



Ministry of Consumer
and Commercial
Relations

Registration Division

Real Property
Registration Branch

BULLETIN NO. 97006

DATE: December 22, 1997

TO: All Land Registrars

*Land Titles Act
Registry Act*

*Plans of Subdivisions
in Separate Ownership*

When a subdivision plan is presented for registration under either the Land Titles Act or the Registry Act, or for pre-registration approval, and the ownership of the new lots, blocks, and streets being subdivided is not entirely held in one ownership, there is no regulatory basis for requiring a reference plan to delineate the land owned by each subdivider. However, it is acceptable if the subdividers wish to deposit a reference plan prior to or after the registration of the subdivision identifying as separate parts the portions of the lots, blocks and streets which are in separate ownerships.

It should be noted that registration of such plans often results in issues with respect to recording ownership. Land Registrars should work with registrants to minimize these issues. For example, consolidation of the several holdings under one nominal ownership or percentage ownership is an option. However, the Land Registrar should be careful not to insist upon some procedure that will result in additional expense, or the loss of some benefit.

When such a plan is tendered for registration, it should contain the following information:

- i) The common boundary between the respective holdings must be clearly and accurately illustrated on the subdivision plan as underlying detail.
- ii) A schedule in the upper right hand corner of the subdivision plan must identify the lots, blocks and streets and the combined relationship to the whole or part of the Parcel or PIN being divided.
- iii) Separate owners' certificates must specify the lands being subdivided.

Manual Registry - Multiple Ownership

The entries in the abstract indices will be made in the normal manner, and will show the name of the appropriate subdividers in the new abstract indices.

Manual Land Titles - Multiple Ownership

The entry in each lot/block/street where multiple ownership exists will indicate that the parcel is owned by more than one party and will state the name of those parties.

Automated Land Titles - Multiple Ownership

One PIN will ultimately be assigned to such Lots/Blocks/Streets and a note will be added to the description field; "Owner A owning part of lot, Owner B owning part of lot". Upon the first transfer from both, the note will be removed from the description field of the PIN.

In the event that one subdivider should attempt to transfer a part of a lot to a person other than the owner of the other part of the same lot, the Land Registrar will then require a reference plan under Section 150 of the Land Titles Act, or Subsection 80(1)(a) or Section 81 of the Registry Act.

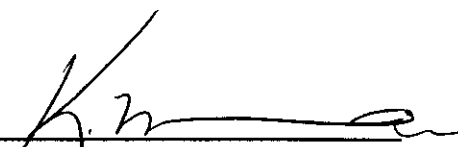
It should be noted that it may not be possible for the subdivider to give a legally effective deed or transfer of a part of a lot, if the subdivider owns abutting land, unless a part lot control exempting by-law has been registered or unless the requisite severance consent under Section 50 of the Planning Act is obtained. As the land registration system does not guarantee against violations of the Planning Act, such registrations may be accepted.

When the two parts are transferred by one transfer, they must be described as "the whole of the lot, each as to their respective portions". It will not be necessary to describe these lands by a description that conforms to the requirements of O.Reg. 43/96. When the new parcel register page is set up, the land is to be described as the whole lot.

This bulletin replaces Bulletin 80021.



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