

# Affidavit & Owner's Authorization



**TOWN OF OAKVILLE**  
Planning Services Department  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

## AFFIDAVIT

I, \_\_\_\_\_ of the \_\_\_\_\_  
*(Town, City)*

of \_\_\_\_\_ in the \_\_\_\_\_  
*(Region, County)*

of \_\_\_\_\_

**SOLEMNLY DECLARE THAT** all of the above statements outlined in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*. Further, upon completion of all conveyances, I will so advise the Town of Oakville.

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_  
*(Town, City, Region, County)*

this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 202\_\_.  
*(Month)*

\_\_\_\_\_  
SIGNATURE OF OWNER OR AUTHORIZED AGENT

\_\_\_\_\_  
A COMMISSIONER, ETC.

## OWNER'S AUTHORIZATION

If an agent is used, the owner must also complete the following. If the owner is an incorporated company, the corporate seal should accompany the signature.

I, \_\_\_\_\_ being the registered owner of the subject land, hereby  
*(name of owner, individual or company)*

authorize \_\_\_\_\_ to prepare and submit a request for exemption  
*(name of agent)*

from part lot control.

\_\_\_\_\_  
SIGNATURE OF OWNER  
Signing Officer for the Owner if the  
Owner is a Corporation

\_\_\_\_\_  
DATE

February 2003

NOTE TO SOLICITORS AND SURVEYORS

IF YOU ARE INVOLVED IN "SUBDIVISION BY REFERENCE PLANS" PLEASE CONSIDER THE APPROACH OUTLINED IN THE ATTACHED MEMO, WHICH WOULD ALLEVIATE MANY DESCRIPTION AND EASEMENT PROBLEMS INHERENT IN THESE TRANSACTIONS.

MEMORANDUM TO: Land Registrars in Automating Offices  
FROM: Kate Murray, Director of Titles  
RE: SUBDIVISION BY REFERENCE PLAN

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In many land registry offices, developers are developing blocks of contiguous lands by way of reference plans and exemptions from part lot control. In the automated system, this results in a lengthy process for the clients and staff when subsequent transfers and charges are registered on such a PIN. Clients must ensure that the same part on the reference plan has not already been sold and that the easements, appurtenant to the subject property, are properly described in all associated documents. Staff must also duplicate this effort at the time of registration.

As a result, an optional procedure which will assist clients in expediting the registration process and facilitate a simplified registration process for staff has been developed. It applies only to blocks of contiguous lands and is set out below.

- If all lands are owned by the same entity and subject to the same encumbrances, consideration should be given to consolidating all lands within the block to one PIN. This will reduce the effort later required for splits.
- The developer deposits a reference plan indicating how the block of land will "potentially" be subdivided.
- The developer conveys utility easements and other lands required by the municipality as a condition of planning approval.
- The developer registers a Transfer from itself to itself "in trust" which sets out separate descriptions in schedules for all of the potential new parcels, including any together with easements and subject to easements, all referring to the reference plan. Registrars should ensure the subject to and together with easements are consistent between the dominant and servient tenements. In the accompanying Land Transfer Tax Affidavit, there is to be a statement to the effect that "this transfer is registered only to parcelize the land in the manner in which the transferor intends to ultimately convey it to third parties".
- The Transfer is certified and the appropriate splits take place immediately, creating separate PINS based upon the schedules contained in the Transfer document.
- The Property Index Map is updated to indicate the newly created PINS. The developer's lawyer should be given a table indicating the relationship of the PINS to the parts on the reference plan. The lawyer can use this in communication with the purchasers. This table can be placed with the office "set" of Property Index Maps for use by the staff.
- When subsequent registrations are submitted, the transaction of each property can take place in a less cumbersome fashion as the parcels have already been created in the automated system. The "as in number" for the access/maintenance easements would be the registration number of the transfer from the developer to itself.

This procedure will ensure that the descriptions for the new parcels are created in a way that makes the easements consistent between parcels.

In order to realize the benefit, land registry office staff will need to communicate with the developer to time the processing of the registration of the initial Transfer, which sets out the parts to be conveyed, and any subsequent transfers which depend upon the splits having occurred.

Kate Murray