CHAPTER 453

The Surveys Act

I. In this Act,

(a) "ascertainable point" means a point found or re-established in its original position on a line or boundary established during the original survey or on a line or boundary established during the survey of a plan of subdivision registered under The Land Titles Act or The Registry Act; R.S.O. 1970, cc. 234, 409

(b) "broken concession" means a concession any boundary of which is broken in whole or in part by a lake or river;

(c) "broken lot" means an irregular lot or a regular lot whose area is diminished or increased by a natural or artificial feature shown on the original plan;

(d) "competent authority" means any governmental authority in existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed, or the owner of a tract of land that was not included in a township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made;

(e) "concession" means a tier of township lots;

(f) "Department" means the Department of Lands and Forests;

(g) "irregular lot" means a township lot whose boundaries according to the original plan do not conform within one degree to the bearings shown for the corresponding boundaries of the majority of the lots in the tier in which the lot occurs;

(h) "land" includes land covered with water;

(i) "last ascertainable side line" means a line in a broken concession established from the front of the concession on the course of a side line of a lot from the lot corner nearest the end of the part of the concession so broken;

(j) "lost corner" means a corner established during an original survey or during a survey of a plan of subdivision registered under The Land Titles Act or The Registry Act where the original post no longer exists or never existed and which cannot be re-established from the
field notes of either of such surveys or by evidence under oath;

(k) "Minister" means the Minister of Lands and Forests;

(l) "obliterated boundary" means a boundary established during an original survey or during a survey of a plan of subdivision registered under The Land Titles Act or The Registry Act where the original posts or blazed trees no longer exist and which cannot be re-established from the field notes of either of such surveys or by evidence under oath;

(m) "original plan" means a plan certified by the Surveyor General as being the original plan of an original survey;

(n) "original post" means any object that defines a point and that was placed, planted or marked during the original survey or during a survey of a plan of subdivision registered under The Land Titles Act or The Registry Act;

(o) "original survey" means a survey made under competent authority;

(p) "proof line" means a line surveyed across one or more concessions in the original survey of a single front township or of a double front township to govern the course of a side line of a lot;

(q) "regular lot" means a township lot whose boundaries according to the original plan conform within one degree to the bearings shown for the corresponding boundaries of the majority of the lots in the tier in which the lot occurs;

(r) "surveyor" means an Ontario land surveyor registered under The Surveyors Act;

(s) "unbroken lot" means a regular lot whose area is not diminished or increased by a natural or artificial feature shown on the original plan;

(t) "undisputed corner" means a corner of a parcel of land at which the original post exists, or a corner established under this Act or any predecessor of this Act. R.S.O. 1960, c. 390, s. 1.

PART I

GENERAL

2. No survey of land for the purpose of defining, locating or describing any line, boundary or corner of a parcel of land is valid unless made by a surveyor or under the personal supervision of a surveyor. R.S.O. 1960, c. 390, s. 2.
3. All lines, boundaries and corners established under the authority of any Act heretofore or hereafter in force remain valid and all other things done under any such authority and in conformity therewith remain valid notwithstanding the repeal of such authority. R.S.O. 1960, c. 390, s. 3.

4.—(1) Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall keep a proper record and index of all such field notes and shall exhibit or give copies of the same to any surveyor for a reasonable charge.

(2) Where a surveyor has died and no arrangements have been made within six months of his death to place his field notes, records and indices in the custody of a surveyor in active practice, the secretary-treasurer of the Association of Ontario Land Surveyors shall cause such field notes, records and indices to be delivered by the personal representative of the deceased surveyor to the Minister who shall hold them for the benefit of the estate for a period not exceeding five years, and upon the expiry of that period such field notes, records and indices become the property of the Crown and may be disposed of by the Minister in any manner he considers proper.

(3) So long as such field notes, records and indices are in the possession of the Minister, he shall exhibit or give copies of the same to any person for a reasonable charge. R.S.O. 1960, c. 390, s. 4.

5. A surveyor may at any time require a chainman or any other person in his employ to take an oath in writing to act justly and exactly according to the best of his judgment and ability and to render a true account of his work to the surveyor, which oath the surveyor is hereby authorized to administer. R.S.O. 1960, c. 390, s. 5.

6.—(1) A surveyor or a person in his employ while making a survey may,

(a) at any time enter and pass over the land of any person; or

(b) at any time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the survey, but the surveyor is liable for any damage occasioned thereby.

(2) Every person who interferes with or obstructs a surveyor or a person in his employ in the exercise of any of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1960, c. 390, s. 6.
7. (1) A surveyor may examine under oath any person concerning a line, boundary, corner or post to assist him in ascertaining its true position.

(2) The surveyor may cause the evidence so taken to be put in writing in the form of a statement under oath.

(3) Where the surveyor has reason to believe that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position or has a writing, plan or document concerning a line, boundary, corner or post and such person has refused to give the information or to produce the writing, plan or document to the surveyor while being examined under subsection 1, a judge of a county or district court, upon application of the surveyor, may order a subpoena to issue out of the court of which he is a judge commanding such person to appear before the surveyor at the time and place specified in the subpoena and to bring with him any writing, plan or document specified therein.

(4) The subpoena shall be served personally on the person named in it and he shall be tendered his reasonable expenses.

(5) Every person who is served with a subpoena under this section and who has been tendered his reasonable expenses and who fails to appear before the surveyor in accordance with the subpoena or who fails to produce any writing, plan or document specified in the subpoena or to give such information as he has respecting the line, boundary, corner or post in question is guilty of contempt of the court out of which the subpoena issued.

(6) A surveyor may administer oaths for any of the purposes of this section. R.S.O. 1960, c. 390, s. 7.

8. Every base line and meridian line surveyed under the instructions of the Minister before the 28th day of March, 1956, that are shown on the original plan thereof shall be deemed to have been made by competent authority and are true and unalterable and shall be deemed to be defined by the original posts or blazed trees in the survey thereof. R.S.O. 1960, c. 390, s. 8.

9. Notwithstanding section 58, every line, boundary and corner established by an original survey and shown on the original plan thereof is a true and unalterable line, boundary or corner, as the case may be, and shall be deemed to be defined by the original posts or blazed trees in the original survey thereof, whether or not the actual measurements between the original posts are the same as shown on the original plan and field notes or mentioned or expressed in any grant or other instrument, and every road allowance, highway, street, lane, walk and common shown on the original plan shall, unless otherwise shown thereon, be deemed to
be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1960, c. 390, s. 9.

10. A surveyor in establishing or re-establishing a line, boundary or corner surveyed under competent authority and shown on the original plan thereof, other than a township subdivision plan, is governed by sections 54 and 55. R.S.O. 1960, c. 390, s. 10.

11.—(1) Where a lake or river is shown on an original plan of Crown lands and a parcel of land shown thereon is given an acreage covering the land area only, such parcel of land does not include any land covered by the water of the lake or river.

(2) Subsection 1 does not affect the rights of any person where such rights were determined by a court before the 8th day of July, 1913. R.S.O. 1960, c. 390, s. 11.

12. Where the Crown has conveyed a parcel of land composed of two or more township lots or parts of lots in concessions adjoining each other by an instrument that contains a metes and bounds description of the parcel prepared from an original plan, the side lines or limits of such lots or parts of lots surveyed in accordance with this Act or any predecessor of this Act constitute the side lines or limits of the parcel. R.S.O. 1960, c. 390, s. 12.

PART II

FRONT AND REAR TOWNSHIPS

13.—(1) In this Part, “front and rear township” means a township where the usual practice in the original survey was to survey the township boundaries, the base lines, if any, and the side lines of the lots and to establish the corners of the lots.

(2) A surveyor in re-establishing a lost corner, an obliterated boundary or an obliterated side line of a lot in a front and rear township shall obtain the best evidence available respecting the corner, boundary or side line, but if the corner, boundary or side line cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If the lost corner is a corner of the township, he shall report the circumstances to the Minister, who shall instruct him how to proceed.

2. If a part of the township boundary or a base line is obliterated, he shall re-establish the township boundary or the base line by joining the nearest ascertainable points thereof as intended in the original survey.

3. If a side line or part thereof is obliterated, he shall re-establish the side line by joining the nearest ascer-
tainable points thereof as intended in the original survey, and if an end of a side line is obliterated, he shall re-establish such end by measuring along the township boundary or base line in the manner in which such measurement was made as shown on the original plan and field notes.

4. If the lost corner is a corner of a lot, he shall determine the distance along the side line between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey. R.S.O. 1960, c. 390, s. 13.

14. A boundary of a lot shown on the original plan of a front and rear township that was not surveyed in the original survey is the straight line between the two corners of such lot. R.S.O. 1960, c. 390, s. 14.

15. The front of a concession in a front and rear township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered, but in the case of a township in which the concessions are not numbered or lettered, the front of a concession is the boundary of the concession that is nearest the boundary of the township or the base line along which the width of the first lot was measured. R.S.O. 1960, c. 390, s. 15.

16. (1) The aliquot part of a lot in a front and rear township is the aliquot part of the area of the lot, whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(2) The boundaries of an aliquot part of a lot in a front and rear township, of which lot no aliquot part was surveyed before the 1st day of January, 1959, shall be surveyed on the astronomic course intended in the original survey for the side lines of such lot or on the astronomic course intended for the base line of the township, as the case may be. R.S.O. 1960, c. 390, s. 16.

PART III

SINGLE FRONT TOWNSHIPS

17. (1) In this Part, “single front township” means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and the base lines, if any, and the concession lines for the fronts of the concessions and to establish the lot corners on the front of each concession.
(2) A surveyor in re-establishing a lost corner or obliterated boundary in a single front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed.

2. If the lost corner of a lot on a township boundary or on the front of a concession, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

3. If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey.

4. If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey.

5. If the front line of a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.

6. If the lost corner is a corner of a lot that is beyond the last undisputed corner on the front of a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along the front of the concession the distance shown on the original plan and field notes from the last undisputed corner. R.S.O. 1960, c. 390, s. 17.

18. The front of a concession in a single front township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. R.S.O. 1960, c. 390, s. 18.

19. Where in a single front township the whole of the front boundary of a concession was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such front boundary in whole or in part shall establish or re-establish...
such boundary to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1960, c. 390, s. 19.

20. Where the front of a concession in a single front township was not surveyed in the original survey, the side lines of the lots in such concession shall be surveyed from the corners of the lots on the front of the concession to the rear thereof to the depth of the concession, that is, to the proportionate depth intended in the original survey as shown on the original plan and field notes having due regard for any road allowance made in the original survey, and the straight line joining the ends of the lot lines so surveyed is the boundary of such concession. R.S.O. 1960, c. 390, s. 20.

21. A surveyor in establishing in a concession in a single front township a side line of a lot that was not surveyed in the original survey shall proceed as follows:

1. If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

2. If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

3. If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken
by a lake or river, he shall establish the side line at such angle with the front boundary of the concession as shown on the original plan and field notes, or, if parts of the front boundary of the concession have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the front boundary of the concession as the Minister may direct.

4. If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.

5. If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.

6. If the concession is wholly broken in front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the lots in the broken front concession, he shall establish the side lines in such broken front concession in accordance with this section from the corners of the lots on the front boundary of the concession in the rear thereof to the lake or river.

7. If the concession is partly broken in front at either end by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from the points on the rear boundary of the concession determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the intersection of the last ascertainable side line with the
rear of the concession as shown on the original plan, but where such end of the concession is wholly bounded by a lake or river and no measurement was made in the original survey along the rear of the concession to the lake or river, he shall determine the points from which the side lines of such lots shall be drawn by measuring along the rear boundary the widths of the lots as intended in the original survey from the intersection of the last ascertainable side line.

8. If the concession is partly broken in front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from points on the rear boundary of the concession determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines on both sides of the lake or river with the rear boundary of the concession. R.S.O. 1960, c. 390, s. 21.

22.—(1) The aliquot part of a lot in a single front township is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant to other instrument.

(2) The boundaries of an aliquot part of a lot in a single front township of which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the lot is broken on its front at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and, where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the front of the concession as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1960, c. 390, s. 22.

23.—(1) A survey in establishing the course of a township boundary line or a proof line in a single front township for the purpose of surveying a side line of a lot shall determine the course
of the straight line joining the front and rear ends of the boundary line or proof line in each concession.

(2) A surveyor in establishing the course of the front of a dem concession in a single front township for the purpose of measuring an angle with such front to establish a side line of a lot shall determine the course of the straight line joining the ends of such front, but where the front of the concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1960, c. 390, s. 23.

PART IV

DOUBLE FRONT TOWNSHIPS

24.—(1) In this Part, “double front township” means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and base lines, if any, and the concession lines forming the front boundaries of the half lots and to establish the front corners of the half lots.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a double front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed.

2. If the lost corner is a corner of a lot on a township boundary or on a concession line, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.

3. If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by
joining the nearest ascertainable points thereof as intended in the original survey.

4. If a side line of a lot was surveyed as a proof line and part of the line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey.

5. If the concession line forming the front boundary of the half lots in a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.

6. If the lost corner is a corner of a lot that is beyond the last undisputed corner on a concession line forming the front boundary of the half lots in a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along such concession line the distance shown on the original plan and field notes from the last undisputed corner. R.S.O. 1960, c. 390, s. 24.

25. The front boundary of a half lot in a double front township is the boundary of the half lot that abuts the road allowance between two concessions made in the original survey, or, where a concession is broken by a lake or river, the front boundary of a half lot is the original shore of the lake or river opposite the prolongation of such road allowance across the lake or river. R.S.O. 1960, c. 390, s. 25.

26. Where in a double front township the whole of the concession line forming the front boundary of the half lots was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such concession line in whole or in part shall establish or re-establish such concession line to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1960, c. 390, s. 26.

27. A surveyor in establishing the rear boundaries of half lots in a concession in a double front township shall proceed as follows without reference to the description contained in any grant or other instrument:

1. If the concession is unbroken on both fronts by a lake or river, he shall join by straight lines the midway points of the side lines of the lots and their production through the concession.

2. If the concession is broken on either or both fronts by a lake or river but the fronts of the concession are not
wholly broken at either or both ends, he shall join by a straight line the midway points of the last ascertainable side line and its production through the concession at each end of the broken front.

3. If the concession is wholly broken on both fronts at either end of the concession by a lake or river but not broken on both fronts throughout the entire concession, he shall establish the midway point of the last ascertainable side line and its production through the concession and from this point he shall establish the rear boundary of the half lots on both fronts of the concession on the astronomic course intended in the original survey.

4. If the concession is broken at its end on one of the fronts of the half lots by a lake or river but not so broken on the rear boundaries of such half lots, he shall establish the midway point of the last ascertainable side line of the half lots so broken and its production through the concession and from such midway point join a straight line to a point on the township boundary determined by measuring along that boundary the distance intended in the original survey from the unbroken front of the concession.  R.S.O. 1960, c. 390, s. 27.

28. A surveyor in establishing in a concession in a double front township a side line of a half lot that was not surveyed in the original survey shall proceed as follows:

1. If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

2. If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at that end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if
intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

3. If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the concession line as shown on the original plan and field notes, or, if parts of the concession line have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the concession line as the Minister may direct.

4. If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.

5. If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.

6. If the concession is wholly broken on one front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the half lots, he shall establish the side lines of the broken half lots according to this section from the rear corners of the half lots on the unbroken front of the concession.

7. If the concession is wholly broken on both fronts at either end by a lake or river and no posts were planted in
the original survey on the banks of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by measuring along the rear boundaries of the half lots the widths of the half lots as intended in the original survey from the intersections of the last ascertainable side lines of the half lots with the rear boundaries of the half lots.

8. If the concession is partly broken on one front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the banks of the lake or river to regulate the width in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines of the half lots on both sides of the lake or river with the rear boundaries of the half lots.

9. If the concession is partly broken on either front at either end but not broken at the end of the rear boundary of the half lots by a lake or river and no posts were planted in the original survey on the banks of such lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the last ascertainable side line of the half lot on the front of the concession so broken.

10. If the concession is partly broken on either front at either end by a lake or river and also broken at the end of the rear boundary of the half lots and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of the broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by measuring along such rear boundary the widths of the broken half lots as intended in the original survey from the intersection of the last ascertainable side line of the half lot on the front of the concession so broken. R.S.O. 1960, c. 390, s. 28.
29.—(1) The aliquot part of a half lot in a double front township is the aliquot part of the area of the half lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(2) The boundaries of an aliquot part of a half lot in a double front township of which half lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the half lot, as the case may be, but where in such latter case the front of the half lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the half lot, and where the rear boundary of the half lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the half lot as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended in the original survey for the front of the half lot. R.S.O. 1960, c. 390, s. 29.

30.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a double front township for the purpose of surveying a side line of a half lot shall determine the course of the straight line joining the front and rear ends of such boundary line or proof line in each concession.

(2) A surveyor in establishing the course of the front of a concession in a double front township for the purpose of measuring an angle with such front to establish a side line of a half lot shall determine the course of the straight line joining the ends of such front, but where the front of a concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1960, c. 390, s. 30.

PART V

SECTIONAL TOWNSHIPS WITH DOUBLE FRONTS

31.—(1) In this Part, "sectional township with double fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of sections defining section boundaries and to establish the front corners of the lots and the section corners.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with double fronts shall obtain the best evidence available respecting the corner or boundary, but
if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed.

2. If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

3. If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections are lost, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.

4. If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes not as a straight line and the adjacent corners of the sections are lost, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made.
in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.

5. If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not on a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections are lost, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section on opposite sides of the concession line.

6. If the lost corner is the corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not in a straight line, and the side lines between such sections and adjacent sections on the opposite sides of the concession line are shown on the original plan and field notes as not in a straight line and the section corners of the adjacent sections on the concession line are lost, he shall report the circumstances to the Minister who shall instruct him how to proceed.

7. If the lost corner is a corner of a lot in a section on a front of a concession, he shall determine the distance between the two nearest undisputed corners in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance, opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.

8. If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
9. If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.

10. If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

11. If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof.

(3) Paragraphs 3, 4, 5 and 6 of subsection 2 do not apply to any Application corner of a section re-established before the 24th day of March, 1911. R.S.O. 1960, c. 390, s. 31.

32. The front of a concession in a sectional township with double fronts is the boundary of the concession that abuts the road allowance between two concessions shown on the original plan or, where a concession is broken by a lake or river, that is nearest the prolongation of such road allowance across the lake or river. R.S.O. 1960, c. 390, s. 32.

33. A surveyor in establishing the rear boundary of a concession in a sectional township with double fronts shall proceed as follows:

1. If the two concessions in a section are unbroken by a lake or river on their fronts, he shall, if intended in the original survey, join by straight lines the midway points of the side lines of the lots and their productions through the section.

2. If the two concessions in a section are broken by a lake or river on either or both of their fronts but the fronts of the two concessions are not wholly broken at either or both ends of the section, he shall, if intended in the original survey, join by a straight line the midway points between the fronts of the two concessions on the last ascertainable side line in the section at each end of the broken front.

3. If one of the concessions in a section is broken by a lake or river on its front at either or both ends of the section.
but not broken through the entire section, he shall join
by a straight line a point on the broken side line of the
section determined by measuring the distance shown on
the original plan and field notes from the unbroken front
and the midway point between the fronts of the two
concessions on the last ascertainable side line in the
section at the end of the broken front.

4. If one of the concessions in a section is wholly broken by
a lake or river on its front, he shall measure the distance
shown on the original plan and field notes along the side
lines of the lots from the front of the unbroken conces-
sion.

5. If one of the concessions in a section is partly or wholly
broken by a lake or river on its front and at either or
both ends of the section and the other concession in the
section is partly or wholly broken by a lake or river at
either or both ends of the section and partly broken on
its front, he shall establish the rear boundary of the
concessions so broken on their fronts on the astronomic
course intended in the original survey from a point
determined by measuring the distance shown on the
original plan and field notes from the unbroken part of
the front of such concession along the last ascertainable
side line in that concession at the end of the broken
front.

6. If both concessions in a section are wholly broken by a
lake or river on their fronts and no posts were planted in
the original survey to establish the rear boundaries of
such concessions, he shall establish the rear boundary of
such concessions on the astronomic course intended in
the original survey from a point established on the limit
of the section nearest the end from which the lots are
numbered midway between the section corners.
R.S.O. 1960, c. 390, s. 33.

34. A surveyor in establishing in a concession in a sectional
township with double fronts a side line of a lot that was not
surveyed in the original survey shall proceed as follows:  R.S.O.
1960, c. 390, s. 34, part.

1. Where any such township was surveyed under the
1,000-acre or 1,800-acre sectional system or in the
townships of Cumming, Idington, O'Brien, Owens and
Williamson in the Territorial District of Cochrane, and
if intended in the original survey, he shall establish the
side line on the astronomic course shown on the original
plan and field notes for the side line of the section in
which the lot is located that is nearest the end of the
section from which the lots are numbered, or, if intended
in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side at the other end of the section in which the lot is located. R.S.O. 1960, c. 390, s. 34, cl. a; 1968, c. 131, s. 1 (1).

2. Where any such township, other than the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, was surveyed under any sectional system other than the 1,000-acre or 1,800-acre sectional system and if it was intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes. R.S.O. 1960, c. 390, s. 34, cl. b; 1968, c. 131, s. 1 (2).

3. If the fronts of either or both concessions in a section are partly or wholly broken by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of such broken lots in accordance with this section from points on the section limit fronting each concession determined by dividing proportionately as intended in the original survey the distance between the two nearest undisputed lot corners in the section, one being on either side of the side line of the broken lot to be established.

4. If one of the concessions in a section is wholly broken by a lake or river on its front and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was
run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such a concession in accordance with this section from the rear corners of the lots in the concession to the rear thereof.

5. If both concessions in a section are wholly broken by a lake or river on their fronts and wholly broken at one end of the section and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such concessions in accordance with this section from points on the rear concession line determined by measuring along the rear concession line the distance intended in the original survey from the section limit at the end of the section that is not wholly broken.

6. If one of the concessions in a section is broken at either end but not wholly broken on its front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of any such broken lot in accordance with this section from the rear corners of the lots of the concession to the rear.

7. If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots, he shall establish the side lines of any such lots in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomical course intended in the original survey for the front of the concession. R.S.O. 1960, c. 390, s. 34, cls. (c-g).

35.—(1) Where the whole or a part of any lot in a sectional township with double fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(2) Where the whole or a part of a broken lot in a sectional township with double fronts was patented on or after the 24th day
of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(3) Where the whole or a part of an unbroken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended in the original survey for the front of the concession.

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1960, c. 390, s. 35.

36. A surveyor in establishing the course of a boundary line of a section in a sectional township with double fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1960, c. 390, s. 36.

PART VI

SECTIONAL TOWNSHIPS WITH SINGLE FRONTS

37.—(1) In this Part, "sectional township with single fronts" means a township divided into sections and lots where the usual
practice in the original survey was to survey the township boundaries, concession lines and side lines of the sections and to establish the front corners of the lots and the section corners.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with single fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed.

2. If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.

3. If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line of the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.

4. If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession are shown on the original plan and field notes not as a straight line, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the
corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.

5. If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section.

6. If the lost corner is the corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite sides of the concession line are shown on the original plan and field notes not as a straight line, he shall report the circumstances to the Minister who shall instruct him how to proceed.

7. If the lost corner is a corner of a lot in a section on the front of a concession, he shall determine the distance between the two nearest undisputed corners in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.

8. If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner intended in the original survey.

9. If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.

10. If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the
nearest ascertainable point on the concession line in that section.

11. If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof.

Application

(3) Paragraphs 3, 4, 5 and 6 of subsection 2 do not apply to any corner of a section re-established before the 24th day of March, 1911. R.S.O. 1960, c. 390, s. 37.

Fronts of concessions

38. The front of a concession in a sectional township with single fronts is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. R.S.O. 1960, c. 390, s. 38.

Establishment of side lines

39. A surveyor in establishing in a concession in a sectional township with single fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

1. If intended in the original survey, he shall establish the side line on the astronomic course for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, but where the side line of such section is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course of the side line of the section at the other end of such section, but where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course shown on the original plan and field notes.

2. If the front of a concession in a section is partly or wholly broken by a lake or river and no post was planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from a point on the section limit fronting the concession determined by dividing proportionately as intended in the original survey the distance between the corners of the section.

3. If the front of a concession in a section is wholly broken by a lake or river and no post was planted in the original
survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from the front corner of the lots in the concession to the rear thereof.

4. If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots and the original field notes do not show that a survey line was run in the original survey to regulate the widths in front of the broken lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. R.S.O. 1960, c. 390, s. 39.

40.—(1) Where the whole or a part of any lot in a sectional township with single fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(2) Where the whole or a part of a broken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(3) Where the whole or a part of an unbroken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the
straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended in the original survey for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended for the front of the concession.

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1960, c. 390, s. 40.

41. A surveyor in establishing the course of a boundary line of a section in a sectional township with single fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1960, c. 390, s. 41.

PART VII

SECTIONAL TOWNSHIPS WITH SECTIONS AND QUARTER SECTIONS

42. In this Part, “sectional township with sections and quarter sections” means,

(a) a township divided into sections and quarter sections without road allowances between sections where the usual practice in the original survey was to survey the township boundaries and section lines and to establish the section corners and quarter section corners; or

(b) a township divided into sections and quarter sections with road allowances between sections where the usual practice in the original survey was to survey the township boundaries and the section lines on the west and south sides of the road allowances and to establish the section corners and the quarter section corners on the surveyed lines. R.S.O. 1960, c. 390, s. 42.

43.—(1) Every road allowance between sections of sectional townships surveyed under instructions of the Department of Interior of Canada is one chain wide and every such road allowance lies north and east of the south and west sides of the road allowance as surveyed in the original survey.
Sec. 44 (1) ¶4

(2) The strips of land formerly forming parts of the original road allowances mentioned in subsection 1 are detached therefrom and attached to and form part of the quarter section immediately adjoining the strips of land on the east and north thereof.

(3) The section and quarter section corners established in the original survey of the townships mentioned in subsection 1 continue to be the governing points for the purpose of re-establishing a lost corner or obliterated boundary of a section or quarter section and establishing section and quarter section corners not established in the original survey. R.S.O. 1960, c. 390, s. 43.

44.—(1) A surveyor in re-establishing a lost corner or obliterated boundary surveyed in the original survey in a sectional township with sections and quarter sections with or without road allowances shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed.

2. If the lost corner is a corner of a section or quarter section on or along a township boundary, he shall determine the distance between the nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

3. If the lost corner is a corner of a section on a section boundary in the interior of a township, he shall re-establish the corner by intersecting the straight lines joining the nearest ascertainable points on the adjoining intersecting section boundaries.

4. If the lost corner is a corner of a quarter section on a section boundary in the interior of a township, he shall re-establish the corner by joining the nearest ascertainable points on the section boundary and shall determine the distance between the section corners of the section in which the quarter section corner is lost and divide the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
5. If part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.

6. If a part of a section boundary in the interior of a township is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.

(2) A surveyor in establishing an original section line on the north or east side of a road allowance in a township defined in clause b of section 42 shall measure the width of the road allowance shown on the original plan and field notes from the section line on the south or west side, as the case may be, of the road allowance. R.S.O. 1960, c. 390, s. 44.

45. A surveyor in establishing a corner of a section or quarter section shown on the original plan and field notes on a section line not surveyed in the original survey in a township defined in clause b of section 42 shall proceed as follows:

(a) If the corner is a corner of a section, he shall measure the widths of the road allowances shown on the original plan and field notes from the two section corners of the adjacent sections on the opposite sides of the road allowances.

(b) If the corner is a corner of a quarter section, he shall measure the width of the road allowance as shown on the original plan and field notes from the opposite quarter section corner on the other side of the road allowance and join a straight line between that quarter section corner and the opposite quarter section corner on the section line at the other side of the section. R.S.O. 1960, c. 390, s. 45.

46. The interior boundaries of half sections or quarter sections shall be surveyed by connecting the opposite quarter section corners on the boundaries of the section by straight lines. R.S.O. 1960, c. 390, s. 46.

47.—(1) The aliquot part of a quarter section in a sectional township with sections and quarter sections is the aliquot part of the frontage or the depth between the quarter section corners whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(2) The aliquot part of a half section in a sectional township with sections and quarter sections is the aliquot part of the frontage or depth between the quarter section corners of the quarter sections forming the half section whether the area of the
aliquot part as so determined is more or less than that expressed in any grant or other instrument.

(3) The interior boundaries of an aliquot part of a quarter section shall be surveyed by connecting by straight lines the points on the boundaries of the quarter section determined in accordance with this section. R.S.O. 1960, c. 390, s. 47.

PART VIII

MUNICIPAL AND CROWN RESURVEY

48.—(1) The council of a municipality or the board of trustees of an improvement district, upon its own motion, may, or upon the petition of one-half of the landowners affected shall, pass a by-law authorizing an application to the Minister to cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that is in the municipality and that has been surveyed under competent authority or under The Land Titles Act or The Registry Act. R.S.O. 1970, c. 234, s. 409 R.S.O. 1960, c. 390, s. 48 (1).

(2) The Minister shall appoint and instruct a surveyor to make the survey for which an application has been made under subsection 1 and when the survey has been made and the plan and field notes have been examined by the Minister, the Minister shall cause a notice to be published once in each week for four consecutive weeks in a newspaper having general circulation in the municipality in which the survey has been made of a hearing to be held by him at a stated place on a day not less than ten days after the last publication of the notice at which hearing the survey will be considered and any interested persons will be heard, and upon the evidence submitted the Minister may direct such amendments to be made as he considers necessary and may confirm the position of the disputed or lost line, boundary or corner fixed by the survey, and any line, boundary or corner so confirmed is, subject to section 49, an unalterable line, boundary or corner and is final and conclusive and shall not be questioned in any court. R.S.O. 1960, c. 390, s. 48 (2); 1968, c. 131, s. 2 (1).

(3) The Minister shall mail within ten days of confirming a survey under subsection 2 a copy of the plan and field notes of the survey to the municipality and to every person who appeared at the hearing. 1968, c. 131, s. 2 (2).

(4) Subject to section 51, the cost of a survey under subsection 2 shall be paid to the surveyor making the survey by the municipality making the application therefor upon notice in writing by the Minister to the municipality that the survey has been made, and the municipality may levy all or any part of such cost on the landowners affected by the survey in proportion to the
benefit received as determined by by-law of the municipality and collect the same as taxes. R.S.O. 1960, c. 390, s. 48 (3).

49.—(1) Any person objecting to the confirmation of a survey under subsection 2 of section 48 may appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or direct the trial of an issue and may dismiss the appeal or order the Minister to amend the survey and plan in such manner as the judge considers proper.

(2) Notice of an appeal under this section shall be served on the Minister within thirty days of the date of the confirmation by the Minister of the survey.

(3) Upon the expiry of thirty days from the confirmation of a survey by the Minister or where an appeal has been taken under subsection 1 within thirty days of the final disposition of the appeal, a copy of the plan and field notes of the survey or of the survey as amended in accordance with the order of the judge, as the case may be, shall be registered by the Minister with the proper master of titles or registrar of deeds and a copy thereof shall be filed with the clerk of the municipality that made the application under subsection 1 of section 48. 1968, c. 131, s. 3.

50.—(1) The Minister upon the application of an owner or owners of land that is situate in territory without municipal organization and that has been surveyed under competent authority or under The Land Titles Act or The Registry Act may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner.

(2) Subject to section 51, the cost of a survey under subsection 1 shall be paid by the owner or owners making application therefor upon notice by the Minister that the survey has been made. R.S.O. 1960, c. 390, s. 49 (1, 2).

(3) Subsection 2 of section 48 and section 49 apply mutatis mutandis to a survey made under this section. 1968, c. 131, s. 4.

51. The Minister may pay all or any part of the cost of a survey under section 48 or 50 out of the moneys that are appropriated by the Legislature for ground surveys. R.S.O. 1960, c. 390, s. 50.

52.—(1) The Minister may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that was surveyed under competent authority, and in any such case the Minister may direct that subsection 2 of section 48 and section 49 apply mutatis mutandis. 1968, c. 131, s. 5.

(2) Where a survey similar to a survey under subsection 1 was made under the instructions of the Minister before the 1st day of
June, 1947, the Minister may, upon compliance with the requirements as to publication of notice and the holding of a hearing set forth in subsection 2 of section 48, confirm the survey and such confirmation has the like force and effect as a confirmation under the said subsection. R.S.O. 1960, c. 390, s. 51 (2).

PART IX

PLANS OF SUBDIVISION

53. In this Part, "plan of subdivision" means a plan of subdivision that is registered under The Land Titles Act or under The Registry Act. R.S.O. 1960, c. 390, s. 52.

54. Every line, boundary and corner established by survey and shown on a plan of subdivision is a true and unalterable line, boundary or corner, as the case may be, with respect to such plan and shall be deemed to be defined by the original posts or blazed trees in the first survey thereof, whether or not the actual measurements between the original posts are the same as shown on the plan of subdivision or expressed in any grant or other instrument. R.S.O. 1960, c. 390, s. 53.

55. A surveyor in re-establishing a line, boundary or corner shown on a plan of subdivision shall obtain the best evidence available respecting the line, boundary or corner, but if the line, boundary or corner cannot be re-established in its original position from such evidence, he shall proceed as follows:

1. If a part of a line or boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner shown on the plan of subdivision.

2. If a corner on a line or boundary is lost, he shall re-establish it by the method that accords with the intent of the survey as shown on the plan of subdivision and, if it is consistent with the intent of the survey as shown on the plan of subdivision, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as shown on the plan of subdivision having due regard for any road allowance, highway, street, lane, walk or common shown on the plan of subdivision. R.S.O. 1960, c. 390, s. 54.

56. Every bearing shown on a plan of subdivision shall be referred to one reference line designated on the plan and the course of such reference line shall be the true bearing and shall be
determined by astronomic observation or other satisfactory method. R.S.O. 1960, c. 390, s. 55 (3).

57.—(1) Subject to The Land Titles Act or The Registry Act as to the amendment or alteration of plans, every road allowance, highway, street, lane, walk and common shown on a plan of subdivision shall be deemed to be a public road, highway, street, lane, walk and common, respectively.

(2) Where under subsection 1 a road allowance, highway, street, lane or walk in a municipality is a public highway but the municipality has not assumed it for public use and it or any part of it is closed by an alteration of the plan under The Land Titles Act, The Registry Act or other provision in that behalf, it or the part of it so closed belongs to the owners of the land abutting thereon.

(3) Where several parcels of land having different owners abut on the road allowance, highway, street, lane or walk or the part thereof so closed, the owner of each parcel is entitled to the part so closed on which his land abuts to the middle line of the road allowance, highway, street, lane or walk or the part thereof so closed.

(4) Where a part of the road allowance, highway, street, lane or walk so closed is abutted on one side by another road allowance, highway, street, lane or walk or by a stream, river or other body of water over which the public have rights of navigation or of floating timber, the whole width of such part belongs to the owners whose lands abut thereon opposite the road allowance, highway, street, lane, walk, stream, river or other body of water.

(5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so closed or across the same in cases coming within subsection 4 is the division line between the parts so closed to which the owners of the parcels are respectively entitled.

(6) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is owned by more than one person, each such owner is entitled to the like estate or interest in the part so closed as he has in the parcel abutting thereon.

(7) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is encumbered, the encumbrance extends to and includes the part thereof to which the owner of such parcel becomes entitled under this section.

(8) Where a road allowance, highway, street, lane or walk is so closed, the municipality in which the same was vested shall execute a conveyance to each owner of the part that belongs to him under this section, and the municipality shall register the conveyance in the proper land titles or registry office and shall
bear the cost of preparing and registering it. R.S.O. 1960, c. 390, s. 56.

PART X

SURVEYS OF LAND UNDER THE HIGHWAY IMPROVEMENT ACT

58. All posts and monuments heretofore or hereafter marked, placed or planted for the purpose of designating and defining the boundaries of any parcel of land vested in the Crown and under the jurisdiction and control of the Department of Highways under The Highway Improvement Act or a predecessor thereof are true and unalterable and fix the boundaries of such parcel, whether or not the actual measurements between the posts or monuments are the same as shown on the plan thereof or mentioned or expressed in any grant or other instrument in respect of such parcel and whether or not such parcel remains vested in the Crown. R.S.O. 1960, c. 390, s. 57.

PART XI

MISCELLANEOUS

59. The aliquot part of a parcel of land that is not an aliquot part of a township lot is the aliquot part of the area of the parcel of land whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1960, c. 390, s. 58.

60. The plan of a survey of land shall show the position, type and form of every survey monument or object used to define a point placed, planted, set or marked in the survey. 1960-61, c. 97, s. 2.

61. The Minister may assign any of the powers or duties conferred or imposed upon him by this Act to the Surveyor General. R.S.O. 1960, c. 390, s. 59.

62. The Lieutenant Governor in Council may make regulations,

(a) prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them;

(b) establishing, governing and regulating systems of coordinate surveys;
(c) prescribing the kind and form of monuments used to identify points in surveys and prescribing how and where they are to be used and how they are to be designated on plans of survey;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 390, s. 60; 1967, c. 98, s. 1.