

# Zone 5 Road Trip!

The Association of Municipal  
Managers, Clerks and  
Treasurers of Ontario (AMCTO)  
Zone 5

3 November 2023





# Where do Roads Come From?

## Authority: SURVEYS ACT & MUNICIPAL ACT

- **SURVEYS ACT** - Section 9: *...every road allowance, highway, street, lane, walk and common shown on the original plan shall, unless otherwise shown thereon, be deemed to be a public road, highway, street, lane, walk and common, respectively*
- **MUNICIPAL ACT: What constitutes a highway**  
Section 26 - *The following are highways unless they have been closed:*
  1. *All highways that existed on December 31, 2002.*
  2. *All highways established by by-law of a municipality on or after January 1, 2003.- has to be established by By-Law*
  3. *All highways transferred to a municipality under the Public Transportation and Highway Improvement Act. – MTO's regulatory power*
  4. *All road allowances made by the Crown surveyors that are located in municipalities*
    - Survey Tools for Road Allowances
    - Road Tour (PTBO County )
  5. *All road allowances, highways, streets and lanes shown on a registered plan of subdivision.*
    - Dedication and Acceptance – Shown on Registered Plans

## MUNICIPAL ACT: What constitutes a highway

Road Allowances created by the surveys of the original Townships.

- Instructions were given (by Crown) to layout a specified type of Township.
- Each type of Township has a different road layout
- 3+ types of Township systems in L&A, Hastings, Ptbo & CKL
- 2 types of Township systems in Northumberland
- 1 type of Township system in Muskoka & Haliburton





# Many Township Types

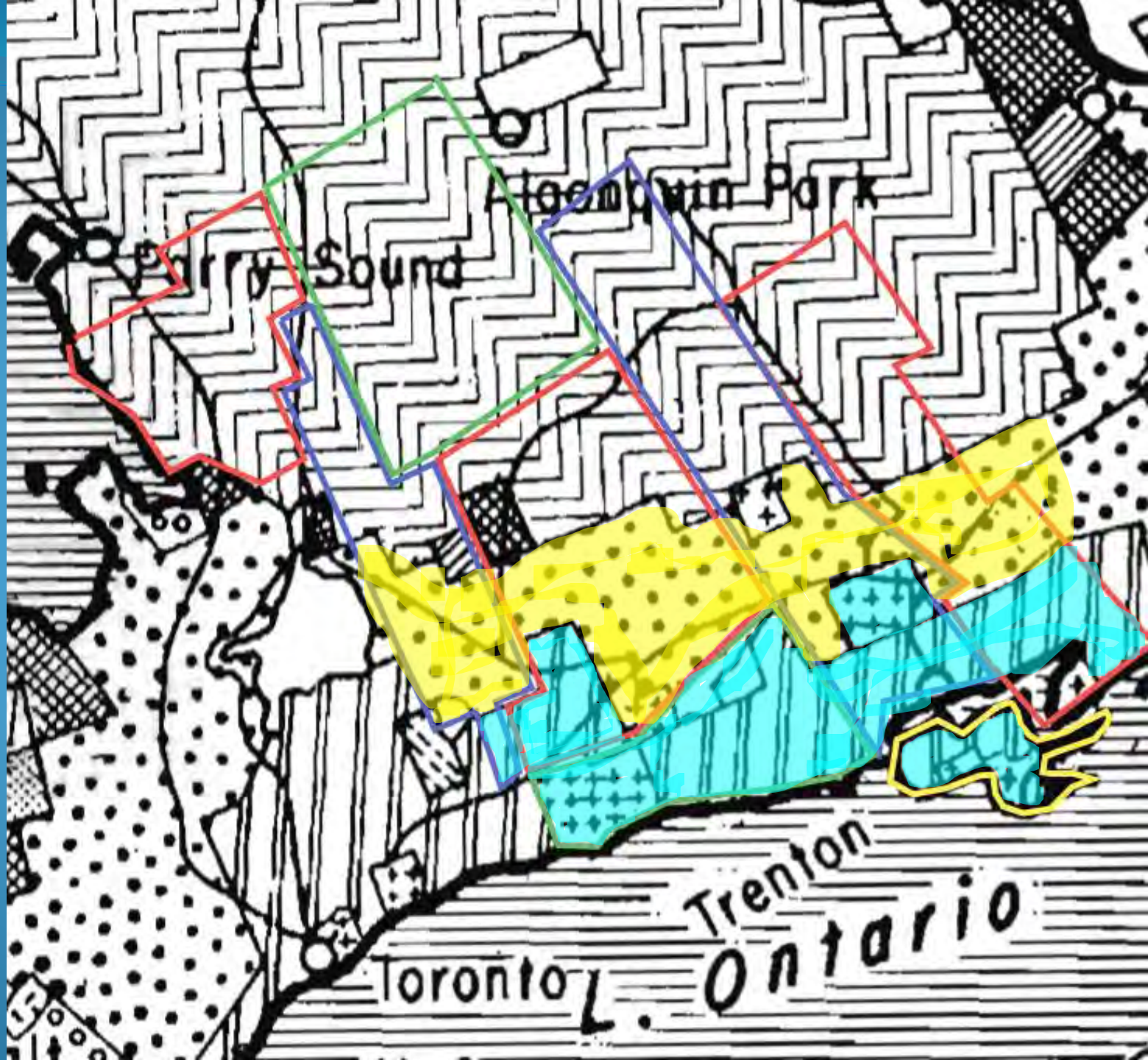
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## Many Types of Road Layouts

Blue Shaded = Single Front

Yellow Shaded = Double Front

Zig-Zag = 1000 Acre Sectional

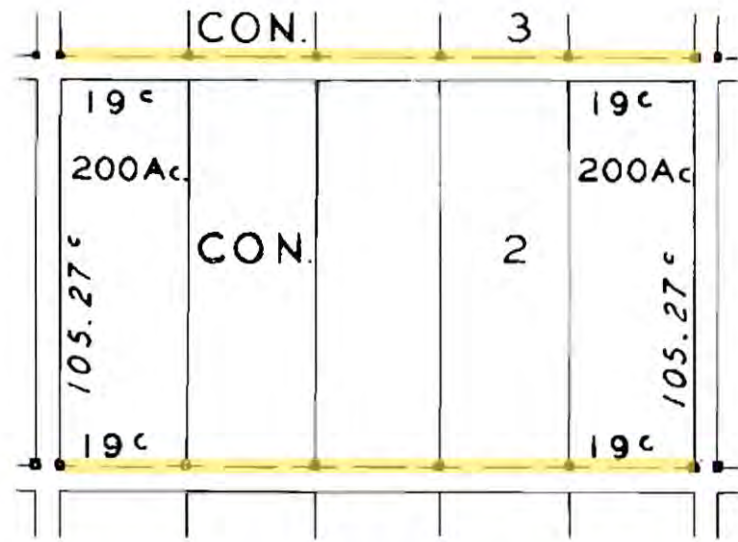




# Many Township Types = Many Types of Road Layouts

Typical section of a single-front township,  
1783-1818

*Original survey lines run on the ground are indicated by broken lines; original survey posts by small squares.*

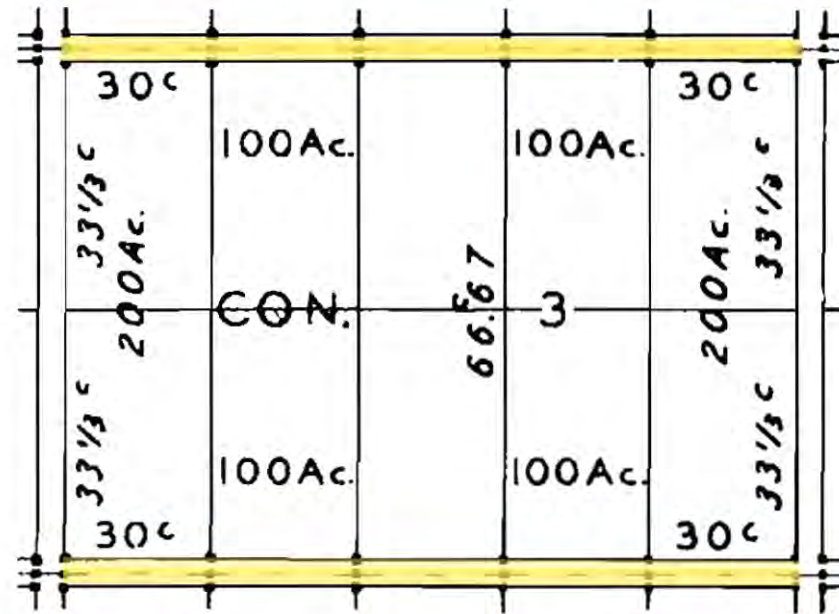


Single Front Township

(6,270' x 6,947')  
(1.9km X 2.1km)

Typical section of double-front system,  
1815-1829

*Original survey lines run on the ground are indicated by broken lines; original survey posts by small squares.*



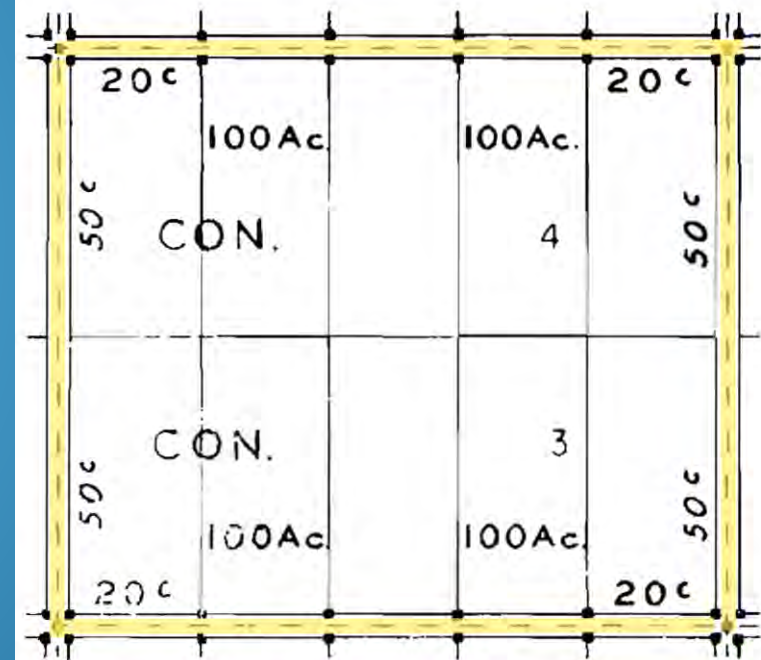
Double Front Township

(4,400' x 9,900')  
(1.3km X 3.0km)

Typical section of 1,000-acre sectional  
system, 1835-1906

Sectional Township with Double Fronts

*Original survey lines run on the ground are indicated by broken lines; original survey posts by small squares.*



1000 Acre Sectional Township

(6,600' x 6,600')  
(2.0km X 2.0km)

# Survey Tools For Road Allowances

- Surveyor's Chain
- Length: 66 Feet (20.12m)





# Survey Tools For Road Allowances

- Surveyor's Chain
- Length: 66 Feet (20.12m)
  - 1 Chain = 100 links
- 1 link = 8 inches (0.20m)





# Survey Tools For Road Allowances

2021-01-28 23:14Z  
GPS Fix  
565









# Survey Tools For Road Allowances

- INTO TOWNSHIPS

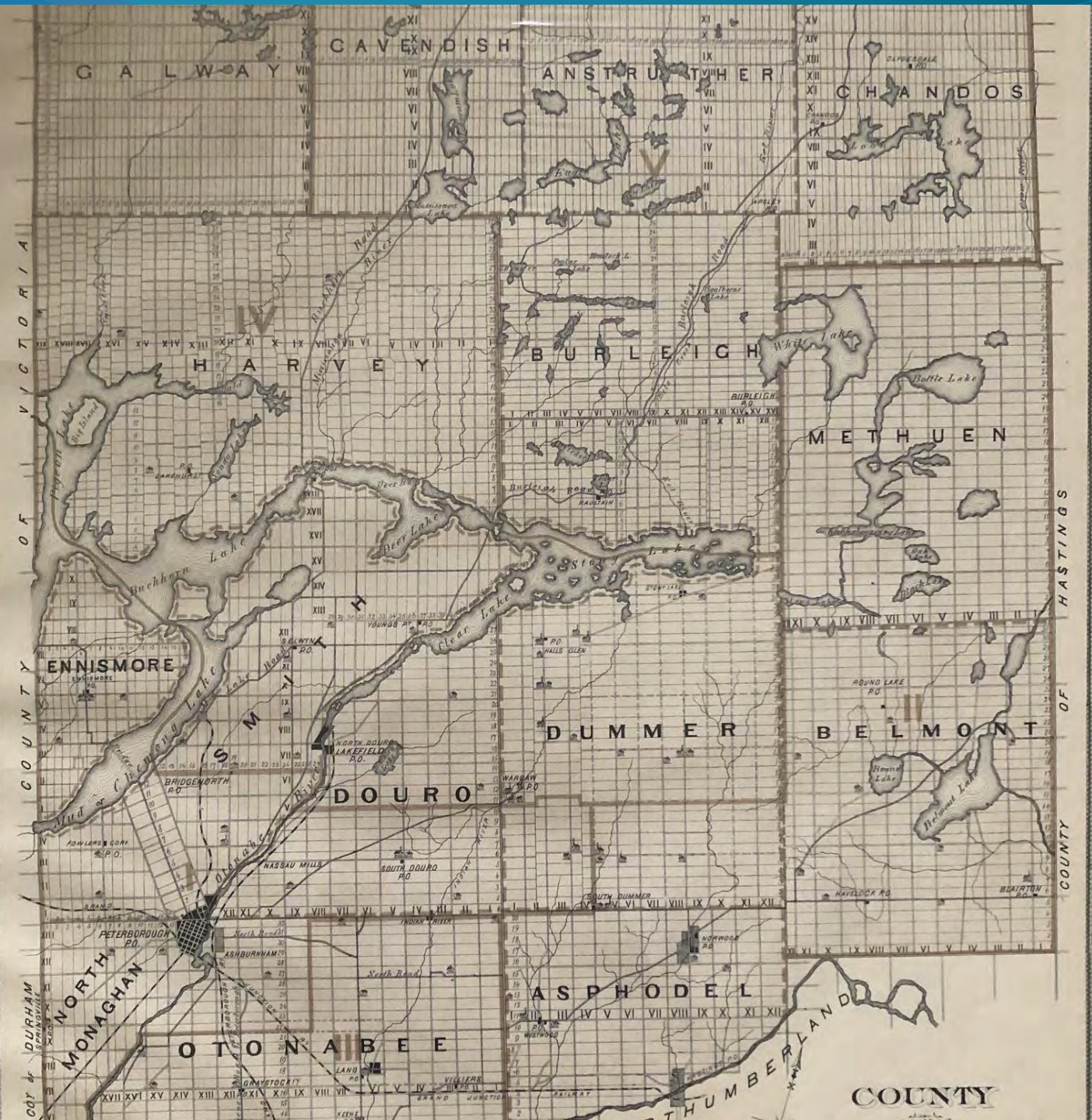
Harvey Township  
10.5km North/South  
24.5km East/West





## SERIES OF TOWNSHIPS INTO A COUNTY

- 4. All road allowances made by the Crown surveyors that are located in municipalities
  - Survey Tools for Road Allowances
  - Road Tour (PTBO County)





# STRAIGHT AS A SURVEY LINE???

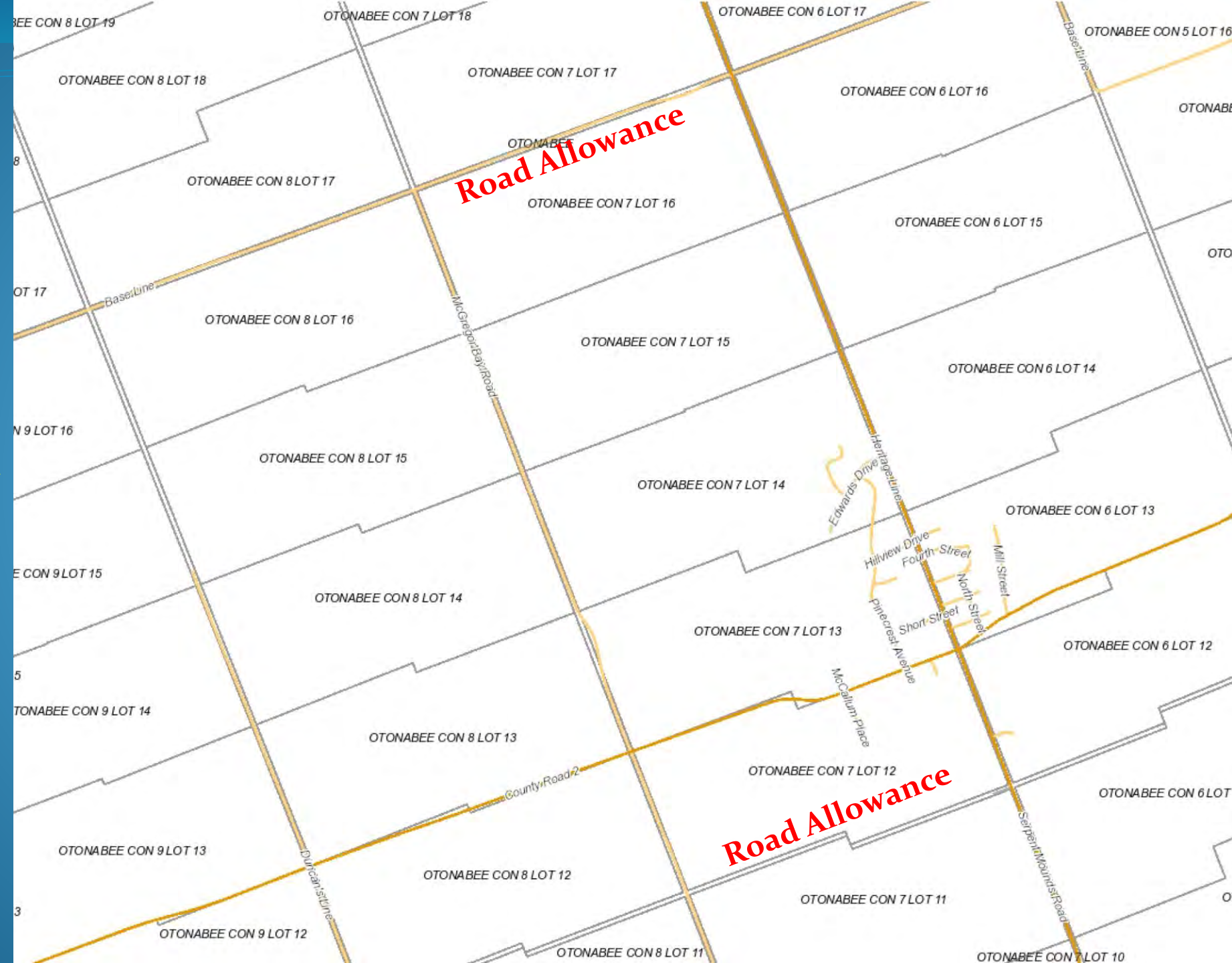
- Otonabee Township(1819)
- - Double Front Township
- - A Road Allowance for each concession & every 5<sup>th</sup> lot
- - Dimensions:
  - 30.00 x 66.67 chains  
(1,980' [603m]) x (4,400' [1.3km])
  - - Area: 200 Acres





# STRAIGHT AS A SURVEY LINE???

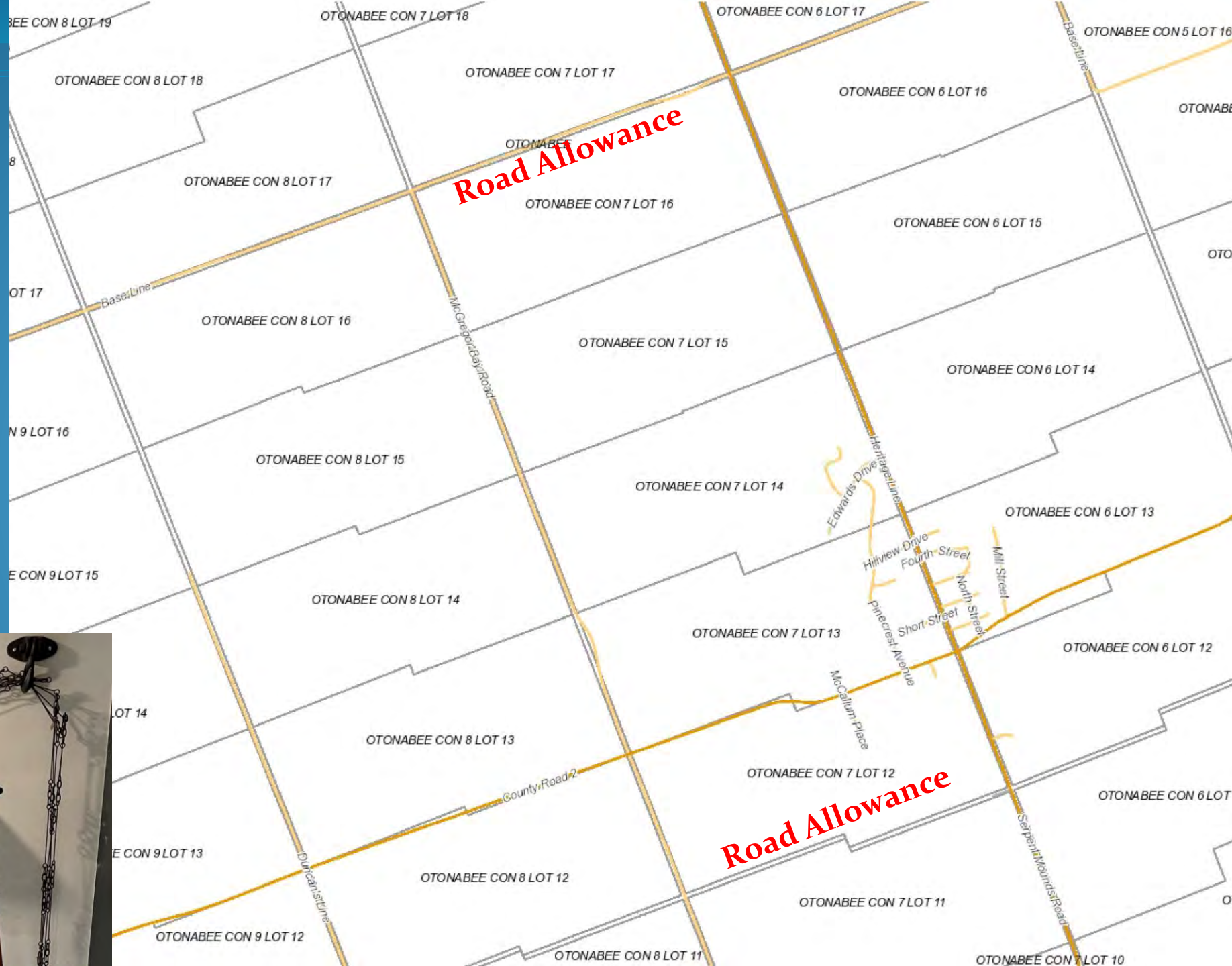
- Otonabee Township(1819)
- - Double Front Township -
- - A Road Allowance for each concession & every 5<sup>th</sup> lot
- Dimensions:
  - 30.00 x 66.67 chains  
(1,980'[603m]) x (4,400' [1.3km])
  - - Area: 200 Acres





# STRAIGHT AS A SURVEY LINE???

- Otonabee Township(1819)
- - Double Front Township -
- - A Road Allowance for each concession & every 5<sup>th</sup> lot
- Dimensions:
  - 30.00 x 66.67 chains  
(1,980'[603m]) x (4,400' [1.3km])
  - - Area: 200 Acres





# STRAIGHT AS A SURVEY LINE???

- Belmont Township(1822)
- - Double Front Township -
- - A Road Allowance for each concession & every 5<sup>th</sup> lot
- Dimensions:
  - 30.00 x 66.67 chains
  - Area: 200 Acres???
  - (Doubtful)





# Where do Roads Come From?

- **MUNICIPAL ACT: What constitutes a highway**
- Section 26 - The following are highways unless they have been closed:
  - 1. All highways that existed on December 31, 2002.
  - 2. All highways established by by-law of a municipality on or after January 1, 2003.- *has to be established by By-Law*
  - 3. All highways transferred to a municipality under the *Public Transportation and Highway Improvement Act*.  
– *MTO's regulatory power*
  - 4. All road allowances made by the Crown surveyors that are located in municipalities
    - – *Survey Tools for Road Allowances*
    - – *Road Tour (PTBO County)*
  - 5. All road allowances, highways, streets and lanes shown on a registered plan of subdivision.  
– *Dedication and Acceptance – Shown on Registered Plans*



# Roads on Registered Plans of Subdivision

- Dedication + Acceptance =
- Public Road

**PLAN 45M - 249**

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF PETERBOROUGH (No. 45) AT 3:47 O'CLOCK ON THE 3<sup>rd</sup> DAY OF October ~~SEPTEMBER~~ 2017 AND ENTERED IN THE REGISTER FOR PINS 28000-0484(LT) & 28000-0024(LT) AND REQUIRED DOCUMENTS ARE REGISTERED AS PLAN DOCUMENT No. PE 277980.

H. Ellis Smith  
REPRESENTATIVE FOR THE LAND REGISTRAR

NOTE: THIS PLAN COMPRISES ALL OF PIN 28000-0484(LT) AND 28000-0024(LT)

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APPROVED UNDER SECTION 51 OF THE PLANNING ACT  
THIS 21 DAY OF SEPTEMBER 2017

Brian Weir  
BRIAN WEIR  
DIRECTOR OF PLANNING  
COUNTY OF PETERBOROUGH

**OWNER'S CERTIFICATE**

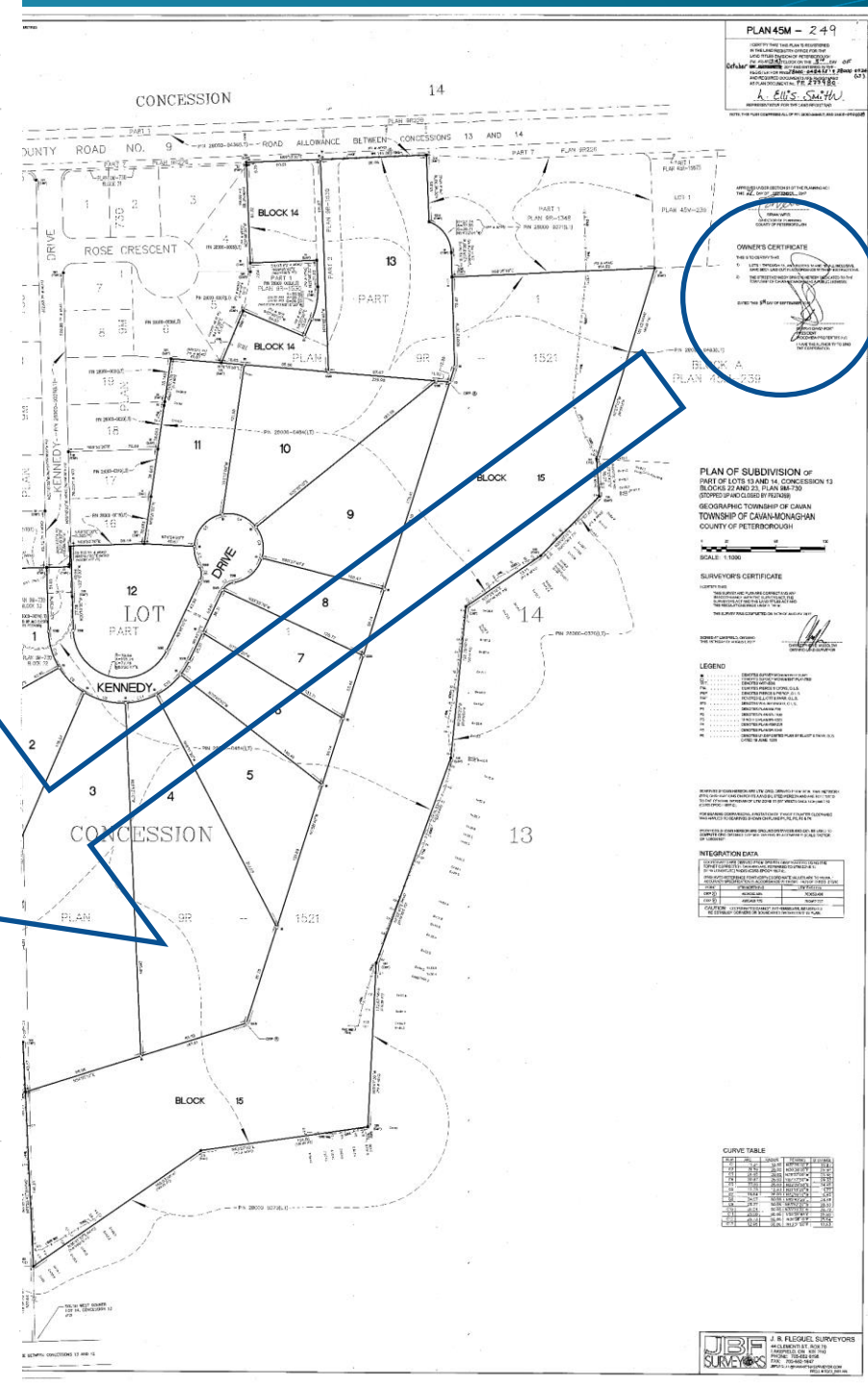
THIS IS TO CERTIFY THAT:

- 1) LOTS 1 THROUGH 13, AND BLOCKS 14 AND 15, ALL INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS.
- 2) THE STREET KENNEDY DRIVE IS HEREBY DEDICATED TO THE TOWNSHIP OF CAVAN/MONAGHAN AS A PUBLIC HIGHWAY.

DATED THIS 5<sup>th</sup> DAY OF SEPTEMBER 2017

Murray Davenport  
MURRAY DAVENPORT  
PRESIDENT  
WOODVIEW PROPERTIES INC.

I HAVE THE AUTHORITY TO BIND THE CORPORATION





# FORCED ROADS

**Implied Dedication**  
(Inaction of landowner)

+

**Implied Acceptance**  
(Public Money Spent & Maintained)

=

**Municipal Ownership**

- **MUNICIPAL ACT: What constitutes a highway**
- Section 26 - The following are highways unless they have been closed:
  - 1. All highways that existed on December 31, 2002.





# FORCED ROADS

***Implied Dedication***

*(Inaction of landowner)*

**+**

***Implied Acceptance***

*(Public Money Spent & Maintained)*

*“Asphalt, tree clearing, plowing,  
ditching, utilities”*

**=**

**Municipal Ownership**

- **NO STANDARD WIDTHS FOR FORCED ROADS \***
- **THESE ARE NOT CREATED BY BY-LAW**





# SHORE ROAD ALLOWANCES

- Shore Road Allowances found in Precambrian Shield area of Ontario
- - No Shore Road Allowances in Northumberland or P.E.C.
- - Instrument of Logging Industry (Trespass / Flooding, Damage)
- - Not a logical place for a Road:
  - - Erosion and Flooding -
- -Road Created by Crown Surveyors – therefore, is a Public Highway
  - Registry Office: no such term as a “Shore Road Allowance” – just Road Allowance





# Easements: (Not a Public Road)

- The right of one landowner to use another parcel for the benefit of the Dominant Tenement
- (Dominant Tenement) (Servient Tenement)
- *Example*
- Property Owner A has a Right-of-Way over Property Owner B
- How to Terminate Easements:
  1. Dominant Tenement releases the interest (in this case, the right-of-way)
  2. Natural Termination: Time limit elapses (25 years – for example)
  3. Unity of Ownership – Property Owner A buys B's property (you can't have an easement over yourself)
  4. By abandonment - Dominant Tenement no longer uses the easement (over a period of time)
  5. By destruction – Barn burns down
  6. Expropriation – Servient or Dominant Tenement gets expropriated



# Thank you!

Chris Musclow  
Ontario Land Surveyor



Email: [cmusclow@jbfsurveyors.com](mailto:cmusclow@jbfsurveyors.com)

