

**Ministry of
Consumer and
Business Services**

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**Ministère des Services
aux consommateurs
et aux entreprises**

Bureau de l'arpentage et des droits immobiliers
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January 06, 2004

MEMORANDUM: EM 2004-01

TO: All Land Registrars

FROM: Kate Murray
Director of Titles

RE: Encroachment Agreements

Recently, there have been some questions concerning the registration of Encroachment Agreements and whether or not they are title related. We have taken the position that these agreements are title related documents and should be accepted for registration. A proper legal description is required and it must comply with O.Reg. 43/96.

The requirements for an Encroachment Agreement are set out below.

Land Titles Paper

An application under section 71 of the *Land Titles Act* is required with Form 16 O.Reg. 690 incorporated in Box 8 of a Document General. The actual agreement must be attached to the Document General. Such an agreement may also be accepted for registration by using the form set out in Appendix "A" of Bulletin 96001, whereby the solicitor must sign the application. In this case the solicitor has the option of not attaching the agreement.

Electronic Registration

A Notice under section 71 of the *Land Titles Act* with the agreement imported may be used. Alternatively Appendix "A" of Bulletin 96001 whereby the solicitor must sign the document and has the option of not attaching the agreement may also be used.

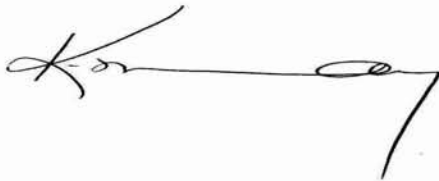
Registry

An executed copy of the encroachment agreement is attached to a Document General and registered as an agreement.

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Encroachment Agreements

In all cases it is up to the registrant to indicate in the application which property the agreement or notice is to be registered against.

If you have any questions, please contact Naz Karamat at (416) 314-5098.

A handwritten signature in black ink, appearing to read 'Naz Karamat', with a long horizontal stroke extending to the right and a vertical stroke at the end.

Cc John Dalgliesh, Director - Real Property Registration Branch
Regional Managers
Business Improvement Team
TSSO Staff