



Subject DISPOSITION OF PUBLIC LAND TO OTHER GOVERNMENTS AND GOVERNMENT AGENCIES		Policy PL 4.09.01	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued January 24, 2006	
Replaces Directive Title Same	Number Same	Dated February 11, 1997	Page 1 of 4

1.0 DEFINITIONS

In this policy,

"agency" means any agency or Crown corporation of the federal or provincial government, but does not include a federal department or a provincial ministry;

"federal government" means the government of Canada or one of its departments, but does not include a federal agency;

"land use condition" means a land use condition imposed under authority of Section 18 of the Public Lands Act requiring that the land be used in a particular manner or not used a particular manner;

"Minister's Order" means an order by the Minister of Natural Resources transferring administration and control of public land;

"Order in Council" means an order made by the Lieutenant Governor in Council transferring administration and control of public land; and

"provincial ministry" means any Ministry of the Ontario Government which is entitled to hold land.

2.0 INTRODUCTION

The Ministry of Natural Resources is responsible for the management of Ontario's public lands. This important role includes the disposition of rights to occupy public lands.

Special rules apply to the manner by which governments and government agencies may hold title to land. This policy is intended to advise on the types of land use occupational authority which may be held by governments and government agencies.

This policy applies provincially to the disposition of rights in unpatented public lands to governments and government agencies. This policy does not purport to deal with the disposition of rights to acquired property.

Policy No. PL 4.09.01 - Disposition of Public Land to Other Governments and Government Agencies	Date Issued January 24, 2006	Page 2 of 4
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3.0 PROGRAM DIRECTION

3.1 Goal

To ensure title integrity in the transfer of public lands to governments and government agencies.

3.2 Objectives and Strategies

- A) To ensure that the disposition of Ontario's public lands to other governments and government agencies are consistent with a government agency's legal abilities to hold land.

Options by which governments, government agencies, and quasi-governmental agencies may hold land are indicated in Appendix "A" attached.

Title for Crown agencies will be conveyed by letters patent, lease, easement, licence of occupation, or land use permit unless the agency is entitled by its Special Act or articles of incorporation to hold land by Order in Council or in the name of Her Majesty the Queen.

- B) To confine dispositions to the federal government or any provincial ministries (except MTO) by Orders-in-Council or Minister's Orders.

When public land is required by the federal government or one of its departments, or any provincial ministry, the land itself is not transferred. What is transferred is the responsibility to manage the lands on behalf of Her Majesty the Queen (HMQ). This is accomplished by an Order in Council or a Minister's Order which transfers management of the land either from HMQ in right of Ontario to HMQ in right of Canada as represented by a Department or to HMQ in right of Ontario as represented by another Ministry.. The Crown does not transfer ownership to itself.

In the case of the Ministry of Transportation, Section 5 (1) of the Public Transportation and Highway Improvement Act allows that Ministry to acquire unpatented public land by depositing a Crown land plan. Responsibility to administer the land on behalf of Her Majesty the Queen automatically transfers from MNR to MTO once the plan is deposited.

- C) To ensure the consistent treatment of qualifications and land use conditions.

Qualifications and land use conditions will be governed by the conditions indicated in Appendix "A" attached.

- D) To provide consistent policy direction on establishing fees for dispositions of public land to other governments or government agencies.

Policy No. PL 4.09.01 - Disposition of Public Land to Other Governments and Government Agencies	Date Issued January 24, 2006	Page 3 of 4
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Policy direction for determining the fee for these dispositions are detailed in the following policy directives:

- PL 6.01.01 Sale Price Policy
- PL 6.01.02 Crown Land Rental Policy
- PL 6.01.03 Disposition of Land at Less than Market Value
- PL 6.02.01 Administrative Fees for Public Land Transactions

4.0 REFERENCES

4.1 Legal References

Public Transportation and Highway Improvement Act, ss 5 (1)

4.2 Directive Cross References

- PL 6.01.01 (POL) Sale Price Policy
- PL 6.01.02 (POL) Crown Land Rental Policy
- PL 6.01.03 (POL) Disposition of Land at Less than Market Value
- PL 6.02.01 (POL) Administrative Fees for Public Land Transactions

APPENDIX A

AGENCY	O.I.C.	MINISTER'S ORDER	PATENT	LEASE	EASEMENT	LO	LUP	BMA
FEDERAL GOVERNMENT	X1	X1						
FEDERAL AGENCY	X+	X1	X3*	X*	X*	X*	X	
PROVINCIAL MINISTRY	X2	X2						
PROVINCIAL AGENCY		X2	X3*	X*	X*	X*		
MUNICIPALITY			X3	X	X	X	X	X
CONSERVATION AUTHORITY			X3	X	X	X	X	

Legend

- O.I.C. Order in Council
- LO Licence of Occupation
- LUP Land Use Permit
- BMA Beach Management Agreement
- X Option available
- 1 If transaction is not at market value, title may be qualified to require return of land to Ontario when no longer required.
- 2 Title will be qualified to require return of the land to MNR when no longer required.
- 3 If the transaction is at less than market value, title should not normally contain a land use condition restricting use of the land.
- + Only if the agency's incorporating legislation empowers it to hold land by Order in Council or in the name of Her Majesty the Queen.
- * Unless the agencies incorporating legislation indicates title must be taken in the name of Her Majesty the Queen or by Order in Council.

Note: For actual wording of qualifications (1 and 2 above) refer to the Requisition Manual.