



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

BULLETIN NO. 2005-02

DATE: March 3, 2005

TO: All Land Registrars

Land Titles Act
Registry Act

Easements,
Release of Easements

The purpose of this bulletin is to clarify how easements and the removal of easements are to be dealt with under the Land Titles and Registry systems. There are several procedures set out in this Bulletin that differ from previously issued processes and guidelines; in all cases the provisions of this Bulletin take precedence.

An easement is defined as a right or interest annexed to land, which permits the owner of the dominant land to impose restrictions on the owner of the servient land as to its use. Certain prerequisites are required. They include the following:

1. There must be a dominant and servient parcel of land. With the exception of Easements in Gross, an easement cannot exist independently of the ownership of land.
2. An easement exists solely for the use and benefit of the dominant land. The purpose of the easement must be set out in the document creating the easement. An easement "runs with the land"; in other words, when the dominant land (or any part of it) is transferred, all appurtenant easements are also conveyed. It is not necessary that the lands physically adjoin one another.
3. The dominant and servient lands must be owned by different parties, or owned in a different capacity by the same party. (Note the exception of Subdivision by Reference Plan procedures outlined in Bulletin 2005-01.) If the same party attains both parcels, in the same capacity, the easement is said to merge and therefore it is extinguished. Although the easement merges in law, an application to amend the register is required to remove the easement from the property in the Land Titles system.
4. The purpose of the easement must be capable of forming the subject matter of a grant. The right must be clear and specific.

1.0 CREATION OF EASEMENT

Easements are created by a transfer/grant of easement or a grant/reservation of easement in a transfer of land. They may also be created by other methods such as a court order, an expropriation plan or a condominium declaration.

The creation and removal of many easements is subject to approval under the *Planning Act* (exceptions include but are not limited to: those created through court order, expropriation, temporary easements for less than 21 years and those created over an entire existing parcel) however this is not monitored by the land registration system and compliance is the responsibility of the registrant.

Documents may refer to either a right of way or an easement. In either case the interest is dealt with as an easement and all the procedures and requirements set out for easements apply.

1.0.1 Transfer of Easement

A transfer creating an easement must include a registerable description in accordance with O.Reg. 43/96, for both the dominant (benefiting) and servient (burdened) lands. The transferor must be the owner of the servient lands and must not be the same party(s) as the owner of the dominant lands (transferee). The transfer of easement is registered and recorded on the servient land(s) only, but during processing in the automated system it is entered in the property description of both the servient lands and the dominant lands.

1.0.2 Creating Easements in a Transfer of Land

When an easement is created in a transfer of land, a registerable description of both the dominant and servient land, in accordance with O.Reg. 43/96 is required. The transferor must own both the dominant and servient lands at the time of registration. During processing in the automated system, the easement will be entered in the property description of both the dominant and servient lands.

An easement cannot be reserved in favour of a third party.

1.0.3 Division of Dominant Lands

Upon the severance of a parcel of land, all existing easements appurtenant to the whole, benefit each severed portion. Failure to include an appurtenant easement in the transfer of the dominant parcel is not grounds for abandoning or extinguishing the easement. The transfer of part of a parcel should include all appurtenant easements.

The benefit of an existing easement does not extend to after-acquired land.

2.0 LAND TITLES SYSTEM

Bulletin 76019 states that encumbrances shown on the servient parcel and registered prior to the easement are included in the easement entry on the dominant lands. However, abstracting of these encumbrances has not always occurred. Effective with the issuance of this Bulletin, Bulletin 76019 is revoked and those procedures discontinued. Registrants must search the servient lands to determine any prior interests related to the easement.

2.0.1 Other Document Types Purporting to Create New Easements

As easements must be created as set out above, the land registration system will not acknowledge any attempt to create an easement in another document type, such as a charge, agreement or lease. The document may be registered, however no reference to the easement will be made on the parcel.

Prior to the enactment of the Land Registration Reform Act in 1984, easements could be created in a charge as charges were considered transfers however upon the registration of a discharge the easement was extinguished.

2.0.2 Abstracting of Easements: Examples of Property Description Entries

1. **Transfer of Parcel 1 and granting an easement over part of the retained portion (Parcel 2) in favour of Parcel 1.**

Parcel 1: PT LOT 1, PLAN M1234, PT 1, PLAN 66R12345, T/W EASEMENT OVER PT LT 1 PLAN M1234, PT 2, PLAN 66R12345 AS IN LT7890.

Parcel 2: PT LOT 1, PLAN M1234, AS IN RO987654 SAVE AND EXCEPT PT 1, PLAN 66R12345, S/T EASEMENT OVER PT 2, PLAN 66R12345 IN FAVOUR OF PART LT 1 PLAN M1234, PT 1, PLAN 66R-12345 AS IN LT7890.

2. **Transfer of Lot 1 reserving an easement over part of Lot 1, in favour of Lot 2.**

LOT 1: LOT 1, PLAN M1234, S/T EASEMENT OVER PT 1 PLAN 66R12345 IN FAVOUR OF LOT 2 PLAN M1234 AS IN LT5678.

LOT 2: LOT 2, PLAN M1234, T/W EASEMENT OVER PT LOT 1, PLAN M1234, PT 1 PLAN 66R12345 AS IN LT5678.

3. **Transfer of Lot 1 reserving an easement over part of Lot 1, in favour of Lot 2 and granting an easement over part of Lot 2 in favour of Lot 1.**

LOT 1: LOT 1, PLAN M1234, S/T EASEMENT OVER PT 1, PLAN 66R12345 IN FAVOUR OF LOT 2 PLAN M1234 AS IN LT4236. T/W EASEMENT OVER PT LOT 2 PLAN M1234, PT 2 PLAN 66R12345 AS IN LT4236.

LOT 2: LOT 2, PLAN M1234, S/T EASEMENT OVER PT 2 PLAN 66R12345 IN FAVOUR OF LOT 1 PLAN M1234 AS IN LT4236. T/W EASEMENT OVER PT LOT 1 PLAN M1234, PT 1 PLAN 66R12345 AS IN LT4236.

4. **When an easement is not for the benefit of the whole parcel, the benefiting lands must be set out in the parcel entry.**

LOT 1 PLAN M1234, PTS 1 & 2 PLAN 66R45678, CITY OF TORONTO. T/W EASEMENT OVER PT LOT 2 PLAN M1234, PT 3 PLAN 66R45678 IN FAVOUR OF PT LOT 1 PLAN M1234, PT 2 PLAN 66R45678 AS IN LT678345.

5. **Time limited or temporary easements should be abstracted with the date of expiry inserted to facilitate future system deletion. Note that if additional conditions regarding the expiry of the easement are present, the reference to the date will be excluded from the abstracted entry. (Note: this is a new procedure that comes into effect with the issuance with this Bulletin.)**

- S/T EASEMENT IN GROSS OVER PT 1 PLAN 66R12345 UNTIL YYYY/MM/DD AS IN LT123456.
- S/T EASEMENT OVER PT 1 PLAN 66R12345 IN FAVOUR OF LOT 2 PLAN M1234 UNTIL YYYY/MM/DD AS IN LT4236.
- T/W EASEMENT OVER PT LOT 1 PLAN M1234, PT 1 PLAN 66R12345 UNTIL YYYY/MM/DD AS IN LT4236.

2.0.3 Easements in Gross

Easements in gross do not have a dominant tenement and are typically obtained by utilities and government agencies. Under the authority of section 39(1) of the *Land Titles Act*, easements in

gross may be accepted for registration. The easement will be registered on the servient lands and upon certification, entered in the property description. The document may include 'dominant' lands that may not be contiguous or within the same land registration division. (e.g. their head office). These lands will not be verified and the easement will not be entered in the parcel for those lands.

The registrant is required to add a statement identifying the easement as an 'Easement in Gross'. If the document is registered electronically, this statement may be included in Statement 61. If the document is registered in paper it may be included in Box 7. The example below illustrates the manner in which easements in gross are set out in the parcel description. (Note: These are new requirements that come into force with the issuance of this Bulletin.)

Example of Parcel Description Entry:

S/T EASEMENT IN GROSS OVER PT 1 PLAN 66R12345 AS IN LT123456.

2.0.4 Assignments of Easements In Gross

The general rule is that an easement cannot be assigned as it runs with the land. The only exception is that of an easement in gross where the purpose(s) or some of the purposes may be assigned using the existing description. If anything less than the entire extent of the easement in gross is being assigned, a registerable description is required for the assigned portion.

Examples: Pipeline Company #1 assigns some (or all) of the purposes for an entire existing easement to Pipeline Company #2, using the previous description OR Pipeline Company #1 assigns some (or all) of the purposes for a portion of an existing easement to Pipeline Company #2 and using an R-plan description.

Registrants should use a Document General in paper or an Application General when registering electronically, when assigning an easement in gross. The document must include the following statement. "I, (*name of Solicitor*), Solicitor, state that (*name of transferor*) has the right to assign the interest herein, in the easement registered as (*Inst. #*) to (*name of transferee*)" and be signed by the solicitor. If a registrant chooses to use a Transfer document the addition of the statement is not necessary. (Note: This is a new procedure that comes into effect with the issuance of this Bulletin)

A document remark will be added to the assignment or transfer referencing the original easement registration number and identifying it as a full or partial assignment.

If an easement is assigned where the benefiting party has been previously included in the thumbnail, the party should be removed and "S/T EASEMENT IN GROSS..." inserted, upon certification of the assignment.

2.0.5 Easements to Fulfil Obligations in Subdivision Agreements - Rights of Entry

Rights of Entry are often reserved by developers in the first transaction on lots in new Plans of Subdivision to permit the completion of obligations, such as grading and the installation of services, pursuant to the Subdivision Agreement with the municipality. Rights of Entry are easements, and as with any easement, must clearly identify the benefiting land. The land registration system has traditionally permitted the dominant lands for Right of Entry easements to be described in a general manner, which readily identifies these lands (e.g. "all those lots

within plan M-500 still owned by the transferor”). This exception to the general rule that dominant easement lands are required to be specifically identified will continue.

Right of Entry easements will be abstracted as set out below on the servient lands. There is no entry on the dominant lands. Any subsequent plans of the servient lands submitted for deposit or registration must reflect that the lands are subject to the easement for Right of Entry. (Note: The abstracting and plan requirements are new that come into effect with the issuance of this Bulletin.)

Abstracting examples:

S/T EASEMENT FOR ENTRY UNTIL YYYY/MM/DD AS IN LT 12345 or
S/T EASEMENT FOR ENTRY AS IN LT 12345.

2.0.6 Powers of Sale

Unless a prior chargee postpones their charge or gives a discharge/cessation with respect to the lands covered by the easement, the easement may cease to exist on a transfer under a Power of Sale. The easement will remain on title if the new purchaser in the transfer under the Power of Sale consents to take title subject to the continuance of the easement; otherwise it will be deleted from title.

2.0.7 Writs of Executions

A writ search is required against the party transferring or releasing their interest (e.g. granting or releasing an easement). If a writ is found, it is recorded as a document remark unless cleared in the normal manner.

2.0.8 Easement Parcels/PINs

Easement parcels are created when the crown has granted an easement across unpatented land. The ownership of the lands remains with the Crown and is not recorded in the land registration system. The grantee of the easement will be shown as the owner of the parcel.

2.1 REMOVAL OF EASEMENT

An easement ceases to exist when one of the following occurs:

- The owner of the dominant land (or owner of an easement in gross) releases the easement to the owner of the servient land (see Transfer, Release and Abandonment and Deletion of Easement below);
- The expiry date of the easement is reached or other conditions have been met (see 2.1.4 Time Limited or Temporary Easements below);
- The servient land including the easement is expropriated, or
- The same party owns the dominant and servient lands. An application to amend the register noting the merging of title is required to remove the easement from the parcel register.

An easement cannot be released in a subsequent transfer by including a statement that the description excludes the easement described in an instrument number. A separate document releasing the easement is required.

2.1.1 Transfer, Release and Abandonment

A Transfer, Release and Abandonment of an easement is registered by the dominant party on the registers for both the dominant and servient lands. Consents of all parties who have acquired an interest (e.g. chargee, debenture holder) in the dominant lands subsequent to the registration of the easement must be included in a paper document or evidenced or addressed with appropriate statements in electronic documents.

2.1.2 Deletion of Easement

A Deletion of Easement document is registered by the owner of the servient lands on the registers for both the dominant and servient lands. In the document the servient owner must apply to the Land Registrar to amend the parcel by deleting the easement and must include the consent or evidence of release and abandonment from the owner of the dominant lands. The consents of all parties who have acquired an interest (e.g. chargee, debenture holder) in the dominant lands subsequent to the registration of the easement must be included in a paper document or, evidenced or addressed with appropriate statements in electronic documents.

Example of where an Interest is acquired in the dominant lands subsequent to the easement:

“A” owns parcel 1; “B” owns parcel 2

“A’s” title (dominant tenement) is together with an easement over “B’s” land.

“B’s” title (servient tenement) is shown as subject to “A’s” easement.

“A” charges parcel 1. The chargee has acquired an interest in the easement.

“A” then registers a transfer, release and abandonment of its appurtenant interest in the easement over “B’s” parcel 2. The consent of the chargee is required.

A release of an easement in gross does not require the consent of chargees, as there are no dominant lands.

Upon certification of the release or deletion:

- The easement will be deleted from the property description (thumbnail) of the dominant and servient lands;
- The easement and release document(s) will be deleted from the parcel registers;
- If the released easement is contained in the title document which is referenced in the thumbnail as the ‘as in’ number, “Except the easement therein” will be added.

Example: “PT LT 1 CON 5 AS IN R12345, S/T AS IN R12345.” would become “PT LT 1 CON 5 AS IN R12345, EXCEPT EASEMENT THEREIN.”

2.1.3 Partial Release of Easement

An easement may be partially released as to:

- The lands it originally affected;
- A purpose(s), or
- A dominant tenement(s) (if there was more than one)

Consents are required from all parties who have acquired an interest in the dominant lands subsequent to the registration of the easement. (Including the dominant owner if the release originates from the servient owner)

Example: An easement was registered against Parts 1 & 2, PLAN 66R 12345. Following this, a release is registered for only Part 2.

1. Parts 1 & 2 are in the same parcel:

- a. The following instrument remark will be included in the entry of the release: "EASEMENT LT 123 RELEASED AS TO PART 2 PLAN 66R12345".
- b. The easement will remain on the parcel register of the servient lands.
- c. The easement will remain in the property description (thumbnail) of the dominant and servient lands and the following remark will be entered in the thumbnail for both parcels: "EASEMENT LT 123 RELEASED AS TO PART 2 PLAN 66R12345 BY LT 456".

2. Parts 1 & 2 are in different parcels:

- a. Release will be registered on the Part 2 parcel only.
- b. The easement will be deleted from the property description of the Part 2 parcel.
- c. The easement and release will be deleted from the document pool of the Part 2 parcel.
- d. The easement will remain on the Part 1 parcel description and in the document pool.
- e. Dominant land thumbnail will have the following remark added: "EASEMENT LT 123 RELEASED AS TO PART 2 PLAN 66R12345 BY LT 456".

2.1.4 Time Limited or Temporary Easements

Easements can be created for a limited period of time, for example, five years from the date of registration of the transfer creating the easement. Upon the expiration of the time period the easement will be removed from title when an application is received from the registered owner indicating that the time frame identified in the initial easement has expired or it may be deleted without application by the Land Registrar in accordance with Bulletin No. 89004.

If other conditions are present regarding the expiry of the easement the entry will be removed from title upon receipt of an application that provides appropriate evidence to allow for the deletion.

2.1.5 Amending Easements

No provisions exist to amend an easement other than a partial release as noted in section 2.1.3. If there is an error or a change or a proposed addition to the extent or any of the provisions, the easement must be released and a new easement registered.

2.2 ELECTRONIC REGISTRATION PROCEDURES

Below are explanations and examples of easement procedures in electronic registration. Corresponding amendments will be made to the Easement Module of Version 4 of the Electronic Registration Procedures Guide. The updated version of the easement module will be made available by a newsletter in the Teraview e-reg™ product.

2.2.1 Estate/Qualifier

Currently the registrant has the option to change the Estate/Qualifier field to 'Fee Simple (easement)' however the document should not be rejected if this has not been selected. In a future release of Teraview™, the ability to select an Estate/Qualifier on a document will be removed and an 'Interest/Estate' selection added. On a grant of easement or release of easement, "Easement" should be selected in this field; on a transfer of land that includes a reservation or grant of easement, "Fee Simple with New Easement" should be selected when available in Teraview™.

2.2.2 Transfer of Easement

In addition to the servient lands, the description of the dominant land and the related PIN(s) must be included in the description field of the document. The registrant must select 'Add Easement' in the Reason for Change window, add the description of the dominant lands and label the servient and dominant lands as noted in the example below. The transfer of easement is registered on the servient PIN only. Upon certification, the easement will be entered in the thumbnail of both the servient and dominant lands.

Example:

PIN 01234-0457
Description: SERVICENT LANDS: PT OF LT 1 PLAN M1234, DESIGNATED AS PT 1 PLAN 43R5678, TOWN OF
DOMINANT LANDS: PIN 01234-0458, LOT 2 PLAN M1234, TOWN OF...

Generally, the purpose for which the easement was granted is provided in Statement 61. For an easement in gross, only the description of the servient lands is required.

2.2.3 Transfer, Release and Abandonment

The dominant party will complete a Transfer, Release and Abandonment when they are releasing their interest over servient lands. The registrant must select 'Remove Easement' in the Reason for Change window and amend the description of the dominant and servient lands as follows:

- a) Dominant PIN: "DOMINANT LANDS" is entered at the beginning of the description. The description is not amended if the easement was for the benefit of all the lands in the PIN. Only the benefiting lands are included if less than the entire PIN. If the description contains more than one easement, only the easement(s) being released are included.
- b) Servient PIN: "SERVICENT LANDS" is entered at the beginning of the description followed by the description of the easement lands and registration number of the easement being released.

Example:

PIN 01234-0458
Description: DOMINANT LANDS: LOT 2 PLAN M1234, CITY OF..... TW EASEMENT AS IN LT12345
PIN 01234-0457
Description: SERVICENT LANDS: PT OF LOT 1 PLAN M1234, PT 1 PLAN 43R5678, AS IN LT12345, CITY OF

The Transfer, Release and Abandonment document is registered on both dominant and servient lands. Upon certification, the property descriptions are amended to remove reference to the easement.

For release of easements in gross, only the PIN(s) for the servient lands are entered.

(a) Consents:

When a registrant selects Statement 19, which, states "All the parties having an interest have consented to this release of easement", the consents must also be indexed, with the use of Statement 92.

The preferred alternative is the inclusion in Statement 61 of the wording from Statement 19. The document must be signed by the solicitor and include a solicitor identification statement (e.g. "I, J. R. Black, Solicitor, state that all the parties having an interest have consented to this release of easement"), which will negate the need to index the consents.

When a registrant selects Statement 29, which states "There are no parties with an interest required to consent to this release of easement", Land Registrars are required to verify this statement before deleting an easement from the lands.

The preferred alternative is the inclusion in Statement 61 of the wording from Statement 29. The document must be signed by the solicitor and contain a solicitor identification statement (as set out above), which will negate the need for staff to verify that no consents are required.

(b) Other Statements:

Statement 3730, which states, "This document relates to registration number (Instrument Number(s))" should be selected for a partial release of an easement. The registrant must identify in Statement 61 that it is a partial release and what is being released.

For a complete release of an easement, the registrant should select "Document(s) to be Deleted" field. This will identify an easement that should be completely deleted versus a partial release of an easement. Staff will verify the release to ensure that the easement can be deleted from the property. If the easement document selected to be deleted cannot be sourced from the document pool of a PIN, the system will not permit the selection. In this scenario, the registrant should use Statement 3730 and/or Statement 61 and identify that it is a complete release.

2.2.4 Application General - Deletion of Easement

An Application General is to be used when the owner of the servient parcel wishes to apply to delete an easement. It must be supported by evidence of the release and abandonment from the dominant party. The registrant must select the Reason for Change window and amend the description of the servient and dominant lands as follows:

- a) Servient PIN: "SERVIENT LANDS" is entered at the beginning of the description followed by the description of the easement lands and registration number of the easement being released.
- b) Dominant PIN: "DOMINANT LANDS" is entered at the beginning of the description. The description is not amended if the easement was for the benefit of all the lands in the PIN. Only the benefiting lands are included if less than the entire PIN. If the description contains more than one easement, only the easement(s) being released are included.

The document is registered on both dominant and servient lands and upon certification the property descriptions are amended to remove reference to the easement.

Example:

PIN 01234-0457

Description: SERVICENT LANDS: PT OF LT 1 PLAN M1234, PT 1 PLAN 43R5678, AS IN LT12345, CITY OF

PIN 01234-0458

Description: DOMINANT LANDS: LT 2 PLAN M1234, T/W EASEMENT AS IN LT12345, CITY OF

(a) Statement 61

Statement 61 should include the following:

To: The Land Registrar for the Land Titles Division of
I (we),(*name*).....registered owner of PIN ...(*servient land*)....., which is subject to an easement registered as(*number and date*).....in favour of PIN.....(*dominant land*)....., hereby apply under the *Land Titles Act* to have the registers for the said PINs amended by deleting the said easement (or portion of said easement). (omit reference to dominant land if an easement in Gross)

The evidence in support of this application consists of:

1. The release of(*dominant party*).....
2. The consent of subsequent encumbrancers of the dominant lands. (if any)

The release and consent(s) must be indexed.

The preferred alternative to indexing is the inclusion of the following in Statement 61: "All the parties having an interest have consented to the deletion of this easement". The document must be signed by the solicitor and contain a solicitor identification statement (see section 2.2.3). If no consents are required the solicitor should state - "There are no parties with an interest required to consent to this release of easement" - in Statement 61, sign the document and include the solicitor identification statement.

(b) Other Statements:

Statement 3730, which states, "This document relates to registration number (Instrument Number(s))" should be selected for a partial release of an easement. The registrant must identify in Statement 61 that it is a partial release and what is being released.

For a complete release of an easement, the registrant should select "Document(s) to be Deleted" field. This will identify an easement that should be completely deleted versus a partial release of an easement. Staff will verify the release to ensure that the easement can be deleted from the property. If the easement document selected to be deleted, cannot be sourced from the document pool of a PIN, the system will not permit the selection. In this scenario the registrant should use Statement 3730 and/or Statement 61 and identify that it is a complete release.

(c) Writs of Execution

An Application General for Deletion of Easement requires a writ search against the party releasing their interest (the dominant tenement), as the document has the effect of transferring an interest in land. The registrant must search for writs against the dominant owner using the WritSearch™ function in Teraview™. The results should be stated in Statement 61.

Staff will perform a writ search at the time of certification.

(d) Dominant Lands

Occasionally, an easement can be shown on the servient land parcel/PIN with no corresponding identification of the easement on the dominant parcel/PIN. In this scenario the client should work with the Land Registrar to determine if the dominant lands can be ascertained and the parcel/PIN amended accordingly, following the normal procedures. If an Application to Delete is submitted from a servient owner where the status of the dominant lands is uncertain, an unequivocal statement indicating that there are no dominant lands and a solicitor identification statement (see section 2.2.3) must be included in Statement 61. A solicitor must also sign the document.

2.2.5 Application General (for Release and Abandonment of Easement)

This section will be deleted from the easement module of Version 4 of the Electronic Registration Procedures Guide.

3.0 REGISTRY SYSTEM

In order to register a transfer/grant of easement in the Registry system clients will be required to provide a description of both the dominant and servient lands, with the exception of an easement in gross.

Historically, Land Registry Offices have not monitored Registry documents to ensure that there is a description of the dominant and servient lands, as this is the responsibility of the registrant in the Registry System. However, as easements are brought forward during the automation and conversion of properties to Land Titles, registrants should ensure that this information is provided and that the easements are properly created so that they can be accurately reflected on the Land Titles parcel.

During the registration process Land Registry Office staff will check that a document contains a description of the dominant and servient properties.

Examples of abstract index entries:

3.0.1 Reservation in Transfer/Deed of Land

- (a) Two abstract pages open or two separate PINs:
Transfer/Deed of Lot 1 reserving an easement over Lot 1 in favour of Lot 2.**

The Land Registry Office is required to enter the Transfer on the abstract/PIN for Lot 1, with a document remark "reserving easement" in the paper abstract, and with no document entry on the abstract/PIN for Lot 2. In the automated system the easement will be entered in the thumbnails of both PINs.

- (b) One abstract page open or only one PIN:
Transfer/Deed of Part 1 on Plan 24R100 reserving an easement over Part 1 in favour of Part 2 on Plan 24R100.**

In this situation, the lands benefited and burdened by the easement appear on the same abstract page and accordingly, only one entry can be made, with a document remark "Part 1, Plan 24R100 reserving easement".

In the automated system the registration of the easement will normally be part of a split and the abstracting will be as set out above in (a). If the easement is registered on a non-convert PIN where splits are not occurring due to uncertainty of ownership, the document will be entered in the document pool only.

3.0.2 Grant of Easement in Transfer/Deed of Land

- (a) Two abstract pages open or two separate PINs:
Transfer/Deed of Lot 1 together with an easement over Lot 2 in favour of Lot 1.**

In paper the Land Registry Office is required to enter the Transfer/Deed on the abstract for both Lot 1 and Lot 2 and document remarks will be included on both abstracts – "Together with easement over Lot 2" on Lot 1 and "Easement over Lot 2" on Lot 2. In the automated system the Transfer/Deed is abstracted on Lot 1 and added to the thumbnail of both PINs.

- (b) One abstract page open or only one PIN:
Transfer/Deed of Part 1 on Plan 24R101 together with an easement over Part 2 on Plan 24R101 in favour of Part 1.**

In this situation, the lands benefited and burdened by the easement appear on the same abstract page and accordingly, only one entry can be made, with a document remark "Part 1, Plan 24R101 with easement over Part 2, Plan 24R101".

In the automated system the registration of the easement will normally be part of a split and the abstracting will be as set out above in (a). If the easement is registered on a non-convert PIN where splits are not occurring due to uncertainty of ownership, the document will be entered in the document pool only.

3.0.3 Grant of Easement

- (a) Two abstract pages open or two separate PINs:
Grant of Easement over Lot 2 in favour of Lot 1.**

The document will be entered in the abstract/PIN for Lot 2, with a document remark "Easement over Lot 2" in the paper abstract, and with no document entry on Lot 1. In the automated system the easement will be entered in the thumbnails of both PINs.

- (b) One abstract page open or only one PIN:
Grant of Easement over Part 2 on Plan 24R102 in favour of Part 1 on Plan 24R102.**

In this situation, the lands benefited and burdened by the easement appear on the same abstract page and accordingly, only one entry can be made, with a document remark "Easement over Part 2, Plan 24R102".

If the easement is registered on a non-convert PIN where splits are not occurring due to uncertainty of ownership, the document will be entered in the document pool only.

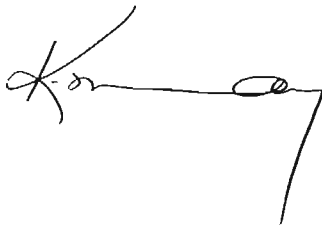
3.0.4 Removal of Easement

A release of easement is registered on the servient lands. Any reference to the released easement in the thumbnail of an automated Registry PIN will remain. If a subsequent transfer re-describes the land without the easement it can then be removed from the thumbnail.

4.0. LAND TRANSFER TAX

The Ministry of Finance requires a Land Transfer Tax Affidavit/Statements completed for all transfers and releases of easements.

This Bulletin replaces Bulletin numbers 76019 and 92007, which are hereby revoked.

A handwritten signature in black ink, appearing to read "K. Murray", with a long horizontal stroke extending to the right and a vertical line ending in a hook at the bottom right.

Katherine M. Murray
Director of Titles