

A REVISED APPROACH

Ministry of Consumer and Commercial Relations – Registration Division Real Property Registration Branch

BY T. C. SEAWRIGHT, Examiner of Surveys

A REVISED approach to plan examination is to be implemented by the Real Property Registration Branch, effective January 1, 1986. The major provisions of this revised approach were outlined by T. C. Seawright, Examiner of Surveys, in a series of joint AOLS/MCCR meetings with AOLS Regional Groups in September and October 1985 and are set out in the following paper.

Background on Plan Examination

In 1958 the late Marsh Magwood, Q.C., Director of Titles, initiated the first Code of Standards and Procedures for Surveys and Plans (O.Reg. 111/58 under the Land Titles Act) in order to improve the quality of plans entering the Land Titles System. The Examiner of Surveys was charged with the responsibility of examining Land Titles plans to ensure compliance with the Code.

In 1967, standards were set for plans entering the Registry System (O.Reg. 139/67) and in 1973 the Examiner of Surveys implemented plan checking for all plans to be registered or deposited under the Registry Act.

In 1985, Mr. V. S. McCutcheon, a former Director of the Real Property Registration Branch, was commissioned to review the Registration Division's plan examination processes. His report recommended significant changes to the approach to plan examination and to the organization of the Legal and Survey Standards Branch. This was followed by a Division Task Force to review the recommendations and to structure a plan for implementation which resulted in the following revised approach to plan examination.

Revised Approach to Plan Examination

The major provisions of this new approach are:

- (i) A repealing of the requirement, for most Land Titles Act plans, that they

be approved by the Examiner of Surveys before they are registered or deposited.

Under this new approach, these plans are to be checked by Land Registry Office registration clerks primarily in relation to the land registration system's requirements for registration or deposit only. However, Condominium plans, strata reference plans (i.e. three dimensional plans), Boundaries Act plans and plans prepared to support applications for first registration under the Land Titles Act or for certification of title under the Certification of Titles Act will still require the prior approval of the Examiner of Surveys before they are registered or deposited, in accordance with existing Branch examination procedures.

- (ii) A severe reduction in the extent of the "checklist" examination presently carried out by the Land Registry Office staff for plans to be registered or deposited under the Registry Act.
- (iii) An emphasis on post-registration/deposit monitoring of plans, including field examinations.
- (iv) "De-regulation" of the survey regulations under the Registry Act and Land Titles Act so that they primarily contain only land registration system requirements for the registration and deposit of plans. This de-regulation will take place once regulations are in place under the new Surveyors Act, reflecting the AOLS Standards of Surveys which are now part of the Code of Ethics.

Philosophy of Change

The change in pre-registration and pre-deposit plan examination, as outlined above, does not alter the mandate of the Survey Standards and Title Examination Office (formerly part of the Legal and Survey Standards Branch) to ensure the quality of plans entering the land registration system. The major change is an increased reliance on post-registra-

tion and deposit monitoring and audit and a reduced reliance on detailed examination prior to registration.

This change does not reflect a sudden change in direction for the Division, but reflects the direction the Division has been moving in for some years. Examples of this are:

- (i) The change 10 years ago from an in-depth examination of all Land Titles Act plans to a quick professional overview of each plan with the primary emphasis on survey method.
- (ii) A number of changes were previously made to the survey and plan regulations to remove items that basically told a surveyor how to survey (e.g. items such as "hanging lines must be verified", etc.), and
- (iii) The stated intentions of the Branch three years ago to "de-regulate" the survey regulations under the Registry Act when the Association of Ontario Land Surveyors had survey standards in place.

The change in the plan examination procedure is also consistent with the general progress in the competence of the survey profession since the 1960's and with the demonstrated concern of the Association for the establishment and maintenance of survey standards.

Revised Organization

The revised organization, which will be fully in place effective January 1, 1986, is as follows:

- (i) The Legal and Survey Standards Branch (L.S.S.B.) no longer exists. The staff lawyers now form a new Property Law Branch under the supervision of Tom Rundle, who is also the Director of Titles and the Director of Land Registration. The title examination and survey staff from the former L.S.S.B. now constitute the Survey Standards and Title Examination Office (S.S.T.E.O.) with Tom Seawright as Manager and

Examiner of Surveys. This Office is part of the Real Property Registration Branch which is under the direction of Ron Logan and which is responsible for the administration of the 65 land registry offices in Ontario.

(ii) The S.S.T.E.O. office will have three sections:

(a) The Title Examination Section under Don Haig. This Section processes applications for first registration under the Land Titles Act and applications for certification under the Certification of Titles Act.

(b) The Confirmation and Condominium Section under Jim Gardiner. This Section processes Boundaries Act applications and examines Condominium plans and will also be examining three dimensional (strata) reference plans.

(c) The third Section is the Regional Survey Services Section under Henry Roeser. This Section will consist of Henry and 6 Regional Surveyors:

Mike Brooke in Sudbury for Northern Region.

John Keating in London for South-Western Region.

Tom Glassford and Ted Smith in Toronto for Central Region.

Cam McKay in Kingston and Bob Meisner in Ottawa for Eastern Region.

The Regions covered by the Regional Surveyors correspond to the Real Property Registration Branch "Land Registry Office" regions, except that 4 land registry offices (Hamilton, Welland, St. Catharines and Cayuga) have been added to the Central Survey Region and three (Grey North, Grey South and Bruce) to the South Western Survey Region to balance the survey workload. Note that there will no longer be Regional Surveyors in Thunder Bay and Bracebridge.

The major duties of the Regional Surveyors will be to:

(i) examine all plans relating to first applications under the

Land Titles Act and applications for certification under the Certification of Titles Act, including field examinations;

(ii) receive and process applications for plan corrections;

(iii) randomly monitor ten percent of the plans after they have been registered or deposited — five to ten percent of the plans randomly monitored will be examined in-depth, including field examinations;

(iv) provide technical support and resource services for the land registry offices in his area — this includes staff training, relating to surveying, for land registry office staff, support for parcelization and property mapping projects and liaison with local surveyors.

Compiled plan production and examination has been discontinued as parcelization will replace this process.

Role of the AOLS

The revised approach to plan examination is being implemented in concert with an increased role in survey standards monitoring by the Association of Ontario Land Surveyors. The Association is presently establishing a Survey Review Department to receive referrals and to regularly review plans by all survey firms and government survey departments (see complementary article in this issue of the Quarterly by the Association).

In connection with the Association's expanded role and to complement the new approach to plan examination by the Real Property Registration Branch of the Registration Division, the Association has requested financial assistance from the Ministry of Consumer and Commercial Relations to facilitate the establishment of the Survey Review Department.

Senior staff of the Registration Division strongly support financial assistance in the form of a significant "one-time" grant to help initiate the Association's Survey Review Department. A submission to secure full approval of this program proposal is currently being processed and we are confident of successful implementation in the near future. ●

PUBLIC ACCESS TO PRIVATE LAND

In 1981 the Department of Geography and the Faculty of Law of the University of Western Ontario hosted a Symposium on Public Access to Private Land in Ontario. This symposium was designed to discuss the implications of the revised Act Respecting Occupiers' Liability and the Act to Protect Against Trespass to Property. The symposium saw three keynote speakers address the Background and Rationale for the Acts, the Implications of the New Legislation for Landowners and Occupiers, and the Impact of the New Legislation on the General Public and Specific Recreation Groups. Each keynote paper was followed by responses from panelists and then questions and discussion from the floor.

The 108 page complete transcript of proceedings is now available in special bound form from this Department for the cost of \$12.00 per copy including postage and packing. To order, or for more information, please contact:

The University of Western Ontario
Department of Geography
Social Science Centre
London, Ontario N6A 5C2

CHANGE OF ADDRESS

Effective December 2, 1985 the address of the Association of Ontario Land Surveyors will be

**1043 McNicoll Avenue
Scarborough
Ontario M1W 3W6**