



BULLETIN NO. 2004-03

Registry Act
Land Titles Act

DATE: March 11, 2004

Ministry of Consumer
and Business Services
Registration Division
Title and Survey Services Office

TO: All Land Registrars

Navigable Waters Protection Act
R.S.C. 1985, c.N.22

The *Navigable Waters Protection Act* (Canada) provides, in part, as follows:

- Section 9. (1) A local authority, company or person proposing to construct, in navigable waters, any work for which no sufficient sanction otherwise exists may deposit the plans thereof and a description of the proposed site with the Minister, and a duplicate of each in the office of the registrar of deeds or the land titles office for the district, county or province in which the work is proposed to be constructed, and may apply to the Minister for approval thereof.
- (3) The local authority, company or person referred to in subsection (1) shall give one month's notice of the deposit of plans and application by advertisement in the *Canada Gazette*, and in two newspapers published in or near the locality where the work is to be constructed.

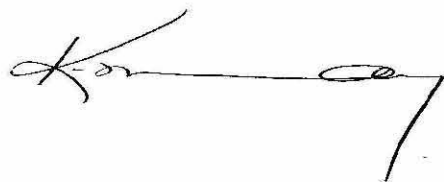
Ontario Regulation 992 under the *Registry Act* governs the deposit of the plans and description documents referred to in the above quoted section. The plans are filed with the Land Registrar as historically the local land registry office has been a convenient location for the public to inspect the plans.

Under subsection 1(b) of Regulation 992, the plans presented to the Land Registrar must be prepared under *The Navigable Waters Protection Act* (Canada). To verify this requirement, the Land Registrar should confirm that the words 'Navigable Waters Protection Act' are located within the Certificate of Recording or on the face of the plan.

Plans under the *Navigable Waters Protection Act* (Canada) are specifically exempted from the requirements of O.Reg. 43/96 by subsection 3(1)(a) of that regulation, however the plan must be of a size and quality suitable for reproduction at the registry office.

Navigable Waters Plans shall include a Certificate of Recording (Form 3, Regulation 992 – copy available at www.e-laws.gov.on.ca) placed at the top right corner of the first plan sheet of each of the plan sets. The signed Certificate of Recording will provide the Federal Authorities with proof that the plans are available for local public inspection. After the Certificate of Recording has been completed and signed, the plan is to be filed in the Canada Lands Index on a separate page entitled Navigable Waters Plans. All future Navigable Waters Plans are to be recorded on this page.

This bulletin replaces Bulletin 97002.

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

Katherine M. Murray
Director of Titles