible, it is not appropriate for The Crown, when transferring land from one government to another, to do so by letters patent and should use an order in council.

By the same token, because ministers and Crown Agencies act for and on behalf of Her Majesty, we take the position that the principles enunciated in the case referred to above are applicable to transactions between the Crown and its agencies as well as between one arm of the Crown's government and another.

Therefore, orders in council transferring administration and control to a minister or Crown agency are to be accepted for registration. Upon receipt of such an order in council, a parcel should be opened and from that time on the Crown Agency which has administration and control of the land has the right to deal with the land as a registered owner, subject to any limitation in the order in council.

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Solicitor

ALB:pc