PROTECT YOUR BOUNDARIES.ca

Understand Land™ Seminar Series for Real Estate Professionals Seminar # 6

“Deciphering the Legal Description”

Chris Kamarianakis  Executive Director, Protect Your Boundaries Inc.
PCL 11-3, SEC 65M2961 ; PT BLK 11, PL 65M2961, PART 7 & 8, 65R18107, S/T PT 8, 65R18107 IN FAVOUR OF PT BLK 11, PL 65M2961, PTS 9, 10 & 11, 65R18107 AS IN LT1077992 ; T/W PT BLK 11, PL 65M2961, PT 9, 65R18107 AS IN LT1077992 ; S/T LT1081784 ; MARKHAM
Today’s Program

✔ What is a Legal Description?
✔ How do we read it?
✔ Understanding the Legal Description.
✔ Why is this useful and how do you use it?
✔ Why you need to know this?
What is a Legal Description?
Definition: Legal Description

“A written land description which delineates a specific piece of real property.”

- Used as the property identifier in all matters to do with the conveyance of real property.
- Not an address, not a GPS location.
Where do we see a Legal Description?

References to the Legal Description

- Deed;
- Parcel Register;
- Other conveyance documents;
- Survey Plans;
- Agreement of Purchase and Sale;
- Property Tax Assessment.

It’s the universal identifier of your property used by all stakeholders who manage land and real property.
How do we read it?

LT – Lot
CON – Concession
PCL – Parcel
SEC – Section

PT(S) – Part(s)
BLK – Block
PL – Plan

RT – Right of Way
ROW – Right of Way
S/T – Subject To
T/W – Together With

TWP – Township

LT 146 PL 8330 MARKHAM ; MARKHAM
PT LT 30 BLK A PL 18 MARKHAM AS IN MA109023 ; MARKHAM
LOT 100, PLAN 65M3830, MARKHAM. S/T EASEMENT FOR ENTRY IN YR716767.
PCL 22-1, SEC 65M2770 ; LT 22, PL 65M2770 , S/T LT886455 ; MARKHAM
LOT 22, PLAN 65M3607, MARKHAM; S/T RT FOR 7 YRS FROM 2003/06/20 IN YR3 15903
Reading a Legal Description

### How do we read it?

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>PT(S)</td>
<td>Part(s)</td>
</tr>
<tr>
<td>LT</td>
<td>Lot</td>
</tr>
<tr>
<td>BLK</td>
<td>Block</td>
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<td>PL</td>
<td>Plan</td>
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<tr>
<td>CON</td>
<td>Concession</td>
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<tr>
<td>PCL</td>
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<tr>
<td>SEC</td>
<td>Section</td>
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<tr>
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<td>Right of Way</td>
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<td>TWP</td>
<td>Township</td>
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<tr>
<td>S/T</td>
<td>Subject To</td>
</tr>
<tr>
<td>T/W</td>
<td>Together With</td>
</tr>
</tbody>
</table>

Dissecting a legal description
The Three Parts of a Legal Description

1. PLAN (LOCATION) REFERENCE
2. ENCUMBERANCES (EASEMENTS)
3. MUNICIPALITY/REGISTRY OFFICE

LT 25, PL 3936, S/T EB133974; ETOBICOKE, CITY OF TORONTO

PCL 38-1, SEC M1498; LT 38, PL M1498; MARKHAM

PCL 22-1, SEC 65M2770; LT 22, PL 65M2770, S/T LT886455; MARKHAM

LOT 22, PLAN 65M3607; S/T RT FOR 7 YRS FROM 2003/06/20 IN YR3 15903; MARKHAM

PCL 48-3, SEC 65M2056; PT LT 48, PL 65M2056, PART 21 & 22, 65R5908; S/T PT 22, 65R5908, IN FAVOUR OF PTS 23 & 24, 65R5908 AS IN LT126980; T/W PT LT 48, PL 65M2056, PT 23, 65R5908 AS IN LT126980; S/T LT99956; MARKHAM
Locational Component

- Three “eras” of land naming systems:
  - Original Townships, Concessions and Lots (old).
  - Parcels within Sections (less old).
  - Lots and Blocks within Plans (present).
- More than one reference often shown in overlapping eras.
- “Where is a property on the most current official fabric?”
- The Subdivision Plan erases and re-writes the fabric.

PCL 38-1, SEC M1498; LT 38, PL M1498; MARKHAM
Encumbrance Component

- The Legal Description includes easements affecting the property;
- S/T – Other land has rights over this property.
- T/W – This property has rights over another.
- S/T & T/W – shared/mutual driveway.
- Details of the easement are in the “instrument”.
- Follow the instrument trail to get the full view.

LT 25, PL 3936, S/T EB133974; ETOBICOKE, CITY OF TORONTO
Why do I care?
The importance of Legal Descriptions

Why Legal Descriptions are Important to You

• Your first clue as to easements and encumbrances.
• Help your client avoid unnecessary risk:
  • Seller – trailing liabilities due to misrepresentation/lack of disclosure.
  • Buyer – avoid the “lemon” which doesn’t allow buyer to fulfill their desired use of land.
**PROPERTY DESCRIPTION:**
PT LT 22 PL 878 TWP OF YORK AS IN CA294772, S/T & T/W CA294772; TORONTO (YORK), CITY OF TORONTO

**PROPERTY REMARKS:**
ESTATE/QUALIFIER:
RECENTLY:
PIN CREATION DATE:
FEE SIMPLE
LT CONVERSION QUALIFIED
FIRST CONVERSION FROM BOOK
OWNERS' NAMES
CAPACITY
SHARE

<table>
<thead>
<tr>
<th>REG. NUM.</th>
<th>DATE</th>
<th>INSTRUMENT TYPE</th>
<th>AMOUNT</th>
<th>PARTIES FROM</th>
<th>PARTIES TO</th>
<th>CERT/CHK</th>
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</thead>
<tbody>
<tr>
<td>AT2856210</td>
<td>2011/10/31</td>
<td>TRANSFER</td>
<td>$2</td>
<td></td>
<td>PRINCE, ROJEAN VANESSA</td>
<td>C</td>
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<tr>
<td>AT3992168</td>
<td>2015/08/27</td>
<td>CHARGE</td>
<td>$500,000</td>
<td></td>
<td>STREET CAPITAL FINANCIAL CORPORATION</td>
<td>C</td>
</tr>
</tbody>
</table>
TOGETHER with a right of way over the northerly three feet four inches (3'4") of the lands immediately to the south and adjacent hereto, extending east from Humbercrest Boulevard a distance of seventy feet, AND SUBJECT to a right of way over the southerly three feet four inches (3'4") of the lands herein conveyed extending easterly a distance of seventy feet from Humbercrest Boulevard, the said two strips of land to form a mutual right of way to the owners and occupants from time to time of the lands herein conveyed and those immediately to the south thereof.

SUBJECT to the right to maintain over the said right of way the eaves of the house erected on the lands herein described.
Easement Documentation

Survey Plan
How to Protect Yourself and Your Client

Selling Side
✓ Examine the Legal Description for easements.
✓ Buy the Parcel Register and Instruments – what is the nature and extent of the easements?
✓ Examine them on the survey plan and “on the ground”. Is the land being used the way it is supposed to be?
✓ Decide what to disclose or have “cleaned up”.

Buying Side
✓ Investigate easements in Legal Description as above.
✓ Insert a condition on the offer “on satisfactory boundary inspection”.
✓ Discuss with surveyor if you suspect issues.
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