



Ministry of Government Services
ServiceOntario

Policy and Regulatory Services
Branch

Bulletin No.
2011-05

***Expropriations Act,
Land Titles Act,
Registry Act***

DATE: NOVEMBER 2, 2011

**Expropriation Plans to
Acquire Existing
Easement Interests**

Subsections 9(1) and 9(2) of the *Expropriations Act* state:

Registration of plan

9. (1) Where a proposed expropriation has been approved under this Act or under the *Ontario Energy Board Act, 1998*, the expropriating authority shall register, within three months after the granting of the approval, in the proper land registry office a plan of the land signed by the expropriating authority and by an Ontario land surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.

Where land required temporarily, etc.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and, by the registration in such case, the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.

The effect of registration of the plan is to vest the specified interests of the described land in the expropriating authority - the entity empowered by statute to expropriate interests in land. The expropriation plan, therefore, is unique because it is both a description of the land being expropriated and a transfer document. As a transfer document, the plan should state and describe only those interests that are being transferred - i.e. what the resulting parcel is intended to contain.

Where land to be expropriated is already subject to an easement or other interests, illustration of those interests by appropriately labelled separate PARTs on the plan and by statements under the Form 2 Schedule of the plan, provide clarity that such interests have not been expropriated and that they continue.

Alternatively, where it is intended to acquire all right, title and interests in land that is already subject to an easement or other interests, so as to extinguish those interests, the plan should not include any reference to those interests either by statements on the plan drawing or by statements under the Form 2 schedule. The plan should provide the description of the lands and interests as they will exist as a result of the expropriation.

Should you have any questions on this procedure, please contact the appropriate Assistant Examiner of Surveys.

(Original Signed by)

William D. Snell
Examiner of Surveys