



Ministry of
Consumer and
Commercial
Ontario Relations

Ministère de la
Consommation
et du
Commerce

Registration
Division
Division de
l'enregistrement

4th Floor
393 University Avenue
Toronto, Ontario
M7A 2H6
416/596- 3656

REAL PROPERTY REGISTRATION BRANCH

EM199301

DATE: February 12, 1993

**MEMORANDUM TO: REGIONAL SURVEYORS
LAND REGISTRARS**

**FROM: PAUL MADAN
EXAMINER OF SURVEYS**

RE: USE OF P.I.N. ON PLANS PREPARED FOR REGISTRATION OR DEPOSIT

It has recently come to my attention that there is some inconsistency in the way that Regulation 997, R.R.O. 1990 is being applied in the several registry offices where automation is available.

There have also been some concerns expressed by Ontario Land Surveyors that some offices are requiring plans to be presented in a form that may not comply with the surveyor's interpretation of the regulation.

Following are the highlights of those parts of the regulation which relate to plans prepared for land registry offices affected by automation:

1. **The Title Block**

Regulation 997 of R.R.O. 1990, clause 21(1) (b) states that Property Identifier Numbers shall be shown in the plan title along with other information. Subsection 21(2) however, states that where a plan creates new subdivision units, (e.g. reference plan) the P.I.N.'s and other specified information may be shown in schedule form.

Taken together, it is our interpretation that reference plans, expropriation plans and highway plans etc. that commonly have a schedule to explain the relationship between parts and underlying geographic fabric, including P.I.N.'s, need not have P.I.N.'s in the plan title, as well. To include the P.I.N. in the title would, however, not be incorrect and plans should not be rejected for this reason, nor should the surveyor be asked to amend the plan.

2. **The Schedule**

Regulation 997 of R.R.O. 1990, subclauses 28 (d) (i) to (iv) and subclauses 44(a) to (d) deal with the content of a schedule on a reference plan and an expropriation plan respectively. It is our interpretation that these sections create three separate classes of properties:

- a) Properties to which the Registry Act applies, where the schedules must show existing subdivision units and instrument numbers (subclauses 28(1)(d)(i) & 44(a)). If the lands are comprised of land that is included in a Registrar's Compiled Plan, the new abstract headings replace the pre-existing subdivision units (subclauses 28(1)(d) (iv) and 44(d)).

- b) Properties to which the Land Titles Act applies require the relation between parts and the underlying parcel and section (subclauses 28(1)(d)(ii) and 44(b)).
- c) Properties designated under Part II of the Land Registration Reform Act require the relationship between the parts and the underlying P.I.N.'s. These automated parcels may be either under the Registry Act or the Land Titles Act. (subclauses 28(1) (d) (iii) and 44(c)).

The primary function of the schedule is to show us where the various parts are to be abstracted. The parcel and section is replaced by the Property Identifier Number for abstract purposes. Parcel and section is retired upon automation and no purpose is served by continuing to note it in the schedule.

There is some concern in the survey community that the regulation is not specific as to whether P.I.N.'s are to be shown in place of the parcel and section, or in addition to these.

Accordingly, if the plan shows both the P.I.N.'s and the "former" parcel and section, it should not be rejected only for that reason.

3. The Body of the Plan

Section 10 of Regulation 997, R.R.O. 1990 deals with what shall be shown on the face of the plan. These requirements can be divided into two components:

a) The Land Being Surveyed

It is necessary to show with relation to the land being surveyed:

- i) The identifying numbers, letters or words for the existing subdivision units and their extent (subclauses 10(1)(a)(i) & 10(1)(c)).
- ii) The registration numbers of instruments defining the lands and their extent (subclauses 10(1)(a)(ii) & 10(1)(d)(i)).
- iii) The P.I.N.'s assigned to land included in the plan (clause 10(1)(e)).
- iv) The abstract headings and extent where the lands are included in a Registrar's Compiled Plan (subclause 10(1)(f)).

Nowhere in this section is there a specific reference to parcel and section of Land Titles Act parcels although subclause 10(1)(d)(i) might be interpreted to include parcel and section.

Prima facie, the long standing Land Titles Act practice of quoting only the parcel and section numbers in lieu of instrument numbers would seem to be at a variance with the words of the regulation. In other words the regulation does not clearly state what information is required to be shown on the plans prepared under the Land Titles Act. Similarly the regulation also does not specifically prohibit the depiction of instrument number and/or the parcel and section, where a P.I.N. has been assigned under the Land Registration Reform Act. Needless to say, it would seem redundant to do so in those instances where the parcel and section have been retired upon the assignment of a P.I.N.

Therefore, the depiction of a parcel and section on the face of a plan, in addition to the P.I.N.'s, should not be the only grounds for rejecting a plan.

Lands Adjoining the Lands Under Survey

- i) the limits of adjoining subdivision units together with their identifying words, letters or numbers (subclauses 10(1)(a)(iii) & 10(1)(c))
- ii) the instrument numbers and the extent of adjoining lands (subclause 10(1)(a)(iii) & 10(1)(d)(ii)). (Instrument numbers are not required on whole lots in registered plans of subdivision).

Again there is no specific provision that the parcel and section of adjoining lands must be shown. It might be argued that 10(1)(d)(ii) could be interpreted to require the depiction of parcel and section.

There is similarly no uncontrovertible requirement, specifically stated, that P.I.N.'s must be shown on adjoining lands except, again, perhaps by extension of subclause 10(1)(d)(ii), and subclause 10(1)(e). We take the approach that subclause 10(1)(e) requires the depiction of P.I.N.'s on "the plan" where these have been assigned. We will consider amending the regulation, in future, to clarify the requirements of the system in an automated environment.

In the meantime, it would be unfair to ask that the surveyor delete the existing instrument numbers, or parcel and section from the plan after P.I.N.'s have been assigned, provided P.I.N.'s are also shown. Accordingly such plans should not be rejected only on the grounds that such additional information is shown on the plan.



cc: Regional Managers

\\Reg-898\land-reg.mem