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May 6, 1998

EM199804

MEMORANDUM TO: All Land Registrars

FROM: Doug Aron
Examiner of Surveys

RE: Municipal Easements

Recently a question was raised concerning our procedure for entry of municipal easements or right-of-ways, encountered during the automation and conversion process, referred to in *The Easement Statute Law Amendment Act*, R.S.O. 1990, c.4.

In accordance with procedures, Teranet is to bring forward documents which are or could relate to these easements covered by the Act, which were registered on or after July 31, 1941. Documents which predate July 31, 1941 will not be carried forward as the easements are deemed to have expired, unless a Notice of Claim has been registered. When a Notice of Claim has been registered, the easement to which it relates is to be brought forward on the PIN.

Also in accordance with the procedures, it has been previously decided that "agreements" purporting to grant an easement are not "grants" and therefore easements were not created. The agreement is carried forward as a document on the PIN. If a municipality wishes to have a PIN reflect a notice of such an agreement to grant an easement, it can make an application under Subsection 39(4) of *The Land Titles Act* to amend the PIN. Attached to this application should be an affidavit reciting the relevant Statute and subsection under which the municipal authority is claiming an interest in the land in the nature of an easement.

If you have any questions please contact your Regional Surveyor.

A handwritten signature in black ink, appearing to be "Doug Aron", written over a horizontal line.

c.c. Kate Murray
Regional Surveyors
H.O. Managers
Regional Managers