



Ministry of Government Services

ServiceOntario
Policy and Regulatory Services

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***MUNICIPAL ACT, 2001
CITY OF TORONTO ACT,
2006***

DATE: NOVEMBER 7, 2008

**Dedication of Land for
Public Highway on a
Plan of Subdivision**

TO: ALL LAND REGISTRARS

Section 26 of the *Municipal Act, 2001* sets out what constitutes a highway for all municipalities in Ontario except the City of Toronto:

26. The following are highways unless they have been closed:

1. All highways that existed on December 31, 2002.
2. All highways established by by-law of a municipality on or after January 1, 2003.
3. All highways transferred to a municipality under the *Public Transportation and Highway Improvement Act*.
4. All road allowances made by the Crown surveyors that are located in municipalities.
5. **All road allowances, highways, streets and lanes shown on a registered plan of subdivision.** 2001, c. 25, s. 26.

The *City of Toronto Act, 2006* in Section 31 uses similar wording to describe what constitutes a highway in the City of Toronto.

The dedication portion of the Owners Certificate (Form 9, O.Reg. 43/96) for a Plan of Subdivision prepared for registration is as follows:

2. The streets and street widenings and lanes are dedicated as public highways.

A review of registered plans of subdivision in the land registration system found that there are different and long standing practices across the province regarding the inclusion of words such as 'walkways' in the dedication portion of the Owner's Certificate.

Since the current authority for the dedication of land on a plan of subdivision comes from the *Municipal Act, 2001*, and the *City of Toronto Act, 2006*, the wording in the dedication portion of the Owner's Certificate should not be altered to include dedicated lands beyond those defined in these Acts.

For those Land Registrars that have allowed the alteration of the Owner's Certificate, action is required to end this practice as soon as possible.

It is recognized that a number of plans have already been submitted to the local planning authority for final planning approval just prior to registration. Accordingly, Land Registrars are to work with the local planning authorities to end the practice of requiring landowners to use words such as 'walkways' in the dedication portion of the Owner's Certificate. Should ending this practice in a reasonable period of time become an issue, it should be brought to the attention of your Regional Surveyor.

Should you have any questions on this matter, please contact your Regional Surveyor.



Doug Aron
Examiner of Surveys