

GUIDE BOOK SURVEYS Descriptive Formats



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A GUIDE TO DESCRIPTIVE FORMATS TABLE OF CONTENTS

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Supplements

Section 2.1 entitled *Introduction to Plans of Survey* is an overview of the major systems of survey in Manitoba and includes historical references intended to instil a sense of where things come from and why.

Section 2.2 *Elements of Land Descriptions* explains the purpose of land descriptions; outlines what they are based on and what must be in place within the system to support them. It also sets out the traditional principles of description writing.

A GUIDE TO DESCRIPTIVE FORMATS

INTRODUCTION

A land description is comprised of the words, terms, or phrases that identify and locate the individual holdings within the survey system—its purpose is to clearly and unmistakably describe one parcel of land. This section sets out the current standards for writing land descriptions; lists acceptable abbreviations; and explains the structure or format of typical descriptions.

Understanding the terminology that is used in a land description is important. A review of *Sections 2.1* and *2.2* will help clarify the most common descriptive terms.

To ensure that a land description is useful there must be, in place, within the system, the means to tie the description to its physical location.

Survey monuments establish the various survey systems within Manitoba and govern all plan and title boundaries within those systems.

As noted in *Section 2.1, Introduction to Plans of Survey* the purpose of the original Dominion government surveys was to re-establish existing Hudson Bay Co. lots, generate new river lots (wherever there was an indicated preference) and to lay out new 160-acre farm sites across Manitoba and the North West Territories.

The monuments placed by the original surveys physically located the sites and thus facilitated the descriptions of land in letters patent. The plans resulting from the surveys provided the settler with surety in the location of their homestead and much needed topographical information, which included useable acreage.

The descriptions found in the patents form the basis of today's descriptive formats and they are, for the purposes of this guide, categorized as 'conventional' land descriptions.

In June of 1983, the land titles office introduced the 'abbreviated' land description. The intent was to formulate a modern, less wordy approach to writing descriptions. A simple way to achieve this objective was to shorten certain descriptive formats and to abbreviate key words that are common to most land descriptions.

In the spring of 1987, the office released a guide designed to set the new descriptive standard. The manual contained a glossary of acceptable abbreviations and provided examples of shortened formats.

The material contained within this guide is consistent with the 1987 concept and differs only when affirming descriptive principles. The original glossaries have been up-dated to reflect current usage.

Armand Roy
Supervisor
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Abbreviations

Glossary 1

Winnipeg Register for Outside Districts	Abbreviation	District Office
Boissevain	BO	Brandon
Brandon	B	Brandon
Carman	C	Morden
Dauphin	D	Dauphin
Dufferin	DU	Morden
Dufferin-Lorne	DL	Morden
Lisgar	L	Winnipeg
Manchester	MN	Winnipeg
Marquette East	ME	Portage
Marquette West	MW	Portage
Morden	M	Morden
Morris	MO	Winnipeg
Neepawa	N	Neepawa/Portage
Norfolk	NO	Portage
Portage	P	Portage/Winnipeg
Provencher	PR	Winnipeg
Rock Lake	RL	Morden
Rockwood	R	Winnipeg
Selkirk	S	Winnipeg
Shoal Lake	SL	Neepawa
Souris River	SR	Brandon
Turtle Mountain	TM	Brandon
Virden	V	Brandon
Winnipeg	W	Winnipeg

Glossary 2

Terms/general	Abbreviation
Division	(DIV)
Special Plot	SP
Special Survey	SS
Excepting	EXC
Land Titles Office	LTO
Perpendicular	PERP
Northerly	NLY
Southerly	SLY
Easterly	ELY
Westerly	WLY
Northeasterly	NELY
Northwesterly	NWLY
Southeasterly	SELY
Southwesterly	SWLY
Terms/Township System	
East of the Principal Meridian	EPM
West of the Principal Meridian	WPM
East of the Second Meridian East	E2ME
Northeast Quarter	NE $\frac{1}{4}$
Northwest Quarter	NW $\frac{1}{4}$
Southeast Quarter	SE $\frac{1}{4}$
Southwest Quarter	SW $\frac{1}{4}$
North half	N $\frac{1}{2}$
South half	S $\frac{1}{2}$
East half	E $\frac{1}{2}$
West half	W $\frac{1}{2}$
Fractional	FRAC
River Lot	LOT (township system only)
Terms/Parish System	
River Lot	RL
Outer Two Mile Lot(s)	OTM LOT(S)
Wood Lot	WL
Saint	ST
Sainte	STE

Rules

The only acceptable abbreviations are those set out in the glossaries of this guide. Do not use any additional abbreviations as set out in the *Instructions for Surveys and Plans* they are not intended for use in land descriptions.

Do not abbreviate or use symbols for the following:

- INCHES, FEET, METRES, DEGREES, MINUTES AND SECONDS
- STREET, AVENUE, BOULEVARD, DRIVE, PLACE, PUBLIC RESERVE,
- WATER CONTROL WORK, RAILWAY COMPANY NAMES
- ROMAN CATHOLIC MISSION PROPERTY (considered a parish plan)
- LEGAL SUBDIVISION, RIGHT-OF-WAY AND SECTION
- RIVER LOTS AND WOOD LOTS—‘RIVER LOTS’ and ‘WOOD LOTS’ must be written in full when more than one lot is being described

Do not:

- add a period after an abbreviation
- substitute ‘EASTERN,’ ‘WESTERN,’ ‘NORTHERN’ AND ‘SOUTHERN’ with ‘EAST,’ ‘WEST,’ ‘NORTH’ and ‘SOUTH’
- substitute ‘PERPENDICULARLY’ with ‘PERP’

The focus of the 1987 guide was on brevity and, many times, in the spirit of brevity, key aspects of a conventional land description were determined to be redundant and therefore deleted. As a result, subtle forms of ambiguity have emerged in several abbreviated formats. In some instances, the boundary of a parcel of land is ‘presumed’ and no longer clearly identified within the description.

For example:

- In the conventional description ‘THE WESTERLY 25 FEET IN WIDTH OF LOT 2’ the term ‘IN WIDTH’ establishes that the title distance must be measured along the northern and southern limits of the lot. In the abbreviated version ‘THE WLY 25 FEET OF LOT 2’ the term (now considered unnecessary) is deleted—we presume that the method of measurement is understood.
- With respect to the following abbreviated format ‘ALL THAT PORTION OF THE NW $\frac{1}{4}$ 23-2-5 EPM WHICH LIES NORTH OF PUBLIC ROAD PLAN 10000 WLTO’ we must presume that the parcel lies north of the ‘northern limit’ of the road; the boundary is no longer definite.

- The following abbreviated land description 'RIVER LOTS 1 AND 2 PARISH OF STE ANNE, EXC OUT OF SAID LOTS: ROAD PLAN 5678 WLTO' is quite often shortened by dropping reference to 'OUT OF SAID LOTS'. The resulting description is less definite; we must presume that the road affects both lots. The uncertainty can be compounded by the following exception 'AND FURTHER EXCEPTING OUT OF SAID LOT 2: ROAD PLAN 1000 WLTO'.

It is difficult to weigh the long-term impact of these seemingly harmless changes. They have now existed within the system for several years and appear to have only added a degree of ambiguity. So far, this has not become problematic; however, for the benefit of users of the land titles system, it would be prudent to re-affirm Chataway's principles being: Definiteness, Clearness, Brevity, Neatness, and Uniformity of Expression (see *Section 2.2*). Although, brevity in a land description is important, it does not supersede definiteness or clearness—it ranks third in Chataway's list of priorities.

PUNCTUATION

The standard for capitalization and punctuation in land descriptions has often changed; the following informal review of titles in the Winnipeg district indicates that the changes have been cyclical.

Conventional Descriptions

Prior to 1929

- a typical description took the form of a single sentence
- conventional capitalization applied
- semi-colons and commas bracketed important phrases or clauses, and a period ended the sentence (standard punctuation)
- the number of parcels of land within the title dictated the number of sentences created (seven parcels generated seven sentences)

Early 1930's

- standard punctuation retained
- all words within the land description are upper case
- the period at the end of a description has been dropped but re-emerges in 1935

From the 1940's through to the 1970's

- standard punctuation retained
- conventional capitalization reinstated (lower case)
- in 1951, the period, once again, fell out of fashion but reappears in 1957

Modern Descriptions (abbreviated)

1983/1984

- abbreviated land descriptions begin to appear in titles
- conventional capitalization and punctuation still in place
- a period follows abbreviated words

1985/1986

- the period following abbreviated words and at the end of land descriptions, is dropped
- conventional capitalization still in place

1988/2005

- all words within the land description are upper case
- the period following abbreviated words and at the end of land descriptions, is dropped

As shown, the organization's slant on punctuation and capitalization has changed significantly over the years making it difficult to impose new standards.

Nevertheless, punctuation plays an important role in the interpretation of a land description and must be applied carefully to satisfy that purpose.

Recommendations and examples

- do not over-punctuate a land description
- a period at the end of a land description or after an abbreviation is not required (with the exception of 'NO.' as in, 'EXC ROAD NO. 1 PLAN 12345 WLTO')
- use commas to clarify and separate various elements; either words or phrases in series within a description (see example 1)
- use a colon after the following terms:
 - BOUNDED AS FOLLOWS:
 - CONTAINED WITHIN THE FOLLOWING LIMITS:
 - EXC FIRSTLY: ...SECONDLY: ... AND THIRDLY:

Capitalization

The format of the electronic system requires the legal descriptions to be in upper case.

Example 1

LEGAL SUBDIVISIONS 7, 10, 14 AND 15 OF SECTION 8-23-4 WPM
EXC OUT OF SAID LEGAL SUBDIVISION 7: THE ELY 600 FEET PERP

Example 2

PARCELS A, B, C AND D PLAN 10210 WLTO
IN NW $\frac{1}{4}$ 21-4-5 EPM

PARCELS 1, 2 AND 3 PLAN 10210 WLTO
IN NW $\frac{1}{4}$ 21-4-5 EPM

Example 3

OTM LOT 69 "A" PARISH OF ST ANDREWS

PARK LOT "R" PARISH OF ST ANDREWS

LOT "A" ROMAN CATHOLIC MISSION PROPERTY

BASIC DESCRIPTIVE FORMATS

The following examples set out the acceptable wording required to describe land under the township system.

1. SECTION 36-6-12 EPM (WPM) (E2ME)

Always add 'SECTION' before the section number

A township and range can lie either east or west of the Principal meridian or east of the Second meridian east --see *Introduction to Plans of Survey – Township System*

2. THE N ½ OF SECTION 36-6-12 EPM

'OF' signifies a 'PART OF'

3. THE N ½ OF THE N ½ OF SECTION 36-6-12 EPM

Using 'OF THE' or 'OF' amounts to an insignificant change in wording that does not affect the original meaning or intent; however, the preferred terminology is 'OF THE'. In some instances, the term 'OF THE' ties a land description together and improves the flow. For example; 'ALL THAT PORTION OF THE ..., WHICH LIES WEST OF THE WESTERN LIMIT OF ROAD...'

4. THE NE ¼ AND THE S ½ OF SECTION 36-6-12 EPM

Whenever possible, the description should be arranged to progress from the smallest parcel to the largest

5. THE W ½ OF THE NW ¼, **THE** NE ¼ AND THE S ½ OF SECTION 36-6-12 EPM

In this instance, using 'THE' improves the clarity of the description; without it, the description may be thought to imply the 'W 1/2 OF THE NE ¼' rather than the entire quarter section. However, if the intention is to describe the west half of both quarters, the description would then be written as 'THE WEST HALF OF THE NW ¼ AND THE WEST HALF OF THE NE ¼ OF SECTION...'

Do not add 'ALL OF' before 'THE NE ¼' in an attempt to further clarify this format

It is common practice to sometimes write the description as 'THE S ½, THE NE ¼ AND THE W ½ OF THE NW ¼ OF SECTION ...' this practice is acceptable, although unnecessary in this instance

6. **LEGAL SUBDIVISIONS** 1 AND 2 OF **SECTION** 36-6-12 EPM

Do not abbreviate 'LEGAL SUBDIVISION'

For clarity, when describing legal subdivisions always add 'SECTION' before section number

7. **THE SOUTH HALVES** OF LEGAL SUBDIVISIONS 7 AND 8 OF SECTION 33-6-12 EPM

Do not substitute 'SOUTH HALVES' with 'S ½' or 'S ½'s' it must be written in full

8. THE W ½ OF THE NW ¼, THE NE ¼ AND THE S ½ OF SECTION 25; THE NE ¼ AND THE S½ OF SECTION 36-6-13 EPM

The description is broken into separate parcels if the sections fall within different townships or ranges

9. THE SE ¼ OF SECTION 31-14-6 EPM

ACCORDING TO PLAN 2506 WLTO WHICH LIES NORTH OF...

The land titles office has discontinued the practice of incorporating block outline special surveys into land descriptions. The current policy is to delete the plan nos. from existing titles

Although, plan 2506 appears to be a block outline special survey—it is not. In this instance, the land is a part of the former St. Peter Indian Reserve. The land, no longer required for purposes of reserve, was, for reasons of disposal, subdivided into sections by virtue of plan 2506. **Therefore, do not delete plan 2506 from the description as this quarter section was created by registered plan**

This situation is not unique; so consequently, do not delete the plan no. without confirming the type or nature of the plan

Arrange the description as follows:

1. Land description
2. Reference to plan that creates sections
3. Followed by exception or described portions

10. FRAC SECTION 27-25-6 EPM

ACCORDING TO A TOWNSHIP DIAGRAM APPROVED AND CONFIRMED AT OTTAWA ON SEPTEMBER 26TH 1916, BY E. DEVILLE, SURVEYOR GENERAL OF DOMINION LANDS

'Frac' (Fractional) indicates that only a portion of the land in the section remains available for use; the remainder is covered by lake, river, stream, previous settlement, Indian reserve, or change of system

A specific township diagram defines the limits of the fractional portion; a specific diagram is identified by its date of approval (the day it was signed by the Surveyor General or Director of Surveys). After 1930 the Director of Surveys has the authority to create township diagrams

Arrange the description as follows:

1. Land description
2. Reference to township diagram
3. Followed by exceptions or described portions

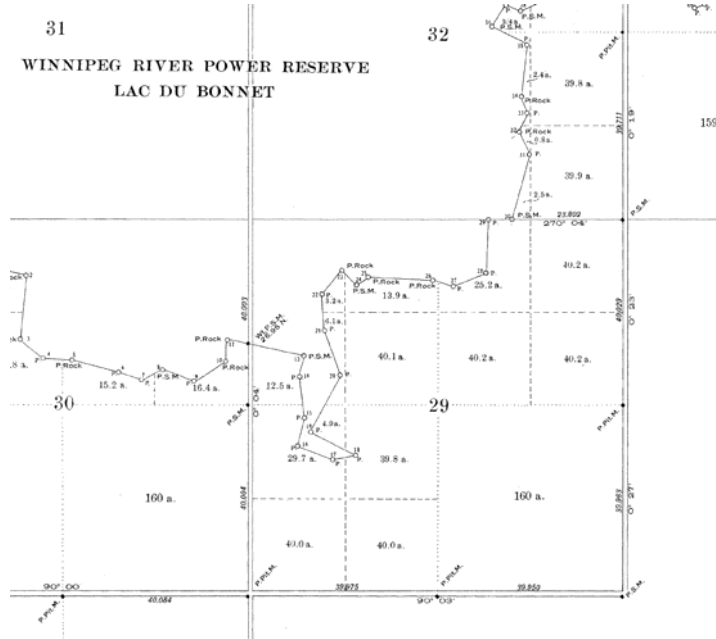
11. THE **FRAC** NE ¼ OF SECTION 20-25-6 EPM

ACCORDING TO TOWNSHIP DIAGRAM APPROVED AND CONFIRMED AT OTTAWA ON SEPTEMBER 26TH 1916, BY E. DEVILLE, SURVEYOR GENERAL OF DOMINION LANDS

Do not rewrite the description as 'NE ¼ OF FRAC SECTION 20...' see descriptions 4 and 5 *Section 2.2, Elements of Land Descriptions*

12. THE SW 1/4 OF SECTION 29-16-13 EPM

EXC ALL THAT PORTION CONTAINED WITHIN THE LIMITS OF THE **WINNIPEG
RIVER POWER RESERVE**, ACCORDING TO A TOWNSHIP DIAGRAM
APPROVED AND CONFIRMED AT OTTAWA ON SEPTEMBER 16TH 1922, BY T.
SHANKS FOR THE SURVEYOR GENERAL OF DOMINION LANDS



The Winnipeg River Power Reserve, in itself, does not make the section or quarter section fractional. The land is fractional when the original grant indicates that the Crown reserved the bed of the river; it must also be clear that the title for the power reserve does not include the bed

The township diagram defines the limits of the power reserve

This description may reflect two circumstances:

- The river may not cut through the quarter section (a review of an earlier diagram would confirm this).
- The title for the power reserve clearly indicates that it includes the bed of the river

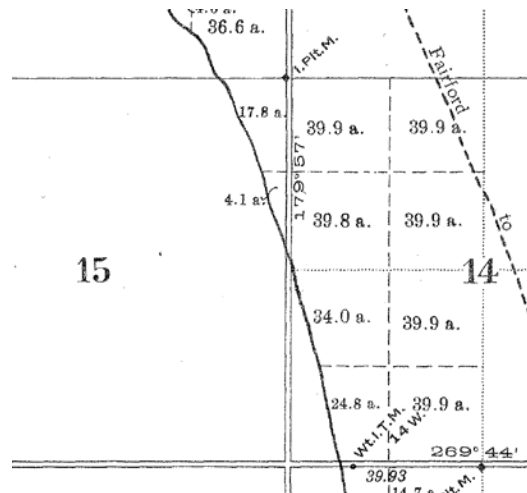
Situations, where it cannot be determined whether the bed is included in the reserve (power reserve and river remain old system) are to be discussed with the Examiner of Surveys or his Deputy

Arrange the description as follows:

1. Land description
2. Any exception or described portion that specifically refers to the Winnipeg Power Reserve or, the bed or bank of a body of water
3. Reference to appropriate township diagram (you must define or anchor the OHWM)

This policy applies, as well; to “Lake of the Prairies,” the lake is also manmade.

**13. THE E ½ OF LEGAL SUBDIVISION 9, THE N ½ AND SE ¼ OF LEGAL SUBDIVISION 16 OF SECTION 15-29-10 WPM
EXC THOSE PORTIONS COVERED BY THE WATERS OF PORTAGE BAY, LAKE MANITOBA, ACCORDING TO A TOWNSHIP DIAGRAM APPROVED AND CONFIRMED AT OTTAWA ON APRIL 5TH 1921, BY T. SHANKS FOR THE SURVEYOR GENERAL**



After a cursory check, the temptation would be to rewrite the description as:
'FRAC NE ¼ OF SECTION 15-29-10 WPM ACCORDING TO A TOWNSHIP DIAGRAM ..., ON APRIL 5TH 1921, BY T. SHANKS ...' Do not rewrite the description as this would extend the right of accretion beyond the original legal subdivision limits

14. LOT 18 IN TOWNSHIP 22 RANGE 2 EPM

Add 'TOWNSHIP' and 'RANGE' in full when describing lots in the township system

Do not substitute 'IN' with 'OF' the lot is 'in' the twenty-second township and second range east of the Principal meridian not 'of' it

In the Dominion government survey of the township system some sections were subdivided into lots. The patents for these lots often refer to them as river lots. Not all of these lots extend to a river and the original survey does not make reference to river lots. The generic term 'LOT' is now used in all instances to describe lots in the township system. Amend all descriptions accordingly.

The following examples set out the acceptable wording required to describe land under the parish system.

The plan heading of the original Dominion government survey (or special survey thereof) and issuing Dominion patent, determined the wording and format used in the land description. If the heading set out 'Plan of Rat River Settlement' then the wording followed as 'LOT 5 RAT RIVER SETTLEMENT' not 'LOT 5 SETTLEMENT OF RAT RIVER'

1. RL 5 PARISH OF STE AGATHE

The abbreviated wording used in the land description is derived from the heading of the original Dominion government survey, namely: 'PLAN OF RIVER LOTS IN THE PARISH OF STE. AGATHE'

2. OTM LOT 69 "A" PARISH OF ST ANDREWS

The abbreviated wording is derived from the heading of the original Dominion government survey, namely: "Plan of Lots in the 'OUTER TWO MILES" PARISHES OF ST. ANDREWS AND ST CLEMENTS'

3. PARK LOT "R" PARISH OF ST ANDREWS

Park lots are found in the 'Outer Two Miles' of certain parishes (*Section 2.1, Introduction to Plans of Survey*) the conventional description was 'PARK LOT "R" OTM PARISH OF ST ANDREWS'; however, to address indexing concerns, 'OTM' has been deemed unnecessary, and is now deleted from the description. Amend all descriptions accordingly

The titles must be indexed as 'PARK LOTS' not 'OTM LOTS'

4. LOT "A" SETTLEMENT OF ST MALO

The abbreviated wording is derived from the heading of the original Dominion government survey
Example: 'PLAN OF THE SETTLEMENT OF ST MALO'

The Dominion grants establish 'LOTS' but there have been two subsequent special surveys of the settlement each maintaining the original heading but introducing the term 'RIVER LOT'

Consequently:

For land description purposes—all lots (other than, wood lots and group lots) in all settlements, are now identified as 'LOTS' not 'RIVER LOTS' or 'SETTLEMENT LOTS'

But:

For title indexing purposes, the lots (other than, wood lots and group lots) are indexed as SETTLEMENT LOTS (SL)

For plan search purposes, the plans are indexed under 'SETTLEMENT LOT' (SL) other than, wood lots and group lots

5. LOT 101 ROMAN CATHOLIC MISSION PROPERTY

As set out in *Section 2.1, Introduction to Plans of Survey*, the mission property is administered as an original Dominion government survey

Do not abbreviate 'ROMAN CATHOLIC MISSION PROPERTY'

Delete any references in the land description to 'PLAN 433 WLTO'

Change 'BLOCK' to 'LOT'

For title search purposes, index under 'RC' not 'PLAN 433' and under 'SL' not 'RL'

The following examples set out the acceptable wording for whole lots or parcels under Subdivision, Special Plot, Special Survey and Explanatory plans

Subdivision Plan

LOT 1 PLAN 32078 DLTO → main component includes lots, block, and plan **number**
IN NE ¼ 13-27-13 WPM → this part of the description is called the “DGS”—it
locates the plan within the survey system

The reference to ‘NUMBER’ or ‘NO.’ in a land description is no longer used

The word ‘SECTION’ is not required in the ‘DGS’

A reference to the original Dominion government survey or ‘DGS’ is an absolute requirement when preparing any lot or parcel type land description; this provides the means, if the plan number in the land description is incorrect, to cross-reference the survey index to track down the correct number. The ‘DGS’ must come at the end of the land description and must follow the wording set out in the heading of the plan

Subdivision Plan

LOTS 1, 2 AND 3 AND LOTS 20 TO 24, BOTH INCLUSIVE,
PLAN 13052 WLTO (L DIV)
IN RL 71 TO 76 PARISH OF ST CLEMENTS

When describing up to 3 lots—each lot is enumerated

The term ‘BOTH INCLUSIVE’ must be used in any description that contains more than three lots; without the term it can be presumed that the title only includes lots 20, 21, 22 and 23; essentially, containing the lots leading up to but not including the final lot)

The term ‘BOTH INCLUSIVE’ is not used in the ‘DGS’ nor is it used when describing lettered parcels

Plan nos. must reflect the land titles district office and division

Special Plot Plan

SP LOTS 4, 5 AND 6 BLOCK 1 PLAN 16828 WLTO
IN S ½ 4-9-4 EPM

Land descriptions resulting from the registration of a Special Plot plan follow the same format as a plan of subdivision; however, the identifier 'SP' is added before the lot number, this identifier tells an examiner that they are not dealing with a plan of subdivision and that a subsequent transfer of a special plot lot may require planning approval (if the lot were transferable prior to the registration of the Special Plot Plan it would remain transferable after)

The word 'Section' is not required in the 'DGS'

Special plot plans are based on land titles records and are not surveyed on the ground

Special Survey

LOTS 1 TO 10, BOTH INCLUSIVE, BLOCK 1; LOTS 2, 5 AND 8 BLOCK 4 AND BLOCK
6 PLAN 12345 WLTO
IN PARK LOT "AAA" PARISH OF ST ANDREWS

Land descriptions resulting from the registration of a total special survey follow the same descriptive format as set out for plans of subdivision

Explanatory Plan

PARCELS A, B, C AND D PLAN 20494 WLTO
IN RL 16 TO 26 PARISH OF ST ANDREWS

Quotation marks are not required when more than one lettered parcel is referred to in the description

Explanatory Plan (various “DGS”)

PARCELS A, B, C, D AND F PLAN 34260 WLTO

IN SE ¼ 21, S ½ 22 AND **SECTION** 15-11-2 EPM

IN OTM LOTS 12, 13, 14 “A,” 15 “A” AND 16 TO 19 PARISH OF ST JAMES,

AND **IN GOVERNMENT ROAD ALLOWANCES** (CLOSED)

AND **IN BED OF RED RIVER**

Only add the word ‘SECTION’ to the ‘DGS’ when the plan includes portions of the entire section

The ‘DGS’ can sometimes refer to a portion of government road allowance or the bed of a body of water. Government road allowances and the beds of certain rivers or lakes (those reserved to the Crown by way of original grants) maintain their identity and form part of the ‘DGS’ of a land description

PORTIONS

The original Dominion government surveys established the framework (township, parish, settlement, townsite plans and Indian reserves) that met the requirements of early settlement. The cost of surveying—often considered an overburden by landowners and by government, ensured the further subdivision of land by means of words rather than subsequent surveys.

The ‘metes and bounds’ land description (comprised of a variety of descriptive formats) facilitated the further subdivision of the survey system. The expression ‘metes and bounds’ is an old English term denoting a surveyor’s description of a parcel of real property using carefully measured distances, angles, and directions, which results in what is called a legal description of the land (law dictionary).

There are many ways to describe a portion of a holding; this section provides examples, discusses proper interpretation and highlights key descriptive terms. Some examples, however, are restricted in their use and are currently unsuitable for subdivision purposes; nonetheless, all formats remain relevant and must be clearly understood before attempting to prepare a residual description.

Halves

The most common subdivision of property is the 'halving' of a parcel. You will find the term 'half' incorporated in all manner of description. It has been used in the township system (very suitable for this type of split) the parish system (not suitable) and any further subdivision of these systems by means of lot or parcel plan.

The interpretation of 'half' has been determined by 'usage' rather than strict mathematical definition—the extremities, being the northern, southern, eastern or western limits of the parcel of land (or those limits, which run most nearly north, south, east and west) are bisected and straight lines join the opposite points. This can result in parcels that are not necessarily equal in area

Parcel, in this instance, would include quarter section, river lots, lots, or parcels on explanatory plans but does not include the halving of sections. The north half of a section by 'usage' is the northwest and northeast quarters, the boundaries of a half section is often based on a corrected township diagram or special survey rather than bisecting the extremities of the section

(See Section 2.2, *Chataway's Examples of Usage in Manitoba*)

THE LAND TITLES OFFICE NO LONGER ALLOWS A DESCRIPTION THAT PURPORTS TO GENERATE A HALF OF ANY PARCEL OF LAND BY USING THE TERMS 'E ½,' 'W ½,' 'N 1/2,' AND 'S ½'

Chataway set standards to help determine whether a parcel of land qualified to be halved.

- A lot had to be a parallelogram or very nearly so
- A river lot's side lines were to be continuous, parallel, or nearly so
- the frontage along the river had to be regular

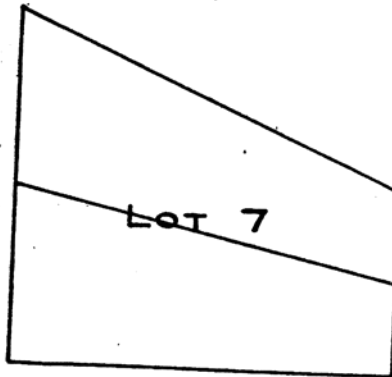
An alternative descriptive format was necessary when the parcel did not meet the noted requirements.

For an example of:

- An irregular river frontage—see description 11; *Section 2.2, Elements of Land Descriptions*
- An irregular north half of a section—see description 3 and alternative to description 3; *Section 2.2* (pages 12 and 13)

For an irregular lot, (taken from description 14; *Section 2.2*)

ALL THAT PORTION OF LOT 7..., WHICH LIES NORTH (OR SOUTH) OF A
STRAIGHT LINE DRAWN FROM A POINT IN THE WESTERN LIMIT OF SAID LOT,
EQUIDISTANT FROM THE NORTHWEST AND SOUTHWEST CORNERS OF SAID
LOT TO A POINT IN THE EASTERN LIMIT OF SAID LOT EQUIDISTANT FROM
THE NORTHEAST AND SOUTHEAST CORNERS OF SAID LOT...



If this lot were a parallelogram the description would be 'THE N $\frac{1}{2}$ OF LOT 7'

Descriptions based on natural boundaries, or plan limits

Another typical subdivision of land stems from a landowner's desire to divide their land by the physical barriers that cross their property; such as, a river, and creek, or drain, road, railway or transmission line. The following formats facilitate this type of subdivision.

Example:

**ALL THAT PORTION OF THE NW ¼ OF SECTION 23-10-2 EPM
WHICH LIES NORTH OF THE NORTHERN LIMIT OF ROAD PLAN 12345 WLTO**

1) Whenever, you are describing a portion of a quarter section, river lot, subdivision lot or parcel, which lies north of some plan or natural boundary you must start the description with 'ALL THAT PORTION' followed by 'WHICH LIES'

Example:

'ALL THAT PORTION OF THE NW ¼ ..., **WHICH LIES** NORTH OF THE NORTHERN LIMIT OF ROAD PLAN...', (this means the entire portion of the quarter section, which lies north of the northern limit of the road)

Or

'ALL THAT PORTION OF THE WLY 300 FEET PERP OF THE NW ¼ ..., **WHICH LIES** NORTH OF THE NORTHERN LIMIT OF ROAD PLAN ...' (means the entire portion of the wly 300 feet perp, which lies north of the northern limit of the road)

2) If you are dealing with a portion of a portion then you must use 'ALL THAT PORTION' followed by 'LYING' then followed by 'WHICH LIES' (**customary wording**)

Example:

'ALL THAT PORTION OF THE NW ¼ ..., **LYING** NORTH OF THE NORTHERN LIMIT OF ROAD PLAN..., **WHICH LIES** SOUTH OF THE SOUTHERN LIMIT OF DRAIN PLAN...'

Or

3) 'ALL THAT PORTION OF THE WLY 300 FEET PERP OF THE NW ¼ ..., **LYING** NORTH OF THE NORTHERN LIMIT OF ROAD PLAN ..., **WHICH LIES** SOUTH OF THE SOUTHERN LIMIT OF DRAIN PLAN...'

Note: 'WHICH LIES BETWEEN' can be used as an alternative format for example 3

Example:

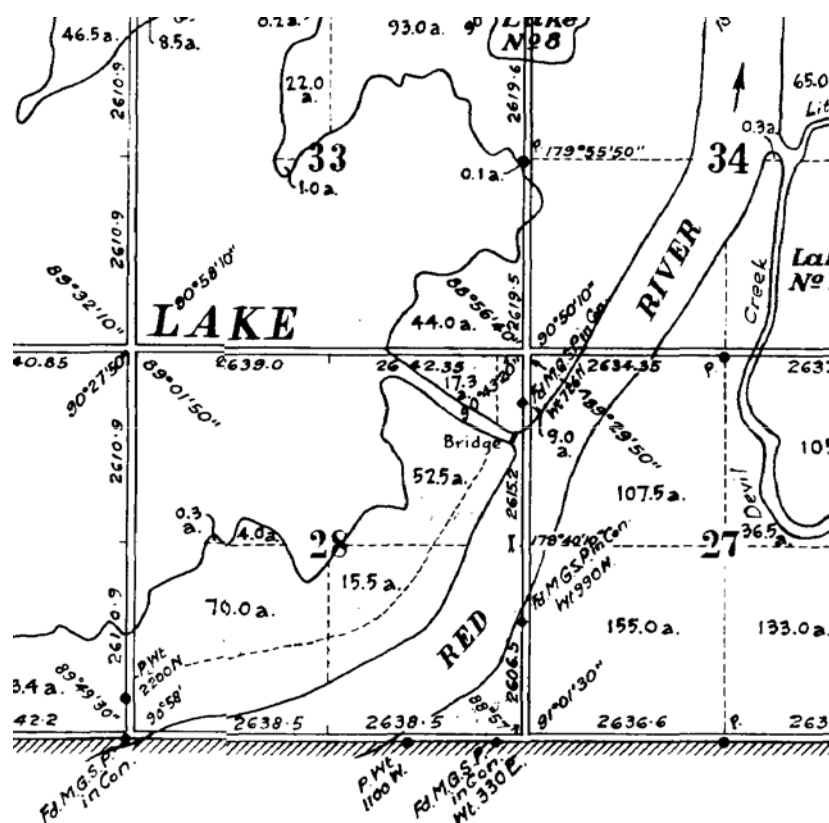
'ALL THAT PORTION OF THE WLY 300 FEET PERP OF THE NW ¼..., WHICH LIES BETWEEN THE NORTHERN LIMIT OF ROAD PLAN 12345 WLTO AND THE SOUTHERN LIMIT OF DRAIN PLAN ...'

4) If the limit of the plan (road, drain, etc) jogs or changes course do not change 'LYING NORTH OF THE NORTHERN LIMIT OF ROAD' to 'LYING NORTH OF THE NORTHERN LIMITS' this is an insignificant change in wording. The northern limit of the road is a continuous limit no matter how many course changes

5) It is always useful to identify the type of plan that forms the boundary or exception in a holding –do not delete 'ROAD' from the description the word 'PUBLIC' however, can be deleted

Example:

ALL THAT PORTION OF THE **FRAC** SE ¼ OF SECTION 28-15-5 EPM
WHICH LIES WEST OF THE LEFT BANK OF THE RED RIVER, ACCORDING TO A
TOWNSHIP DIAGRAM APPROVED AND CONFIRMED AT OTTAWA ON MAY 6TH
1889, BY E. DEVILLE, SURVEYOR GENERAL OF DOMINION LANDS



A reference to Fractional in this description indicates that bed of the river and lake are reserved in the original grant from the crown

'WHICH LIES WEST' or 'WHICH LIES TO THE WEST' is an insignificant change in wording that does not vary the interpretation or meaning of the description. Generally speaking 'TO THE' is considered unnecessary and is usually deleted in order to shorten the description

The bank of a river is referred to as the **right** or **left** bank according as it is to the right or left, looking down the stream (clause 219 - 9th Edition *Manual of Instructions for the Survey of Dominion Lands*, printed 1918)

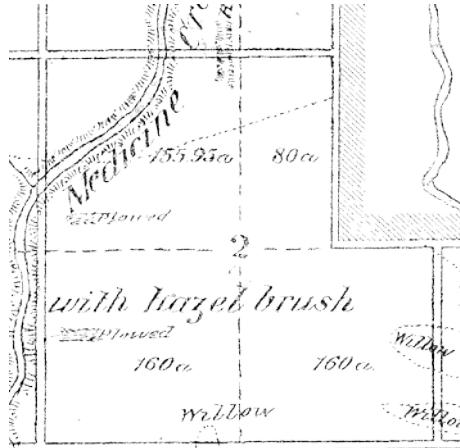
The direction of flow is depicted on a township diagram with an arrow (see section 34 on sketch)

Arrange the description as follows:

1. Land description
2. Any exception or described portion that specifically refers to Winnipeg Power Reserve or, the bed or bank of a body of water
3. Reference to appropriate township diagram (you must define or anchor the OHWM)

Example:

ALL THAT PORTION OF THE NW ¼ OF SECTION 2-15-4 EPM WHICH LIES
NORTHWEST OF MEDICINE CREEK



This is a very common descriptive format found in many titles. The description, however, is vague with respect to the title boundary—does it extend to the bank or to the centreline of the creek?

In the description, there is no specific reference to 'fractional', which suggests that the bed of the river is under private ownership; if private ownership is confirmed (determined by a review of the grant) then the accepted interpretation of the boundary is to the centreline of the river or creek (based on clauses 199 to 203 inclusive of the 9th Edition of the *Manual of Instructions for the Survey of Dominion Lands*)

Upon confirmation of private ownership, amend the land description as follows:

ALL THAT PORTION OF THE NW ¼ OF SECTION 2-15-4 EPM WHICH LIES NORTHWEST OF THE CENTRELINE OF MEDICINE CREEK, ACCORDING TO A TOWNSHIP DIAGRAM APPROVED AND CONFIRMED AT OTTAWA ON FEBRUARY 15TH 1901, BY E DEVILLE SURVEYOR GENERAL OF DOMINION LANDS

Note:

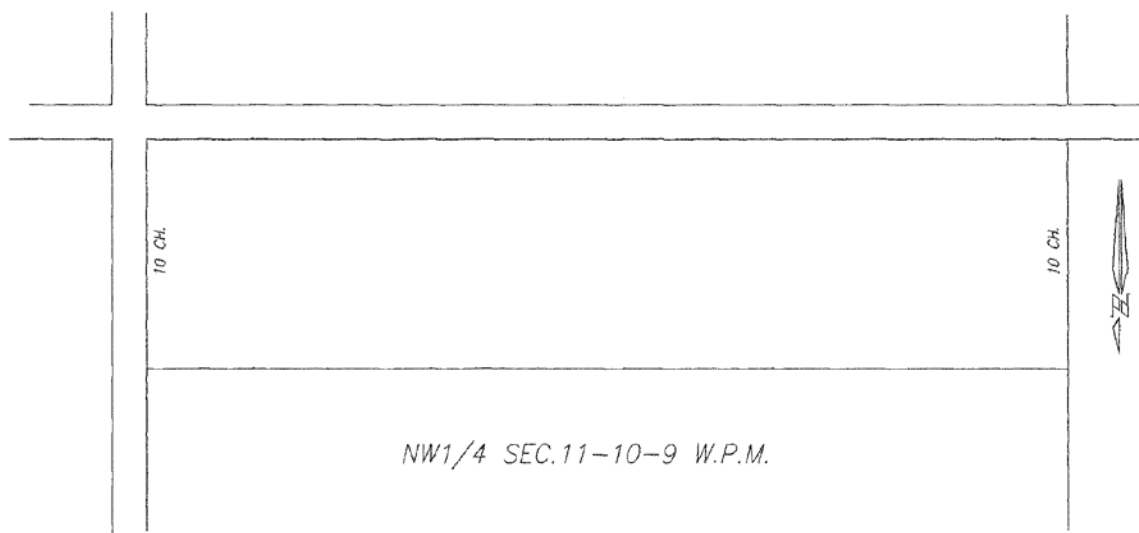
- You must refer to the township diagram that was in effect at the time the grant issued
- Check adjoining titles for any potential conflict between descriptions; any discrepancy between the titles must be referred to the Examiner of Surveys

Descriptions for portions based on uniform depth or width

Sometimes there is a need to subdivide property by measurement alone. The following formats facilitate these dealings.

Example:

THE NLY 10 CHAINS OF THE NW ¼ OF SECTION 11-10 -9 WPM

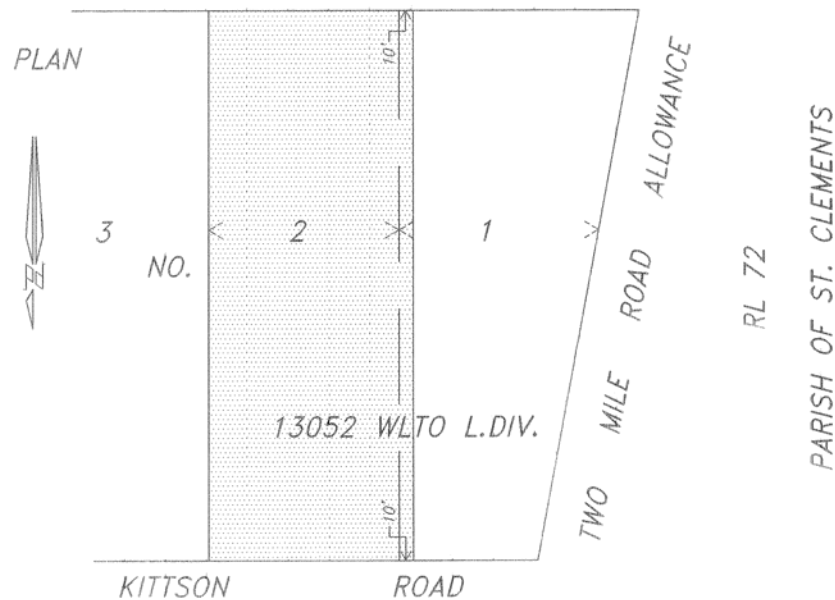


The interpretation of this description is determined by 'usage'; the distance of 10 chains in depth is measured southerly from the northern limit of the quarter section along the eastern and western limits of the quarter section, with a straight line joining the two points. The term 'IN DEPTH THEREOF' is no longer used—it is now implied

Always convert chains or rods into feet (or metres). Example: **1 chain = 66 feet; 1 rod = 16.5 feet**

Example:

LOT 2 **AND THE WLY 10 FEET OF LOT 1** PLAN 13052 WLTO (L DIV)
IN RL 71 TO 76 PARISH OF ST CLEMENTS



The interpretation of this description is also determined by usage; the distance of 10 feet in width is measured easterly from the western limit of lot 1 along the northern and southern limits of the lot, with a straight line connecting the two points. The term 'IN WIDTH THEREOF' is no longer used it is implied

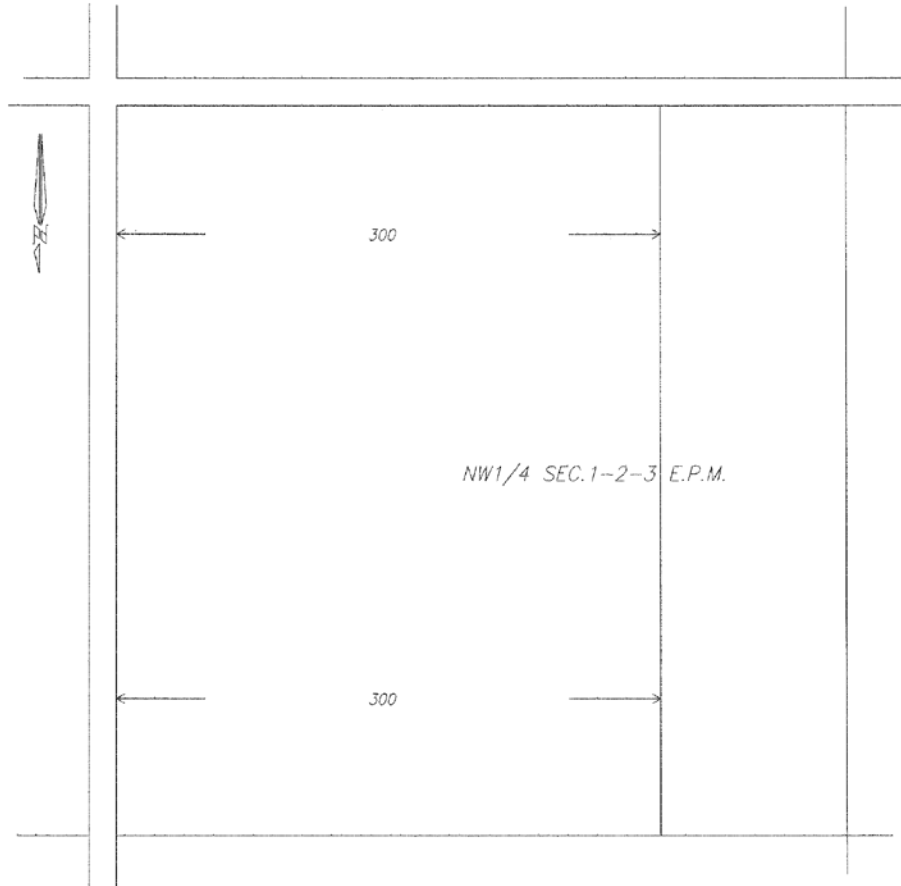
If we were taking the nly 10 feet of lots 2 and 3, the description would read as 'THE NLY 10 FEET OF LOTS 2 AND 3 or, another variation, 'THE NLY 10 FEET **OF** LOTS 2 **AND** 3 BLOCK 1, **OF** LOTS 5 **AND** 6 BLOCK 2, **AND** **OF** LOTS 3 TO 9, BOTH INCLUSIVE, BLOCK 4.' In this instance, the "AND OF" indicates the final portions

It would not be appropriate to apply this format to describe a northerly portion of lot 1 because the eastern and western limits of the lot are not parallel, or nearly so

THE LAND TITLES OFFICE NO LONGER ALLOWS A SUBDIVISION OF A LOT OR PARCEL ON A PLAN BY MEASUREMENT (SEE GUIDE FOR PLANNING APPLICATIONS 1998)

Example:

THE WLY 300 METRES **PERP** OF THE NW $\frac{1}{4}$ OF SECTION 1-2-3 EPM



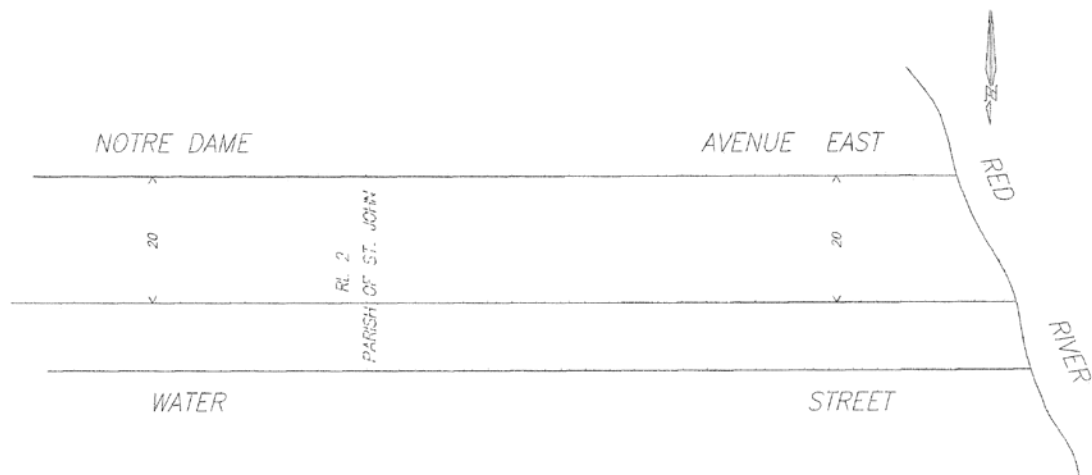
The interpretation of this format is strictly mathematical and originally used in irregular quarter sections; however, it is currently the required method of description for any new subdivision within a quarter section (unless the proposed parcel abuts an existing title that is based on a different descriptive format, with which, the new parcel must conform)

When beneficial, the description can be substituted with 'ALL THAT PORTION OF THE NW $\frac{1}{4}$ OF SECTION 1-2-3 EPM WHICH LIES WEST OF A LINE DRAWN EAST OF PARALLEL WITH AND PERPENDICULARLY DISTANT 300 METRES FROM THE WESTERN LIMIT OF SAID QUARTER SECTION.' **The limits of both versions are coincident**

The latter version will usually address potential double exceptions in the residual description. For an example of this see pages 47 and 48 'Double exceptions'

Example:

THE NLY 20 METRES OF RL 2 PARISH OF ST JOHN

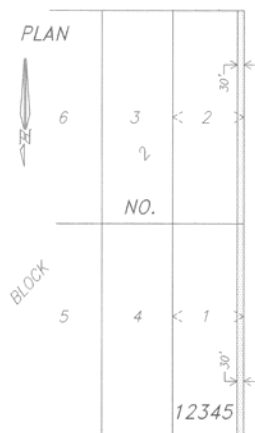


In this instance, because of the irregular nature of the riverbank, the width is not measured along the extremities of the lot; the accepted method of measurement for the southern boundary of the holding is a line drawn south of parallel with and perpendicularly distant 20 metres from the northern limit of the river lot (or perpendicular width)

Whenever possible, amend the description to 'NLY 20 METRES PERP OF RL 2...'

Example:

ALL THOSE PORTIONS OF LOTS 1 AND 2 BLOCK 2 PLAN 12345 WLTO
WHICH LIE EAST OF A LINE DRAWN WEST OF **PARALLEL WITH** AND
PERPENDICULARLY DISTANT 30 FEET FROM THE EASTERN LIMIT OF **SAID**
BLOCK
IN SW $\frac{1}{4}$ 2-3-4 WPM



The interpretation of this format is strictly mathematical and intended for lots that are not parallelograms or that are irregular in nature. **The format would not be appropriate if there was a bend in the eastern limit**

The description can be re-written as 'THE ELY 30 FEET **PERP** OF LOTS 1 AND 2 BLOCK 2...' both versions are interpreted in the same manner and the limits are coincident

The fundamental difference between the versions is in the drafting of the residual descriptions. The residual for the abbreviated version must be written using an exception. Example: 'LOTS 1 AND 2 BLOCK 2..., EXC OUT OF SAID LOTS: THE ELY 30 FEET PERP'. The residual for the conventional format is positive in nature. Example: 'ALL THAT PORTION OF LOT 1 BLOCK 2 ..., WHICH LIES WEST OF A LINE....'

Use 'ALL THOSE PORTIONS' not 'ALL THAT PORTION' the holding is comprised of two independent parcels of land, which lie east of the line

Use 'WHICH LIE' not 'WHICH LIES' or 'LYING' again, more than one parcel

A line runs parallel 'WITH' and not 'TO' another line. Amend accordingly

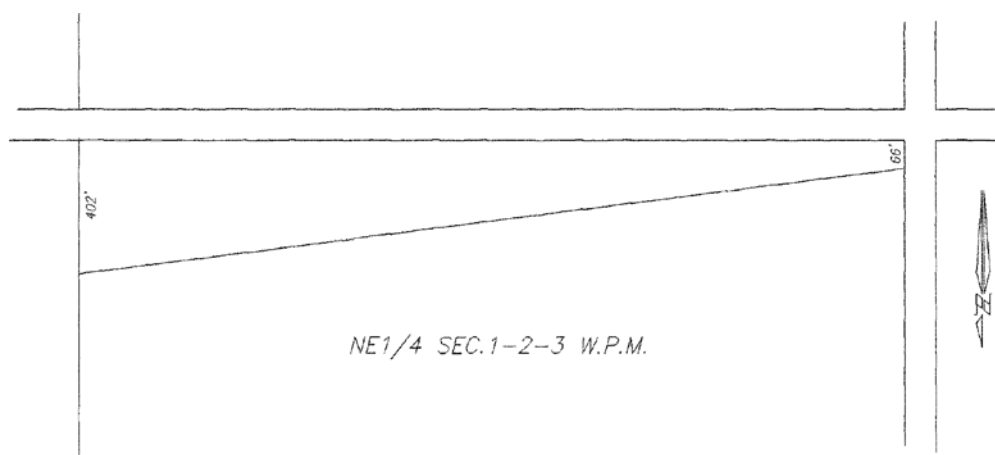
There is no need to repeat a lot, block or plan number in a land description unless there are other lots or blocks mentioned. Example: 'LOTS 1 AND 2 BLOCK 2 ..., EXC OUT OF SAID LOT 2: THE NLY 10 FEET'

Currently, the land titles office requires a plan of subdivision for any further split of a lot or parcel on a plan

Descriptions for portions based on irregular depth or width

Example:

ALL THAT PORTION OF THE NE $\frac{1}{4}$ OF SECTION 1-2-3 WPM WHICH LIES NORTH OF A **STRAIGHT** LINE DRAWN FROM A POINT **IN** THE WESTERN LIMIT OF SAID QUARTER SECTION DISTANT SLY **THEREON** 402 FEET FROM THE **NORTHERN** LIMIT OF SAID QUARTER SECTION TO A POINT ON THE **EASTERN** LIMIT OF SAID QUARTER SECTION DISTANT SLY THEREON 66 FEET FROM **SAID NORTHERN LIMIT**



When describing a boundary line drawn from one fixed point to another you must indicate that the line between the two points is a straight line

When describing a point in a limit or boundary, which is a fixed distance from another limit you must use the term 'THEREON' to indicate that the distance is measured along the stated boundary

Do not delete the words 'STRAIGHT' or 'THEREON' from the land description in an effort to shorten the format. Both words are integral to the description

Do not substitute 'NORTHERN' with 'NORTH' or 'WESTERN' with 'WEST' etc. this helps differentiate between the direction north and a stated boundary or limit

Whenever you use 'SAID' as in 'SAID NORTHERN LIMIT' or 'SAID PLAN' ensure that there are no other previously stated northern limits or plans in the description. If there are, you will have to amend the description to identify specifically the limit to which you are referring. Example: '... FROM A POINT IN THE WESTERN LIMIT OF SAID QUARTER SECTION DISTANT SLY THEREON 402 FEET FROM THE NORTHERN LIMIT OF SAID QUARTER SECTION, TO A POINT IN THE EASTERN LIMIT OF SAID QUARTER SECTION DISTANT NLY THEREON 66 FEET FROM THE NORTHERN LIMIT OF ROAD PLAN 451 WLTO'

Example:

ALL THAT PORTION OF LOT 23 RAT RIVER SETTLEMENT, LYING EAST OF THE EASTERN LIMIT OF ROAD PLAN 5774 WLTO WHICH LIES WEST OF **A LINE DRAWN PARALLEL WITH SAID EASTERN LIMIT** FROM A POINT IN THE SOUTHERN LIMIT OF SAID LOT DISTANT ELY THEREON 1100 FEET FROM SAID EASTERN LIMIT



The interpretation of this format is strictly mathematical; the format is commonly found in parish or settlement lot descriptions where the rear lot boundary is intended to mirror the direction of the frontage

The format would not be suitable if there was a bend, jog, or curve in the road

Do not amend the format to 'WHICH LIES WEST OF A STRAIGHT LINE DRAWN EAST OF PARALLEL WITH...' the line, through necessity, must be straight

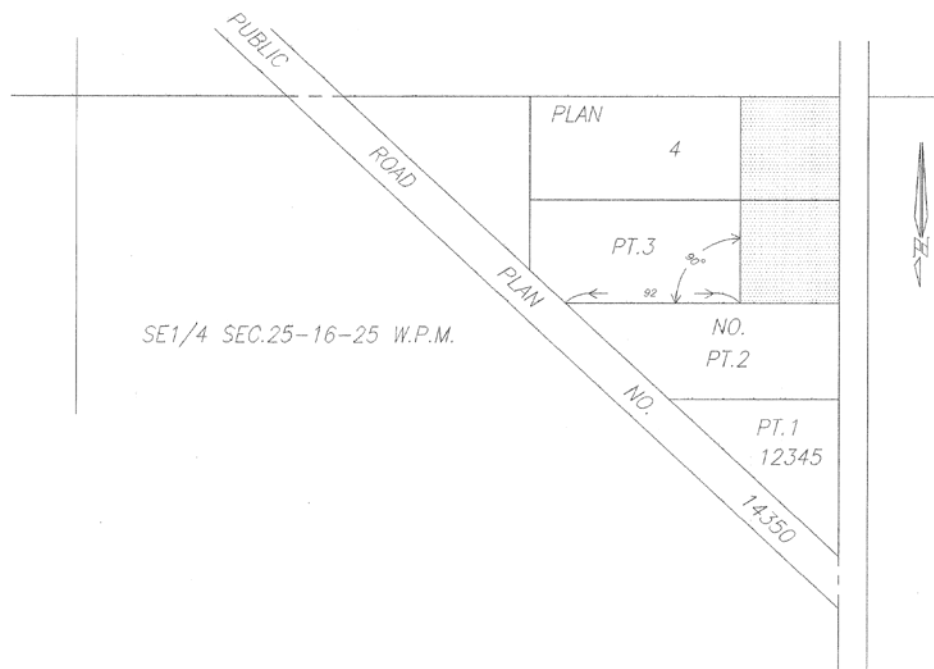
The description would not generate a uniform depth or width, unless the lot limits are parallel

Outmoded version: 'WHICH LIES WEST OF A LINE DRAWN PARALLEL WITH SAID EASTERN LIMIT DISTANT ELY THERE FROM 1100 FEET MEASURED ALONG THE SOUTHERN LIMIT OF SAID LOT'

Re-describe using the above example

Example:

ALL THOSE PORTIONS OF LOTS 3 AND 4 PLAN 12345 NLTO
WHICH LIE EAST OF A LINE DRAWN NLY AT RIGHT ANGLES
TO THE SOUTHERN LIMIT OF SAID LOT 3 FROM A POINT IN SAID
SOUTHERN LIMIT DISTANT ELY THEREON 92 METRES FROM THE
NORTHEASTERN LIMIT OF ROAD PLAN 14350 NLTO
IN SE ¼ 25-16-25 WPM



The interpretation of this format is strictly mathematical. A bend, jog, or curve in the road would not affect this format

Remember to use 'WHICH LIE' (plural of which lies) there are two parcels of land east of the line

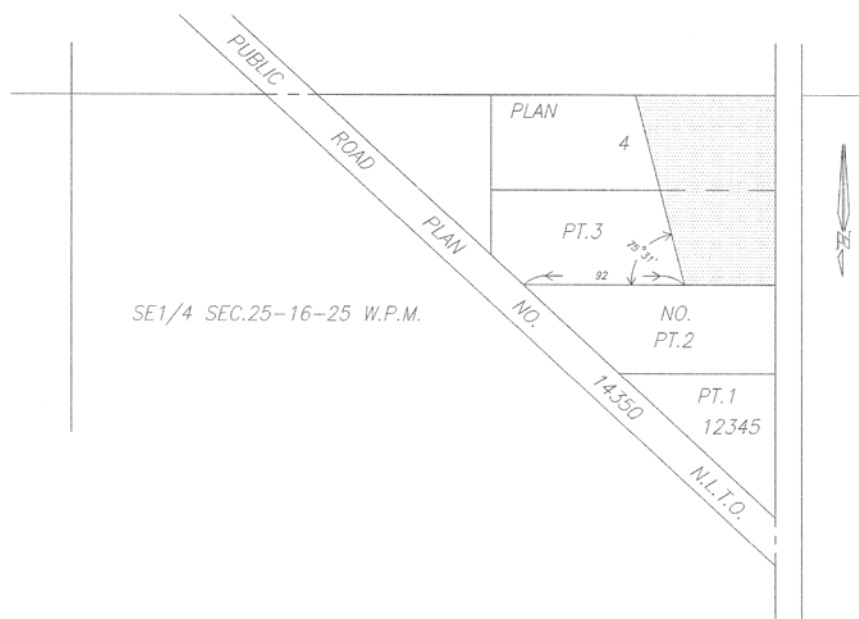
Do not amend the format to 'WHICH LIE EAST OF A STRAIGHT LINE DRAWN NLY AT RIGHT ANGLES...'; the line, through necessity, must be straight

When describing the balance try to minimize the use of exceptions, describe as follows:

'ALL THOSE PORTIONS OF LOTS 3 AND 4..., WHICH LIE TO THE WEST OF A LINE..., EXC ROAD PLAN...'

Example:

ALL THOSE PORTIONS OF LOTS 3 AND 4 PLAN 12345 NLTO
WHICH LIE EAST OF A LINE DRAWN NWLY FROM A POINT IN THE SOUTHERN
LIMIT OF SAID LOT 3 DISTANT ELY THEREON 92 METRES FROM THE
NORTHEASTERN LIMIT OF ROAD PLAN 14350 NLTO SAID LINE FORMING AN
ANGLE OF 75 **DEGREES** 31 **MINUTES** ON ITS WESTERN SIDE WITH SAID
SOUTHERN LIMIT
IN SE ¼ 25-16-25 WPM



The interpretation of this format is strictly mathematical. A bend, jog, or curve in the road would not affect this format

Remember to use 'WHICH LIE' (plural of which lies) there are two parcels of land east of the line

When describing the balance try to minimize the use of exceptions, describe as follows:

'ALL THOSE PORTIONS OF LOTS 3 AND 4..., WHICH LIE TO THE **WEST** OF A LINE..., EXC ROAD PLAN...'

DEGREES, MINUTES, AND SECONDS to be written in full (no symbols or abbreviations)

Do not amend the format to 'WHICH LIE EAST OF A STRAIGHT LINE DRAWN NWLY...' the line, through necessity, must be straight

Yard-sites

At some time, landowners may want to sell the farm but retain the family home or simply wish to generate a few yard sites for others. The following descriptive formats facilitate this kind of subdivision.

The phrase 'CONTAINED WITHIN THE FOLLOWING LIMITS' introduces one of the oldest 'metes and bounds' formats.

Example:

ALL THAT PORTION OF THE NW $\frac{1}{4}$ OF SECTION 17-13-3 EPM **CONTAINED WITHIN THE FOLLOWING LIMITS: COMMENCING AT A POINT IN** THE NORTHERN LIMIT OF SAID QUARTER SECTION DISTANT ELY THEREON 195.072 METRES FROM THE WESTERN LIMIT (**OR NORTHWEST CORNER**) OF SAID QUARTER SECTION, **THENCE** SLY PARALLEL WITH THE WESTERN LIMIT OF SAID QUARTER SECTION 304.800 METRES, THENCE ELY PARALLEL WITH SAID NORTHERN LIMIT 152.400 METRES, THENCE NLY PARALLEL WITH SAID WESTERN LIMIT TO SAID NORTHERN LIMIT, THENCE WLY ALONG SAID NORTHERN LIMIT **TO THE POINT OF COMMENCEMENT**



Whenever the phrase 'CONTAINED WITHIN THE FOLLOWING LIMITS' is used it should be followed by 'COMMENCING AT A POINT IN' or 'COMMENCING AT THE POINT OF INTERSECTION OF' not 'BOUNDED AS FOLLOWS'

When measuring along the limit of a quarter section from another limit of the quarter section it is acceptable to substitute same with 'NORTHWEST CORNER/ SOUTHEAST CORNER OF SAID QUARTER SECTION'

Do not substitute 'THENCE' with 'THEN'; 'THENCE' is the appropriate word, it means 'from that place'

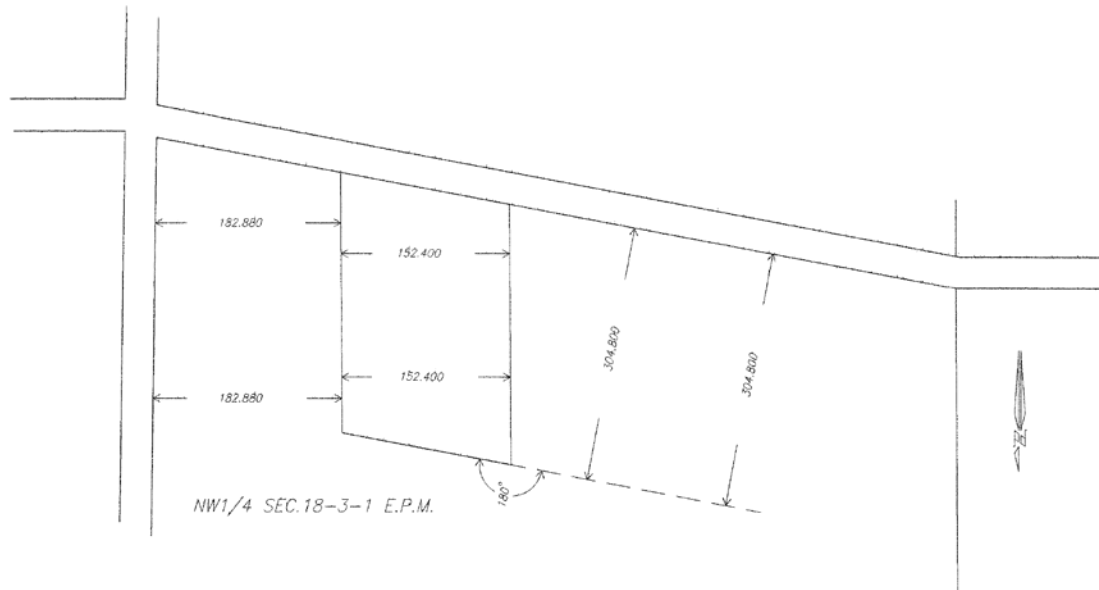
This format is always ended with the phrase 'THENCE ... ALONG SAID ... LIMIT TO THE POINT OF COMMENCEMENT'

The format should not be abbreviated to 'THE ELY 152.400 METRES OF THE WLY 347.472 METRES OF THE NLY 304.800 METRES OF THE NE $\frac{1}{4}$ OF SECTION 17-13-3 EPM' this would only cloud the interpretation of the parcel

Variations of this format can be very useful when preparing residual descriptions, which may otherwise require too many exceptions; it should not be regarded as out-of-date

Example:

THE ELY 152.400 METRES PERP OF THE WLY 335.280 METRES PERP OF THE
NLY 304.800 METRES PERP OF THE NW ¼ OF SECTION 18-3-1 EPM

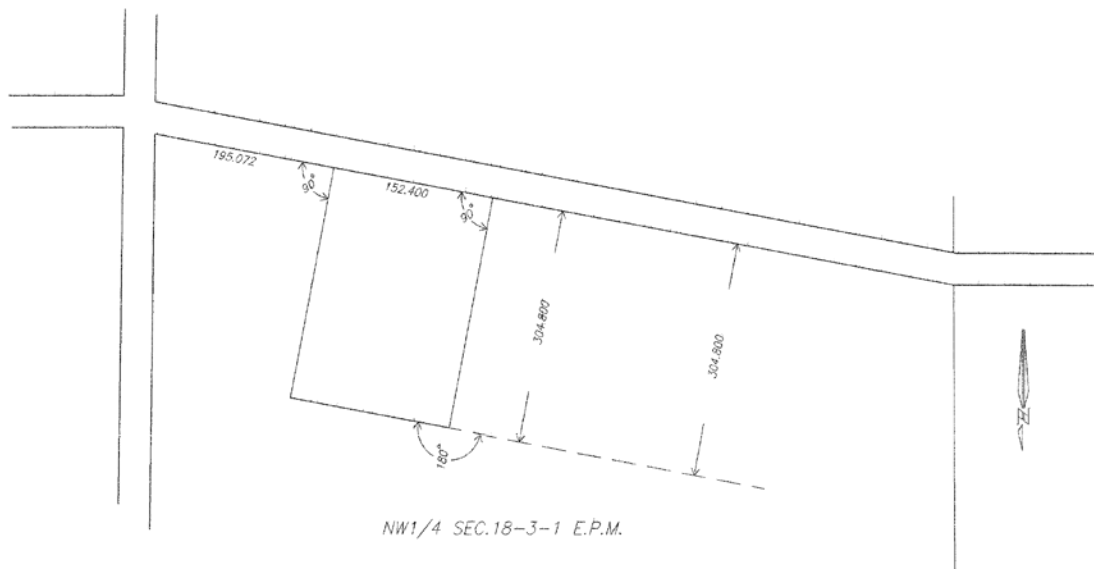


The interpretation of this format is strictly mathematical and originally used in irregular quarter sections. However, it is currently the preferred method of description for any new subdivision within a quarter section (unless the proposed parcel abuts an existing title that is based on a different descriptive format, with which, the new parcel must conform)

See page 41 for an alternative format

Example:

ALL THAT PORTION OF THE NLY 304.800 METRES PERP OF THE NW $\frac{1}{4}$ OF SECTION 18-3-1 EPM WHICH LIES BETWEEN TWO LINES DRAWN SLY AT RIGHT ANGLES TO THE NORTHERN LIMIT OF SAID QUARTER SECTION FROM POINTS IN THE SAME DISTANT ELY THEREON 195.072 METRES AND 347.472 METRES, **RESPECTIVELY**, FROM THE WESTERN LIMIT (OR NORTHWEST CORNER) OF SAID QUARTER SECTION



The interpretation of this format is strictly mathematical; this is an acceptable method of description for any new subdivision within a quarter section (unless the proposed parcel abuts an existing title that is based on a different descriptive format, with which, the new parcel must conform)

Whenever describing lines drawn from two points measured from a common limit use the term 'RESPECTIVELY' it means 'singly and in the order designated'

Example:

ALL THAT PORTION OF THE NLY 304.800 METRES PERP OF THE NW $\frac{1}{4}$ OF SECTION 18-3-1 EPM **WHICH LIES BETWEEN** TWO LINES DRAWN EAST OF PARALLEL WITH AND PERPENDICULARLY DISTANT 182.880 METRES AND 335.280 METRES, RESPECTIVELY, FROM THE WESTERN LIMIT OF SAID QUARTER SECTION

See sketch on page 38 the boundaries of both formats are coincident.

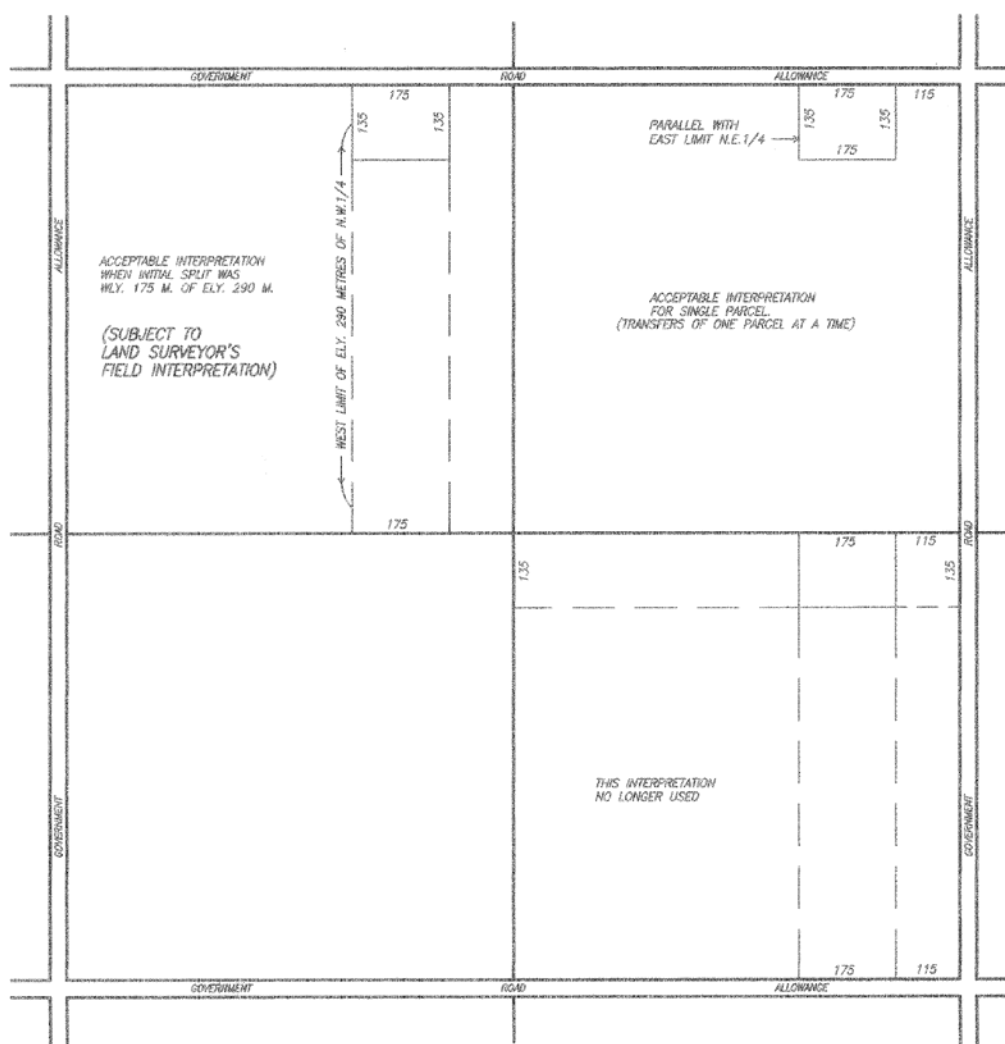
The interpretation of this format is strictly mathematical; it is an acceptable method of description for any new subdivision within a quarter section (unless the proposed parcel abuts an existing title that is based on a different descriptive format, with which, the new parcel must conform)

Use 'WHICH LIES BETWEEN' not 'LYING BETWEEN' again, in this format, we have the entire portion of the nly 304.800 metres perp. between both limits

Special case:

THE WLY 175 METRES OF THE ELY 290 METRES OF THE NLY 135 METRES OF THE NE ¼ OF SECTION 17-13-3 EPM

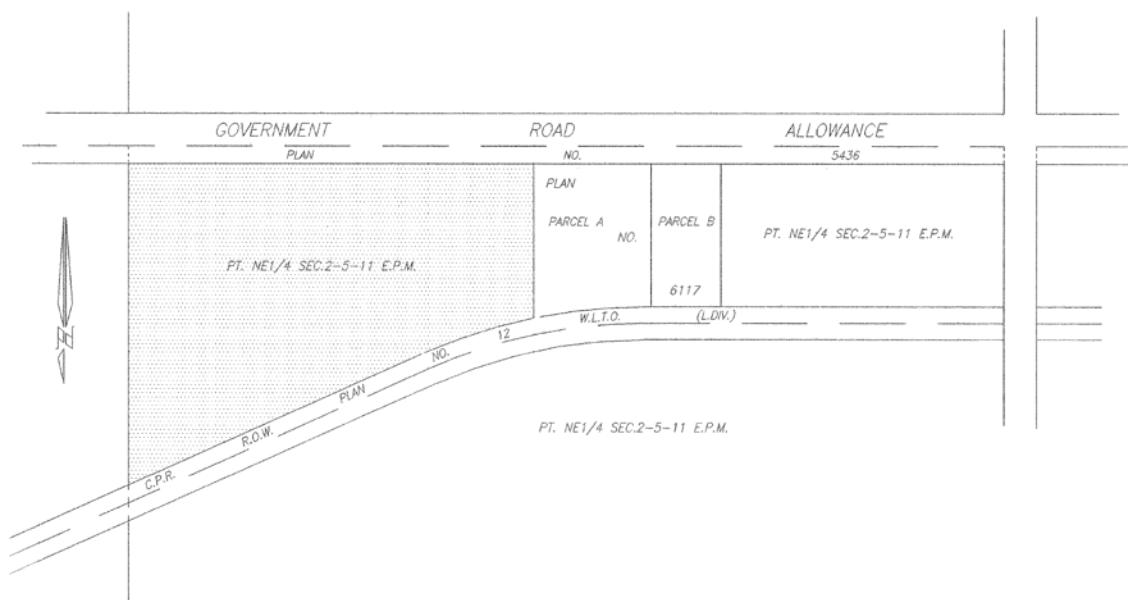
This format is unique in the sense that it can be interpreted three different ways. The examples illustrated in the N ½ and SE quarter show how each boundary can be measured in a distinctly different manner, yet still satisfy the abbreviated format. The appropriate interpretation often requires an historical search to determine if the parcel resulted from a larger portion (for example, the ely 290 metres of the quarter) but ultimately, the correct interpretation lies with the surveyor (based on a field inspection). The third interpretation as shown in the SE ¼ is no longer used.



A 'bounded' description is another versatile descriptive format that minimizes the use of exceptions.

Example:

ALL THAT PORTION OF THE NE ¼ OF SECTION 2-5-11 EPM
BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTHERN LIMIT OF ROAD
PLAN 5436 WLTO, **ON THE EAST** BY THE WESTERN LIMIT OF PARCEL "A" PLAN
6117 WLTO, **ON THE SOUTH** BY THE NORTHERN LIMIT OF THE RIGHT-OF-WAY
OF THE CANADIAN PACIFIC RAILWAY PLAN 12 WLTO (L DIV) **AND ON THE**
WEST BY THE WESTERN LIMIT OF SAID QUARTER SECTION



Do not confuse the format by adding the following expression 'CONTAINED WITHIN THE FOLLOWING LIMITS'

Example: 'ALL THAT PORTION OF THE NE ¼ OF SECTION 2-5-11 EPM CONTAINED WITHIN THE FOLLOWING LIMITS: BOUNDED ON THE NORTH BY THE...'

Whenever possible, progressively move through the description. Example: 'BOUNDED **ON THE NORTH** BY..., **ON THE EAST** BY..., **ON THE SOUTH** BY..., AND **ON THE WEST** BY....' there are, however, acceptable variations to this format.

Example: 'BOUNDED ON THE NORTH AND SOUTH BY THE STRAIGHT PRODUCTIONS WLY OF THE NORTHERN AND SOUTHERN LIMITS OF LOT 1 BLOCK 1 PLAN 10 DLTO AND ON THE EAST AND WEST BY TWO LINES DRAWN SLY AT RIGHT ANGLES...'

Always introduce the final boundary with the word 'AND'

EXCEPTIONS

You must often introduce an exception when writing a residual description; and naturally, there are rules that govern their use.

General Guidelines

- Always try to minimize the use of exceptions; look for a more concise way to describe the balance of a title; avoid simply adding another exception
- Prepare a positive description; do not describe as 'SECTION 36 ..., EXC THE NW ¼' describe as, 'NE ¼ AND THE S ½ OF SECTION 36...'; do not describe as 'LOT 1 ..., EXC W ½', describe as 'E ½ LOT 1...'; do not describe as 'SE ¼ ..., EXC LEGAL SUBDIVISION 8'; describe as 'LEGAL SUBDIVISION 1, 2, AND 7 OF SECTION...'
- Do not refer to title, transfer or deed numbers in any exception—other than instruments used to specify a mineral reservation. It is not appropriate to use a title number to shorten a surface land description
- Exceptions in a land description should be enumerated 'EXC FIRSTLY: ..., SECONDLY: ..., AND THIRDLY: ...' the final exception is preceded by 'AND'
- Always be wary of 'double exceptions' (exceptions out of exceptions) for example: 'THE NW ¼ OF SECTION 16-7-14 WPM, EXC WLY 402.336 METRES PERP EXC NLY 512.064 METRES PERP' this should be described as 'THE NW ¼ ..., EXC ALL THAT PORTION OF THE WLY 402.336 METRES PERP WHICH LIES SOUTH OF A LINE DRAWN SOUTH OF PARALLEL WITH AND PERPENDICULARLY DISTANT 512.064 METRES FROM THE NORTHERN LIMIT OF SAID QUARTER SECTION'
- Watch for limited expropriations—there may be oil and gas rights to address
- When attempting to consolidate exceptions for roads make sure they are like in nature (re: taking of minerals)
 - Limited expropriation over limited expropriation—OK to only refer to newest plan number
 - Certificate over certificate—OK to only refer to newest plan number
 - Full expropriation over all plans—OK to only refer to latest full expropriation (you can only confirm that a plan is a full expropriation by reviewing the expropriation order)
- Exceptions of mines and minerals are generally placed at the end of land descriptions (as the final exception—if there is more than one exception)
However:
 - For subdivision or explanatory plans the mineral exception would precede the 'DGS'
 - If the land is 'SUBJECT TO' or 'TOGETHER WITH A RIGHT-OF-WAY', the mineral exception would precede the wording for the right-of-way

Example:

LOT 1 BLOCK 2 PLAN 12345 WLTO

EXC THE WLY 50 FEET

**SUBJECT TO THE RESERVATIONS AND PROVISIONS CONTAINED IN THE
ORIGINAL GRANT FROM THE CROWN**

IN RL 4 PARISH OF ST JOHN

Rule: Dimensions on a plan are not taken as 100% accurate. In this instance, let us say that the plan shows the width of lot 1 as 100 feet. In an effort to prepare a positive residual description (no exception) the temptation may be to describe the balance as 'THE ELY 50 FEET OF LOT 1 ...,' this would be incorrect. The land titles office cannot guarantee that there are 50 feet remaining in the lot. This rule also applies to quarter sections; legal subdivisions etc. for a more detailed explanation see *Section 2.2, Elements of Land Descriptions – Foundation of Descriptions*

In lot or parcel type descriptions, the exception of mines and minerals, as well as Crown reservations comes before the 'DGS'

Example:

THE SE ¼ OF SECTION 3-14-6 EPM ACCORDING TO PLAN 2506 WLTO

EXC FIRSTLY: THE SLY 300 FEET PERP OF THE ELY 600 FEET PERP

SECONDLY: THE NLY 600 FEET PERP OF THE SLY 900 FEET PERP

OF THE ELY 445 FEET PERP

THIRDLY: ROAD AND ROAD NO. 1 PLAN 12345 WLTO

FOURTHLY: DRAIN PLANS 4751 **WLTO**, 6789 **WLTO** AND 10550 **WLTO**

AND FIFTHLY: ALL MINES AND MINERALS AS SET FORTH IN THE

ORIGINAL GRANT FROM THE CROWN

Exceptions in a land description should be enumerated 'EXC FIRSTLY: ..., SECONDLY: ..., AND THIRDLY: ...'

The final exception is preceded by 'AND'

When excepting multiple plans in the same exception the land titles district office and division must follow each plan number

In township and parish system descriptions, mineral exceptions are placed at the end of the description

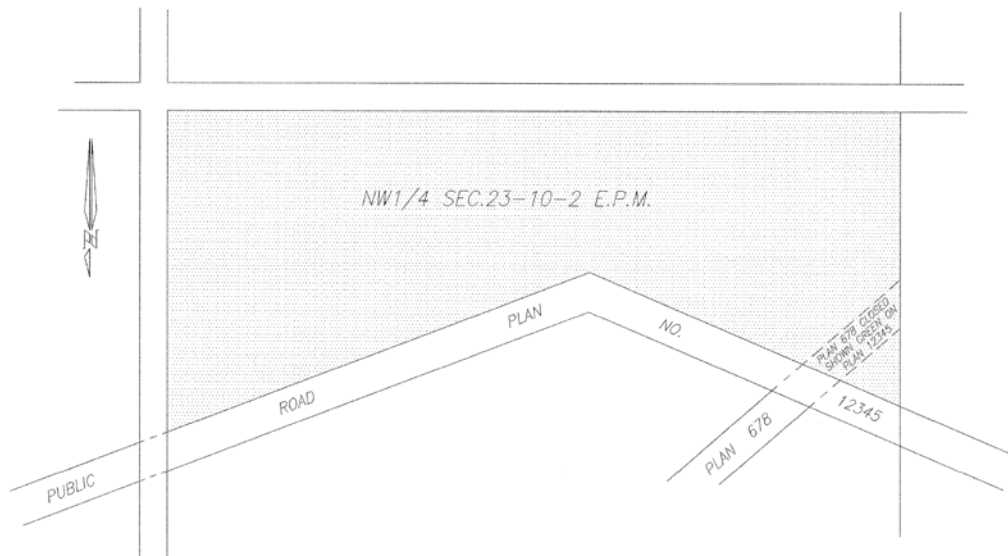
Example:

PARCEL ONE:

ALL THAT PORTION OF THE NW ¼ OF SECTION 23-10-2 EPM
WHICH LIES NORTH OF THE NORTHERN LIMIT OF ROAD PLAN 12345 WLTO
EXC ROAD PLAN 678 WLTO

PARCEL TWO:

ALL THAT PORTION OF **SAID NW ¼** TAKEN FOR **SAID ROAD PLAN 678** (NOW CLOSED) AND
SHOWN **COLOURED (OR BORDERED) GREEN** ON SAID ROAD PLAN 12345, **EXC OUT OF SAID**
PARCEL TWO: ALL MINES AND MINERALS AND OTHER MATTERS AS SET FORTH IN THE CROWN
LANDS ACT



Individual parcels of land in a single description are to be numbered and the numbers written in full

If the individual parcels of land in a description contain lettered parcels on a plan of survey then it is best to substitute 'PARCEL ONE' and 'PARCEL TWO' with 'FIRSTLY' and 'SECONDLY' etc.

Whenever colour is used in the notes of an expropriating plan to differentiate purpose or identity check the expropriation plan to make sure how the parcel has been coloured and amend wording in description accordingly

Exceptions out of the second and subsequent parcels in a land description are to be restricted to the relevant parcel of land, example 'EXC OUT OF SAID PARCEL TWO'

The land description in the first parcel is to be complete in all aspects; in the second and subsequent parcels the description can be shortened by using the term 'SAID'

For example:

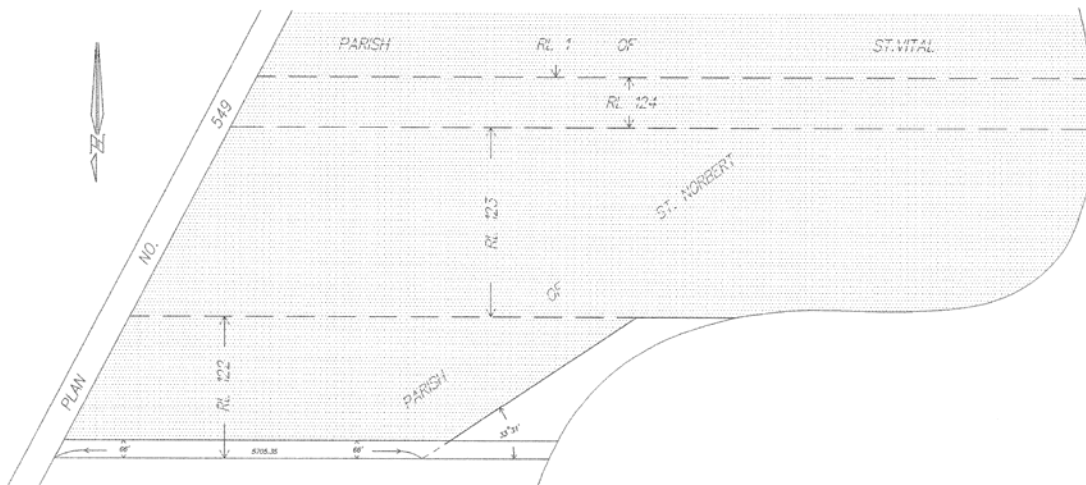
- You do not have to repeat the section no. township or range—you can simply state 'SAID NW ¼'
- You do not have to repeat the district office or division number of a plan—you simply state 'SAID ROAD PLAN 12345'

Example:

ALL THOSE PORTIONS OF RIVER LOTS 122, 123 AND 124 PARISH OF ST NORBERT AND OF RIVER LOT 1 PARISH OF ST VITAL, WHICH LIE EAST OF THE EASTERN LIMIT OF THE MAIN HIGHWAY PLAN 549 WLTO

EXC OUT OF SAID LOT 122, FIRSTLY: THE SLY 66 FEET PERP

AND SECONDLY: **OUT OF THE BALANCE** OF SAID LOT, ALL THAT PORTION WHICH LIES EAST OF A LINE DRAWN NELY FROM A POINT IN THE SOUTHERN LIMIT OF SAID LOT 122, DISTANT ELY THEREON 5705.35 FEET FROM SAID EASTERN LIMIT SAID LINE FORMING AN ANGLE OF 33 DEGREES AND 31 MINUTES ON ITS EASTERN SIDE WITH SAID SOUTHERN LIMIT



Exceptions out of specific lots, parcels, quarter sections, legal subdivisions etc. are to be enumerated as shown in the above example.

Watch for exceptions that include land that has been previously excepted from the description, these situations can be avoided by using the phrase 'EXC OUT OF THE BALANCE OF SAID LOT/ QUARTER SECTION:' or 'EXC OUT OF THE BALANCE OF THE LAND ABOVE DESCRIBED:' These phrases are also useful when dealing with exceptions for roads, right-of-ways, drains etc.

Another version:

'...EXC OUT OF SAID LOT 122: THE SLY 66 FEET PERP..., ALSO EXC OUT OF SAID LOT 122... AND FURTHER EXC OUT OF THE BALANCE OF SAID LOT 122... AND EXC OUT OF SAID LOT 123...'

Double exceptions

Descriptive format number (1) is often used when describing a parcel of land that abuts a quarter-line. This method of description resulted from a directive, which set down that newly created title boundaries within a quarter section must be measured from a government road allowance; thereby, minimizing future survey costs for the landowner.

1. Portion to be transferred

**THE WLY 402.336 METRES PERP OF THE NW $\frac{1}{4}$ OF SECTION 16-7-14 WPM
EXC THE NLY 512.064 METRES PERP**



The residual description was typically set out in two parcels in order to avoid a potential 'double exception'.

2. Typical residual description

PARCEL ONE:

THE WLY 402.336 METRES PERP OF THE NLY 512.064 METRES PERP OF
THE NW $\frac{1}{4}$ OF SECTION 16-7-14 WPM

PARCEL TWO:
THE NW $\frac{1}{4}$ OF SECTION 16-7-14 WPM
EXC THE WLY 402.336 METRES PERP

Although, descriptions (1) and (2) avoid the pitfall of the following double exception 'THE NW $\frac{1}{4}$..., EXC THE WLY 402.336 METRES EXC THE NLY 512.064 METRES...' they still cause a degree of concern:

- Description (1) generates an unnecessary exception
- Description (2) generates an imaginary boundary line

Suggested approach:

The following descriptions are physically identical to those described above; however, the portion to be transferred out (3) no longer has an exception, and the residual description (4) is described as a single parcel of land (no imaginary boundary).

3. Portion transferred out:

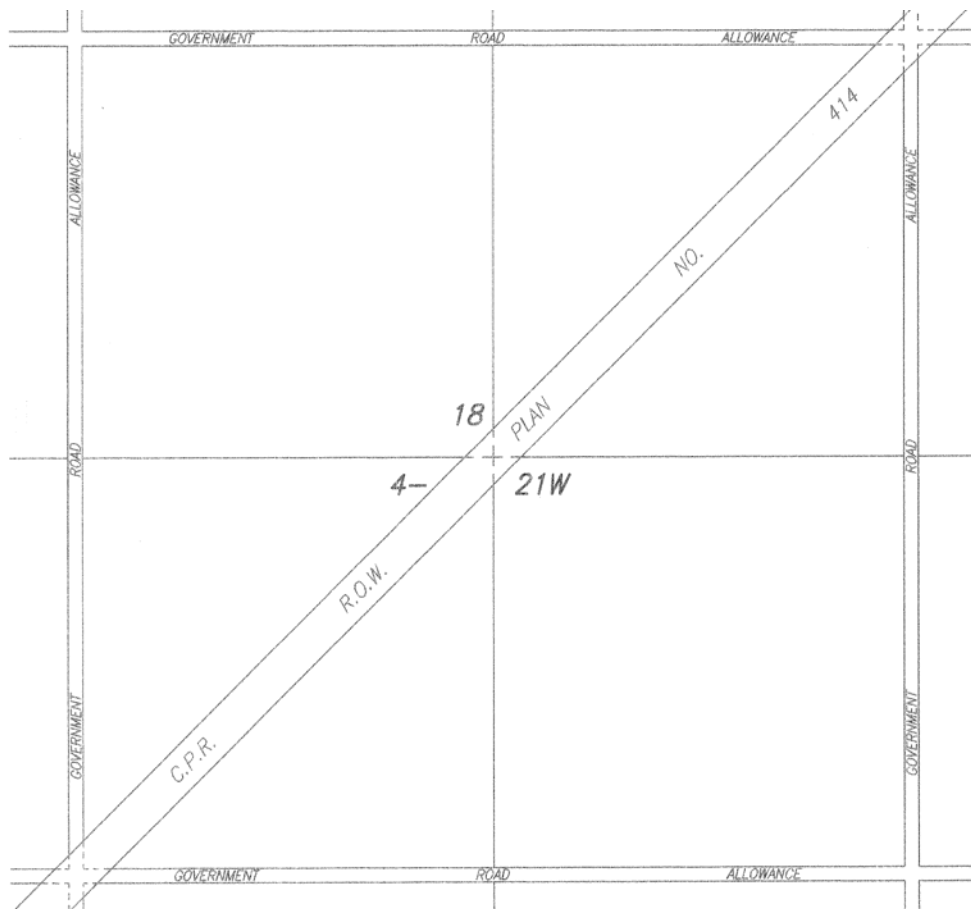
ALL THAT PORTION OF THE WLY 402.336 METRES PERP OF THE NW $\frac{1}{4}$ OF SECTION 16-7-14 WPM WHICH LIES SOUTH OF A LINE DRAWN SOUTH OF PARALLEL WITH AND PERPENDICULARLY DISTANT 512.064 METRES FROM THE NORTHERN LIMIT OF SAID QUARTER SECTION

Residual description:

THE NW $\frac{1}{4}$ OF SECTION 16-7-14 WPM
EXC ALL THAT PORTION OF THE WLY 402.336 METRES PERP WHICH LIES SOUTH OF A LINE DRAWN SOUTH OF PARALLEL WITH AND PERPENDICULARLY DISTANT 512.064 METRES FROM THE NORTHERN LIMIT OF SAID QUARTER SECTION

Whenever possible, it would be beneficial to up-date descriptions (1) and (2) with versions (3) and (4).

PORTIONS TAKEN FOR EXPROPRIATION PLANS, RAILWAY AND TRANSMISSION LINE RIGHT-OF-WAYS



Description for right-of-way (road etc.) in NE $\frac{1}{4}$

ALL THAT PORTION OF THE NE $\frac{1}{4}$ OF SECTION 18-4-21 WPM
TAKEN FOR THE RIGHT-OF-WAY OF THE CANADIAN PACIFIC RAILWAY
 PLAN 414 DLTO

This format is to be used when describing **portions** of a road, railway, or transmission line

Base the wording on the title block/heading of the plan when issuing title for an expropriation, railway etc.

Example: 'ALL THAT PORTION ..., TAKEN FOR PUBLIC ROAD ...' or 'ALL THAT PORTION ..., TAKEN FOR MARION STREET ...'

This format works very well in restricting exceptions of mines and minerals. For example; '**ALL THOSE PORTIONS OF THE NE $\frac{1}{4}$ AND OF THE SW $\frac{1}{4}$ OF SECTION 18-4-21 WPM TAKEN FOR ..., EXC OUT OF SAID NE $\frac{1}{4}$: ALL MINES AND MINERALS AS SET FORTH IN THE ORIGINAL GRANT FROM THE CROWN AND EXC OUT OF SAID NW $\frac{1}{4}$: ALL MINES AND MINERALS AS SET FORTH IN TRANSFER 123456 DLTO**'

Do not describe as follows

RIGHT-OF-WAY CANADIAN PACIFIC RAILWAY PLAN 414 DLTO
IN NE ¼ 18-4-21 WPM

This format is not be used when describing portions of a road, railway, or transmission line; it should only be used when issuing title for a plan in its entirety. Do not use the 'DGS' to restrict the portion you wish to describe

Other acceptable versions for describing portions taken for road, drains etc.

1. Description for railway in south half:

ALL THAT PORTION OF THE S ½ OF SECTION 18-4-21 WPM
TAKEN FOR THE RIGHT-OF-WAY OF THE CANADIAN PACIFIC RAILWAY
PLAN 414 DLTO

2. Description for railway contained within a section:

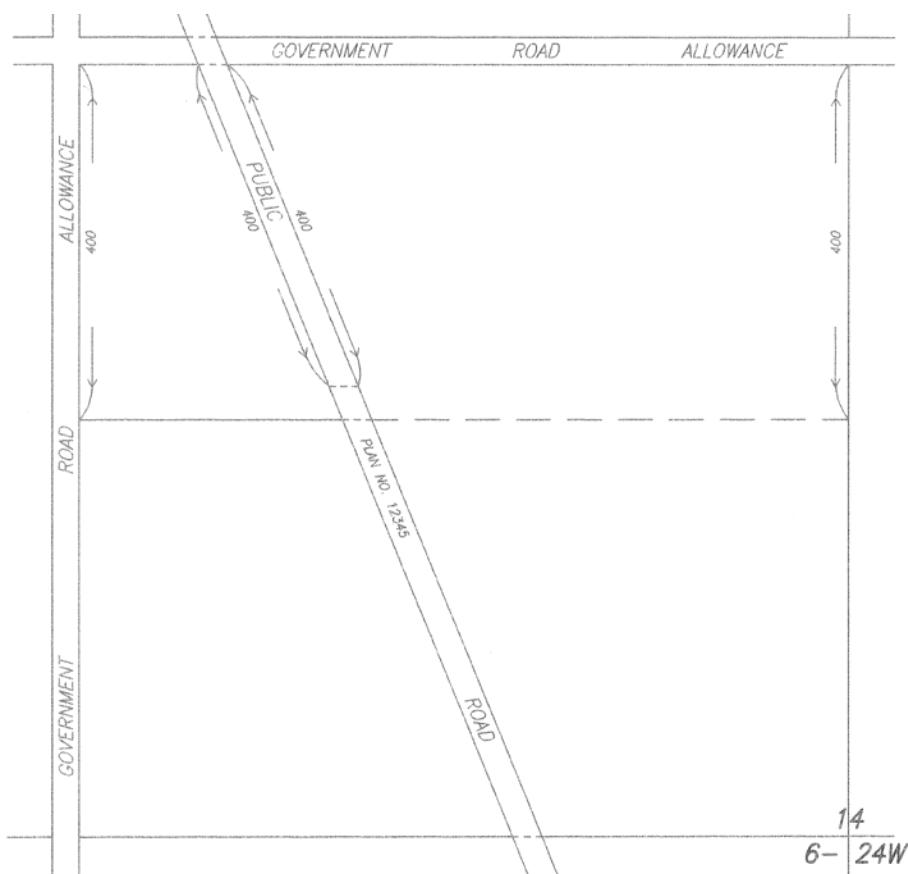
ALL THAT PORTION OF SECTION 18-4-21 WPM TAKEN FOR THE
RIGHT-OF-WAY OF THE CANADIAN PACIFIC RAILWAY PLAN 414 DLTO

3. Description for railway in its entirety

RIGHT-OF-WAY OF THE CANADIAN PACIFIC RAILWAY PLAN 414 DLTO IN
SECTIONS 18, 19 AND SE ¼ 30-4-21 WPM, AND IN SW ¼ 13-4-22 WPM

**Note: this format is not very useful when restricting mines and minerals—
in these instances, use the format for describing portions. See page 49**

Be careful, when re-describing a portion of a road, drain, railway etc. not to change the meaning or interpretation of the original description.



Original description for portion of public road (railway, drain etc.) in NW 1/4

ALL THAT PORTION OF THE NLY 400 METRES OF THE NW 1/4 OF SECTION 14-6-24 WPM TAKEN FOR PUBLIC ROAD PLAN 12345 DLTO

Original description for residual portion of public road in NW 1/4

ALL THAT PORTION OF THE NW 1/4 OF SECTION 14-6-24 WPM TAKEN FOR PUBLIC ROAD PLAN 12345 DLTO
EXC ALL THAT PORTION CONTAINED WITHIN THE LIMITS OF THE NLY 400 METRES OF SAID QUARTER SECTION

Do not re-describe as follows:

For portion:

THE NLY 400 METRES OF PUBLIC ROAD PLAN 12345 DLTO
IN NW 1/4 14-6-24 WPM

For residual:

ALL THAT PORTION OF THE NW 1/4 OF SECTION 14-6-24 WPM
TAKEN FOR PUBLIC ROAD PLAN 12345 DLTO
EXC THE NLY 400 METRES (of what—ambiguous)

MULTI-PARCEL DESCRIPTIONS

The term 'PARCEL' was traditionally used to define a separate and complete holding within the title where all the exceptions were restricted to the land described within the parcel; unfortunately this has been so misunderstood and so misused that the original definition no longer stands. Use 'PARCEL' when consolidating different systems of land or, plans of different purpose. Use 'FIRSTLY' and 'SECONDLY' etc. when dealing with holdings within the same river lot, quarter section, or plan (lots or parcels)

It is acceptable to interchange 'FIRSTLY', 'SECONDLY' with 'PARCEL ONE', 'PARCEL TWO'; to facilitate descriptions that contain several exceptions; however, in awkward situations it is also acceptable to say 'EXC...', 'ALSO EXC...', and 'FURTHER EXC...' this would then facilitate the more appropriate use of 'FIRSTLY' and 'SECONDLY'

The aim when preparing a concise land description is to avoid the pitfall of creating too many parcels. Sometimes, however, it cannot be avoided. For example:

1. When consolidating different systems of land or plans of different purpose.

PARCEL ONE:

THE SE ¼ OF SECTION 26-22-2 EPM

PARCEL TWO:

LOT 21 IN TOWNSHIP 22 RANGE 2 EPM

PARCELTHREE:

LOT 1 PLAN 12345 WLTO
IN SW ¼ 26-22-2 EPM

2. When preparing a balance description where the remaining parcels of land are no longer contiguous or are irregular in shape.

In these situations it would be appropriate to use the terms 'FIRSTLY' and 'SECONDLY' not 'PARCEL ONE' or 'PARCEL TWO'.

FIRSTLY:

THE WLY 300 FEET PERP OF THE NW ¼ OF SECTION
1-2-3 EPM

SECONDLY:

THE NLY 300 FEET PERP OF THE ELY 900 FEET PERP OF THE OF SAID NW ¼
(OR SAID QUARTER SECTION)

THIRDLY:

THE SLY 300 FEET PERP OF THE NLY 600 FEET PERP OF THE
ELY 200 FEET PERP OF SAID NW ¼ (OR SAID QUARTER SECTION)

3. When consolidating land with varying mineral exceptions

FIRSTLY:

THE NLY 75 FEET PERP OF PARCEL "C" PLAN 6789 WLTO
EXC ALL MINES AND MINERALS AS SET FORTH IN INSTRUMENT D88888
WLTO
IN NW ¼ 26-22-2 EPM

SECONDLY:

THE SLY 25 FEET PERP OF THE NLY 100 FEET PERP OF
SAID PARCEL "C"
EXC OUT OF THE LAND SECONDLY DESCRIBED: ALL MINES AND MINERALS
AND OTHER MATTERS AS SET FORTH IN THE CROWN LANDS ACT

The DGS should be repeated for each parcel of land when dealing with plans of different purpose; **however**, when dealing with parcels of land containing lots within the same plan (a typical 'FIRSTLY', 'SECONDLY' situation) the DGS can be shown only once at the end of the 'FIRSTLY' described land. This will allow for brevity in the description

4. To improve the clarity of the land description.

For example: It would be difficult to keep track of which lots were included in the following description if the lots were strung together in series. Where would you place the partial lots? Where would you place the exceptions? The following version illustrates that by grouping similar descriptive patterns, the description becomes more manageable.

Please note; the sketch on page 54 is for reference purposes only

FIRSTLY: LOTS 2, 3, 4, 7, 8, 11, 12, 15 AND 17 PLAN 7092 WLTO
EXC OUT OF SAID LOTS 2, 8 AND 11: THE ELY 7 FEET PERP AND
FURTHER EXC OUT OF SAID LOT 2: THE SLY 45 FEET PERP
IN OTM LOTS 33 TO 39 PARISH OF ST JAMES

SECONDLY: THE SLY 45 FEET PERP OF SAID LOT 2 AND OF LOTS 1 AND 5 **OF SAID PLAN**

THIRDLY: THE ELY 7 FEET PERP OF ALL THAT PORTION OF SAID LOT 5,
WHICH LIES NORTH OF THE NORTHERN LIMIT OF THE LAND SECONDLY
ABOVE DESCRIBED

FOURTHLY: THE ELY 7 FEET PERP OF LOT 6 AND OF ALL THAT PORTION
OF LOT 13 **OF SAID PLAN**, WHICH LIES SOUTH OF THE STRAIGHT PRODUCTION
WLY OF THE NORTHERN LIMIT OF SAID LOT 12

FIFTHLY: ALL THAT PORTION OF SAID LOT 13, LYING NORTH OF THE
NORTHERN LIMIT OF SAID LOT 12, **WHICH LIES EAST OF A LINE DRAWN
WEST OF CONCENTRIC WITH AND RADIALLY DISTANT 7 FEET FROM
THE WESTERN LIMIT OF SAID LOT 15**

The DGS appears once at the end of 'FIRSTLY'

In subsequent parcels where lots appear for the first time and share the same plan number (as in secondly) it is necessary to state 'SAID PLAN'. The plan number can also be added, as in 'SAID PLAN 7092' (a matter of style) but repeating 'WLTO' and 'DGS' is not necessary

When a boundary is a set distance from a curve, and follows the continuation of the curve; the accepted method of description is 'WHICH LIES EAST OF A LINE DRAWN WEST OF CONCENTRIC WITH AND RADIALLY DISTANT X FEET FROM THE WESTERN LIMIT OF PLAN Y.....'

