

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**[Bilingual]**

**ONTARIO REGULATION**

to be made under the

**LAND REGISTRATION REFORM ACT**

Amending O. Reg. 19/99

(ELECTRONIC REGISTRATION)

**1. Section 1 of Ontario Regulation 19/99 is amended by adding the following definition:**

“examiner of surveys” means the examiner of surveys appointed under subsection 14 (1) of the *Land Titles Act*; (“inspecteur des arpentages”)

**2. Section 3 of the Regulation is amended by striking out “section 25 of the Act and”.**

**3. The Regulation is amended by adding the following sections:**

**28.1** In addition to the matters set out in sections 4 and 8, if an application to deposit a reference plan is submitted for electronic deposit, it shall contain,

- (a) the plan;
- (b) a statement that the plan is required to be deposited under the *Land Titles Act* on the identified properties;
- (c) a statement by an Ontario land surveyor certifying,

- (i) that the plan is correct and in accordance with the applicable Acts and regulations,
  - (ii) the date of completion of the plan,
  - (iii) that the structures shown on the plan are in existence, if applicable,
  - (iv) that the dimensions shown on the plan have been verified by actual measurements, if applicable,
  - (v) in the case of a compiled or partially compiled plan, that it is an accurate compilation based on specified data, and
  - (vi) in the case of a plan that was approved by the examiner of surveys, the provision of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act* under which it was approved; and
- (d) the approval number of the plan, if any.

**28.2** In addition to the matters set out in sections 4 and 8, if an application to register a plan of subdivision is submitted for electronic registration, it shall contain,

- (a) the plan;
- (b) a statement by the applicant,
  - (i) that the lots, blocks and streets, as the case may be, have been laid out in accordance with the applicant's instructions,
  - (ii) that the streets, street widenings and lanes, as the case may be, are dedicated as public highways and to whom they are dedicated,
  - (iii) setting out the total number of lots and blocks, as applicable, and
  - (iv) setting out the total number of new lots and blocks;
- (c) a statement by an Ontario land surveyor certifying,
  - (i) that the plan is correct and in accordance with the applicable Acts and regulations,
  - (ii) the date of completion of the plan,
  - (iii) that the structures shown on the plan are in existence, if applicable,

- (iv) that the dimensions shown on the plan have been verified by actual measurements, if applicable, and
  - (v) in the case of a plan that was approved by the examiner of surveys, the provision of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act* under which it was approved;
- (d) the approval number of the plan, if any; and
- (e) the approval under the *Planning Act*.

**4. Section 29 of the Regulation is amended by striking out “required under clause 25 (1) (a) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under the *Registry Act*” in the portion before clause (a) and substituting “required under section 85 of the *Registry Act* or clause 25 (1) (a) of Ontario Regulation 43/96 (Surveys, Plans and Descriptions of Land) made under that Act”.**

**5. Subsection 40 (4) of the Regulation is revoked.**

**6. The Regulation is amended by adding the following section:**

**40.1** (1) No person, other than an Ontario land surveyor, shall make the statements mentioned in clause 28.1(c) or 28.2 (c).

(2) For the purposes of subsections 57 (1) and (12) of the *Land Titles Act*, a surveyor who makes a statement in a document mentioned in clause 28.2 (c) of this Regulation that is registered under the *Land Titles Act* shall be deemed not to be the person on whose application the registration was made.

**[Commencement]**

**7. [Commencement]**