



ServiceOntario
Policy and Regulation Branch

Bulletin No. 2007-01

Land Titles Act
Registry Act

DATE: FEBRUARY 6, 2007

Expropriations Act
R.S.O. 1990, c. E.26

TO: ALL LAND REGISTRARS

Under the *Expropriations Act*, an expropriating authority, as a condition precedent to effective expropriation, must obtain the consent of an approving authority. The approving authority whose consent is required can be determined by reference to Section 5 of the Act.

Subsection 32 (2) of O.Reg. 43/96 under the *Registry Act*, requires the consent of the approving authority to be either:

- i) registered before the expropriation plan is registered using Form 5 of Reg. 363 under the *Expropriations Act*; or
- ii) endorsed on the expropriation plan using Form 6 of Reg. 363 under the *Expropriations Act*.

Where an approval is registered before the expropriation plan, the registration number of the approval must be shown on the plan. The expropriating authority has three months to register its expropriation plan from the date the approval was granted, not the date the approval was registered. If the three-month period is exceeded, and registration is to take place in the land titles system, the expropriation plan should be refused.

As there is a statutory time limit, these plans should be registered as expeditiously as possible. In addition to the normal plan check, in Land Titles the plan should also be checked against the approval certificate to ensure what is being expropriated is in conformity with what was approved for expropriation. It is acceptable for the plan to expropriate a lesser extent or a lesser interest than that stated in the approval certificate.

Upon registration, the plan should be assigned the next registration number in accordance with Subsection 36(2) of O.Reg. 43/96.

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

Bulletin 97004 is revoked.

Doug Aron
Examiner of Surveys