



**STAFF REPORT
ACTION REQUIRED**

**Easement Statute Law Amendment Act, 1990
Annual Report: Year 2006 Notices of Claim (All Wards)**

Date:	March 21, 2007
To:	Government Management Committee
From:	City Solicitor
Wards:	All Wards
Reference Number:	N/A

SUMMARY

This report constitutes the required annual report for the year 2006 of searches and registrations under the Easement Statute Law Amendment Act, 1990. (“ESLAA”).

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council rescind the requirement set out in Clause No.12 of Report No. 4 of the Administration Committee adopted by Council at its meeting held on February 29th, March 1st, and 2nd, 2000, that the City Solicitor report annually on the number of properties/easements which required the registration of Notices of Claim pursuant to the ESLAA in that year.

FINANCIAL IMPACT

The recommendations will have no financial impact beyond what has already been approved in the current year’s budget.

DECISION HISTORY

By its adoption of Clause No.12 of Report No. 4 of the Administration Committee at its meeting held on February 29th and March 1st and 2nd, 2000, the City Solicitor and Commissioner of Works and Emergency Services reported on the successful completion of the reclamation and registration

project relating to Notices of Claim to re-confirm the City's extensive easement interests within the statutory deadlines pursuant to the ESLAA.

The City Solicitor was requested to report annually to the Administration Committee on the reclamation of the City's relevant easement rights pursuant to the ESLAA for each year.

COMMENTS

In 1981, legislative changes to the Province of Ontario's Registry Act resulted in extinguishing easement entitlements unless a Notice of Claim was registered within 40 years of the initial creation of the easement claim. Municipalities launched objections to the 1981 statutory amendments as those amendments meant the possible loss of many municipal easements over private lands.

In response to those objections, ESLAA was enacted on June 21st, 1990 which further amended the Registry Act to provide that certain municipal easements would be preserved provided such easements legally existed on July 31st, 1981 and the relevant Notices of Claim were registered by December 31st, 1999.

Municipalities undertook intensive title searching and registration work by the December 31st, 1999 date to capture and protect the manifold municipal easements which otherwise would have been extinguished. Since the year 2000, City staff annually conducts relevant searches and registrations to protect municipal easements registered forty years previously. The work to maintain the City's easement database, conduct and review timely title searches and effect any necessary registration of Notices of Claim has been accomplished for some years now within existing staff resources.

In the year 2006, in order to protect the City's easement rights that were registered in 1966, title searches of 374 properties were conducted and reviewed, ultimately resulting in the registration of all relevant Notices of Claim to protect municipal easements pursuant to the regime implemented by the ESLAA.

Given that City staff has the necessary expertise to ensure that City easements which require protection under the ESLAA are properly searched and documented, the City Solicitor requests that she no longer be required to report annually on this matter.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor