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c 38 Boundaries Act

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CHAPTER 38

The Boundaries Act

1. In this Act,

(a) "block outline survey" means a survey in which outline monuments are placed at suitable points at or near some or all highway intersections or angles in highway boundaries, or in cases where no highway exists, then at other suitable points;

(b) "complete survey" means a survey that defines on the ground every angle of every parcel in the area surveyed;

(c) "director" means the director of titles appointed under The Land Titles Act;

(d) "examiner" means the examiner of surveys appointed under The Land Titles Act;

(e) "monument" means a post, stake, peg, stone, mound, pit or other object or device used to define the position of a boundary corner or line;

(f) "outline monument" means a monument that defines a position in a block outline survey made under this Act or The Land Titles Act, or a monument that defines a block corner in a subdivision survey, or a monument that defines a highway boundary;

(g) "parcel" means a lot, block or other area into which land is divided;

(h) "proper master of titles" means the master of titles or local master of titles in whose office the land described in or affected by an application under this Act is or may be registered;

(i) "surveyor" means an Ontario land surveyor authorized to practise under The Surveyors Act. 1959, R.S.O. 1960, c. 389, s. 1.
2.—(1) This Act shall be administered by the director.

(2) In the administration of this Act, the deputy director of titles appointed under The Land Titles Act and the examiner shall act under the supervision of the director.

(3) In the absence of the director or if the office of director is vacant or if directed by the director, the deputy director of titles shall act as director for the purposes of this Act and, while so acting, he has and may exercise the powers and duties of the director under this Act. 1959, c. 8, s. 2.

3. The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles for the purposes of this Act. 1959, c. 8, s. 3.

4. The director has and may exercise in connection with his functions under this Act all of the powers that may be conferred upon a commissioner under The Public Inquiries Act. 1959, c. 8, s. 4.

5.—(1) An application to the director to have the boundaries of a parcel that were established by a survey confirmed under this Act may be made by,

(a) the owner;

(b) the council of the municipality in which the parcel is situate;

(c) the Minister of Highways;

(d) the Inspector of Legal Offices;

(e) the proper master of titles;

(f) the Surveyor General under The Public Lands Act;

or

(g) the Surveyor General under the Canada Lands Surveys Act.

(2) Upon receipt of an application under this section, the director may appoint a surveyor to do such additional survey work as he requires. 1959, c. 8, s. 5.

6.—(1) Where,

(a) an error appears in or doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
Sec. 10 (1) (a)  

(b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or

(c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the parcel surveyed and the boundaries that are established by the survey confirmed under this Act may be made by,

(d) the owner;

(e) the council of the municipality in which the parcel is situate;

(f) the Inspector of Legal Offices; or

(g) the proper master of titles.

(2) Upon receipt of an application under this section, the Survey director may appoint a surveyor to make a survey and plan of the parcel. 1959, c. 8, s. 6.

7. The director of his own accord upon finding any of the conditions prescribed in section 6 to exist in respect of any parcel may appoint a surveyor to make a survey and plan of the parcel. 1959, c. 8, s. 7.

8.—(1) The director may order any survey under this Act method of survey to be made in whole or in part as a block outline survey or as a complete survey.

(2) The director may give such instructions to the surveyor Instructions as he considers necessary and the surveyor shall comply therewith. 1959, c. 8, s. 8.

9. When a surveyor has completed the work ordered to be done under section 5, 6 or 7, he shall, notwithstanding The Surveys Act, deposit the plan and original field notes of the survey with the director. 1959, c. 8, s. 9.

10.—(1) When a plan and field notes have been deposited under section 9, the director shall cause a notice thereof, Notice of time and place of hearing objections

(a) to be published in The Ontario Gazette; and
setting forth the purpose of the survey and the day, hour and place that he has fixed for hearing the objections of any person thereto.

(2) The director shall furnish a copy of the plan to any person who applies therefor. 1959, c. 8, s. 10.

11. Any person desiring to object to the survey or plan shall deliver to the director by registered mail or by personal service not less than three days before the day fixed for the hearing a written statement setting forth the nature and grounds of his objections. 1959, c. 8, s. 11.

12.—(1) Upon the hearing, the director may dispose of any objections in such manner as he deems just and equitable under all the circumstances and may confirm the survey and plan, or, if he thinks proper to do so, may order that the survey and plan be amended in such manner as he directs in which case he may confirm the survey and plan as so amended.

(2) Notice of the confirmation shall be given in the same manner and to the same persons as the notice of the hearing was given under subsection 1 of section 10. 1959, c. 8, s. 12.

13.—(1) Any person objecting to the confirmation 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 director to amend the survey and plan in such manner as the judge deems proper.

(2) Notice of an appeal under this section shall be served upon the director within twenty days after the date of the publication in The Ontario Gazette of the notice of confirmation. 1959, c. 8, s. 13.

14. When the period of twenty days mentioned in section 13 has elapsed and no appeal has been taken or, if taken, has been disposed of, the director may certify his confirmation of the plan of survey and the certificate is conclusive that every application, notice, publication, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Act. 1959, c. 8, s. 14.

15.—(1) The boundaries fixed by the survey and plan that have been certified by the director and defined by the
monuments shown on the plan under this Act shall, notwith¬
standing any other Act, be deemed to be the true boundaries
of the parcel.

(2) Nothing in this Act affects the establishment or re-
establishment of lines under The Surveys Act, other than the
boundaries fixed under this Act. 1959, c. 8, s. 15.

16. Where the owners of adjoining parcels consent to the
establishment of their mutual boundaries by a survey and
plan made under this Act, the director may confirm and
certify the survey and plan of those boundaries and sections
10, 11, 12 and 13 do not apply. 1959, c. 8, s. 16.

17.—(1) When a plan has been certified under this Act by Registration,
the director, he shall register it in the proper land titles or
registry office and, where the land is in a municipality, he shall
deliver a duplicate plan to the clerk of that municipality.

(2) A plan registered under subsection 1 supersedes all
corresponding portions of all former registered plans and
descriptions and such alterations in the records of the land
titles or registry office, as the case may be, as are necessary
to give effect thereto shall be made. 1959, c. 8, s. 17.

18. Notwithstanding section 161 of The Land Titles Act or
subsection 20 of section 86 of The Registry Act, a plan certified
under this Act may be registered under The Land Titles Act
or The Registry Act, as the case may be, without any approval
under The Planning Act. 1959, c. 8, s. 18.

19. When a survey and plan have been certified under this
Monuments Act, the director may order the removal of any monument
that conflicts with any monument placed under this Act.
1959, c. 8, s. 19.

20.—(1) No claim shall be made against the Assurance Fund established under The Certification of Titles Act or
against the Assurance Fund established under The Land Titles Act in consequence of the boundaries of land having been
certified under this Act.

(2) The protection afforded the assurance funds under this Title insurance section extends to an insurer who has issued a policy of title
insurance as defined by paragraph 62 of section 1 of The Insurance Act. 1959, c. 8, s. 20.

21. The Lieutenant Governor in Council may make
Regulations regulations,

(a) requiring and providing for a cash or other deposit
on applications;
(b) requiring the payment of fees upon the performance of any function under this Act and prescribing the amounts thereof;

(c) prescribing the procedures to be followed with respect to matters under this Act by masters of titles and registrars of deeds;

(d) prescribing forms and providing for their use;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1959, c. 8, s. 21, amended.