[Français](http://www.ontario.ca/fr/lois/loi/90b10)

Boundaries Act

R.S.O. 1990, CHAPTER B.10

**Consolidation Period:** From December 31, 2022 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2002, c. 18, Sched. E, s. 2](http://www.ontario.ca/laws/statute/S02018" \l "schedes2).

Legislative History: 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 17-19; [2000, c. 26, Sched. B, s. 2](http://www.ontario.ca/laws/statute/S00026" \l "schedbs2s1); [2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13); [2002, c. 18, Sched. E, s. 2](http://www.ontario.ca/laws/statute/S02018" \l "schedes2); [2012, c. 8, Sched. 3](https://www.ontario.ca/laws/statute/s12008" \l "sched3s1) (But see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)).

Definitions

**1** In this Act,

“Director” means the Director of Titles appointed under the Land Titles Act; (“directeur”)

“monument” means any device or object used to mark or witness a boundary; (“borne”)

“parcel” means an area of land described in an instrument by which the title to an interest in land is or was established or an area of land shown on a plan and includes a public highway or any part thereof; (“parcelle”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“surveyor” means an Ontario land surveyor authorized to practise under the Surveyors Act. (“arpenteur-géomètre”) R.S.O. 1990, c. B.10, s. 1.

Administration

**2** The Minister of Consumer and Business Services is responsible for the administration of this Act. R.S.O. 1990, c. B.10, s. 2; 2001, c. 9, Sched. D, s. 13.

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13) - 29/06/2001

[2012, c. 8, Sched. 3, s. 1](http://www.ontario.ca/laws/statute/S12008" \l "sched3s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Application for confirmation of boundaries

**3** (1)  Where doubt exists as to the true location on the ground of any boundary of a parcel, an application, in the prescribed form, may be made to the Director to confirm the true location of the boundary on the ground. R.S.O. 1990, c. B.10, s. 3 (1).

Public highways

(2)  The Minister of Transportation, the council of a municipality or an authority having jurisdiction over a public highway may apply to the Director, in the prescribed form, to confirm the true location of the boundaries on the ground of a public highway under its jurisdiction. R.S.O. 1990, c. B.10, s. 3 (2).

Who may apply

(3)  An application to the Director under subsection (1) may be made by,

(a) the owner of an interest in the parcel;

(b) the council of the municipality in which the parcel is situate;

(c) a minister of the Crown;

(d) the Surveyor General of Ontario;

(e) the Surveyor General of Canada; or

(f) with the consent of the owner of an interest in the parcel, a surveyor. R.S.O. 1990, c. B.10, s. 3 (3).

Contents of application

**4** (1)  An application under section 3 shall be accompanied by,

(a) a copy of an up-to-date plan of survey, signed by a surveyor indicating the location on the ground of the boundary or boundaries to be confirmed;

(b) a copy of the field notes of the survey; and

(c) such other information or material as is prescribed. R.S.O. 1990, c. B.10, s. 4 (1).

Further materials

(2)  The Director may at any time require an applicant to furnish such additional or other information or material as the Director specifies. R.S.O. 1990, c. B.10, s. 4 (2).

Director may initiate proceeding

**5** (1)  The Director, of his or her own initiative, may initiate a proceeding under this Act and may engage a surveyor to make a survey and plan of the parcel or any boundary thereof. R.S.O. 1990, c. B.10, s. 5 (1).

Costs

(2)  Where the Director initiates a proceeding under subsection (1), the costs of the proceeding, including incidental costs, may, on application to the Director, be paid out of The Land Titles Assurance Fund established under the Land Titles Act, and subsections 56 (2) to (5) of that Act apply to an application under this subsection. 2002, c. 18, Sched. E, s. 2.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. E, s. 2](http://www.ontario.ca/laws/statute/S02018" \l "schedes2) - 26/11/2002

Costs of municipality

**6** Where an application under this Act has been made by or on behalf of the council of a municipality, the costs of and incidental to the application shall be borne by the municipality and, except where the purpose of the application is to confirm the location of the boundaries of a public highway, the costs may be recovered by the levy of a special rate of assessment on all parcels included in the application. R.S.O. 1990, c. B.10, s. 6.

Notice of application

**7** The Director shall cause a notice of an application under this Act to be given in such manner and to such persons as the Director considers proper in the circumstances and the notice shall set out the purpose of the application and the time fixed for delivering objections to the Director and, where a copy of the plan is not included with the notice, the notice shall state the place where a copy of the plan may be inspected. R.S.O. 1990, c. B.10, s. 7.

Objection

**8** (1)  Any person desiring to object to the location of the boundary or boundaries to be confirmed, as shown on the plan of survey, shall deliver to the Director, by registered mail or by personal service within the time fixed by the notice of application, a written statement setting forth the nature and grounds of the objection. R.S.O. 1990, c. B.10, s. 8 (1).

Hearing

(2)  Where a written statement of objection is received, the Director shall afford an opportunity for a hearing to determine the validity of the objection. R.S.O. 1990, c. B.10, s. 8 (2).

Confirmation without hearing

(3)  Where the time specified in the notice of application has expired and no objection has been received, the Director, if he or she is satisfied by the application and the material filed in support thereof, may, without convening a hearing, confirm and, when the surveyor has complied with section 14, certify the location of the boundary or boundaries as shown on the plan of survey. R.S.O. 1990, c. B.10, s. 8 (3).

Hearing where Director is not satisfied by application

(4)  Where the Director is not satisfied by the application and the material filed in support thereof, he or she may convene a hearing and require any person he or she considers necessary to appear at the hearing to give evidence. R.S.O. 1990, c. B.10, s. 8 (4).

Parties

(5)  The applicant, any person who delivers a statement of objection under subsection (1) and such other persons as the Director may specify, are parties to the proceedings for the confirmation of the boundary or boundaries. R.S.O. 1990, c. B.10, s. 8 (5).

Notice of hearing

(6)  The Director shall cause a notice of hearing under this section to be given, in a manner prescribed by the regulations, to the parties and to such other persons as he or she may specify, setting forth the time, place and purpose of the hearing. R.S.O. 1990, c. B.10, s. 8 (6).

Hearing and confirmation

**9** (1)  Upon the hearing convened under section 8, the Director may dispose of any objection in such manner as he or she considers just and equitable under the circumstances and may, by order, confirm the location of the boundary or boundaries as shown on the plan of survey, or, if he or she thinks proper to do so, may order that the survey and plan be amended in such manner as he or she may direct, in which case he or she may confirm the location of the boundary or boundaries as shown on the plan as so amended. R.S.O. 1990, c. B.10, s. 9 (1).

Recording of evidence

(2)  The oral evidence taken before the Director at a hearing shall be recorded and, at the request of a party to the hearing, a copy of the recording shall be furnished to the party upon payment of the required fee. R.S.O. 1990, c. B.10, s. 9 (2); 1998, c. 18, Sched. E, s. 17.

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. E, s. 17 - 18/12/1998

Monuments

**10** The Director may order the removal of any monument that conflicts with any boundary confirmed under this Act. R.S.O. 1990, c. B.10, s. 10.

Costs

**11** (1)  Unless the Director makes an order under subsection (2), an applicant under this Act is liable to pay all costs, charges and expenses of and incidental to the application. R.S.O. 1990, c. B.10, s. 11 (1).

Idem

(2)  Upon the hearing convened under section 8, the Director may order costs to be paid by or to any person who is a party to a proceeding under this Act. R.S.O. 1990, c. B.10, s. 11 (2).

Appeal from Director’s decision to Divisional Court

**12** (1)  Any party aggrieved by an order of the Director made under subsection 9 (1) or under section 11 may appeal to the Divisional Court. R.S.O. 1990, c. B.10, s. 12 (1).

Power of court

(2)  The Divisional Court, on an appeal from an order of the Director, may,

(a) where the appeal is from an order under subsection 9 (1), decide the matter on the evidence before it or direct the trial of an issue or may dismiss the appeal or order that the survey and plan be amended and confirm the location of the boundary or boundaries as shown on the amended plan; and

(b) where the appeal is from an order as to costs under section 11, annul or, with or without modification, confirm the order. R.S.O. 1990, c. B.10, s. 12 (2).

Notice of appeal

(3)  Notice of an appeal under this section shall be filed by the appellant with the court and a copy of the notice shall be served upon the Director and the other parties to the proceedings before the Director within thirty days after the date of mailing of the order of the Director to the party appealing. R.S.O. 1990, c. B.10, s. 12 (3).

Certificate of confirmation

**13** (1)  When the period of thirty days mentioned in subsection 12 (3) has elapsed and no appeal has been taken or after an appeal, if taken, has been disposed of and the surveyor has complied with section 14, the Director shall certify the confirmation of the location of the boundary or boundaries as shown on the plan of survey as confirmed by the Director or the court, as the case may be. R.S.O. 1990, c. B.10, s. 13 (1).

Effect of confirmation

(2)  When any boundary has been certified under subsection 8 (3) or under subsection (1) of this section, the certificate is conclusive that the application and every notice, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Act. R.S.O. 1990, c. B.10, s. 13 (2); 1993, c. 27, Sched.

**Section Amendments with date in force (d/m/y)**

1993, c. 27, Sched. - 31/12/1991

Deposit of plan and field notes

**14** Despite the Surveys Act, when the boundary or boundaries shown on the plan have been confirmed and no appeal has been taken or after an appeal, if taken, has been disposed of, the surveyor shall deposit the plan and original field notes of the survey with the Director. R.S.O. 1990, c. B.10, s. 14.

Effect of certificate

**15** (1)  The boundaries confirmed and certified by the Director and defined by the monuments shown on the plan under this Act shall, despite any other Act, be deemed to be the true boundaries of the parcel. R.S.O. 1990, c. B.10, s. 15 (1).

Saving

(2)  Nothing in this Act affects the establishment or re-establishment of lines under the Surveys Act, other than the boundaries confirmed and certified under this Act. R.S.O. 1990, c. B.10, s. 15 (2).

Registration of plan

**16** (1)  When a boundary as shown on a plan of survey has been confirmed and certified under this Act, the Director shall cause the plan or a copy thereof to be registered in the proper land registry office. R.S.O. 1990, c. B.10, s. 16 (1).

Idem

(2)  Upon receipt of the plan or a copy for registration, the land registrar shall register it and shall record it in the title register or abstract index for each parcel that adjoins a boundary that has been confirmed. R.S.O. 1990, c. B.10, s. 16 (2).

Effect of registration

(3)  A plan registered under this section supersedes all corresponding portions of all former registered plans and descriptions. R.S.O. 1990, c. B.10, s. 16 (3).

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 3, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched3s2s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Right to registration

**17** A plan certified under this Act may be registered under the Land Titles Act or the Registry Act, as the case may be, without any approval under the Planning Act. R.S.O. 1990, c. B.10, s. 17.

Corrections

**18** (1)  Upon the filing of evidence satisfactory to the Director, he or she may order the correction of any inconsistency, error or omission in a plan that has been certified and registered under this Act or a predecessor of it. R.S.O. 1990, c. B.10, s. 18 (1).

Notice

(2)  An order under this section may be made without notice or with such notice to interested parties as the Director considers appropriate. R.S.O. 1990, c. B.10, s. 18 (2).

Proviso

(3)  No correction under this section shall affect the location of a boundary confirmed and certified under this Act or a predecessor thereof. R.S.O. 1990, c. B.10, s. 18 (3).

Reduction of fees

**19** Where in the opinion of the Director the fees payable on an application under this Act are unduly excessive, having regard to all the circumstances, the Director may reduce the fees to such amount as he or she considers appropriate. R.S.O. 1990, c. B.10, s. 19.

Application to Crown

**20** This Act binds the Crown. R.S.O. 1990, c. B.10, s. 20.

Minister’s orders

**20.1**  The Minister responsible for the administration of this Act may by order,

(a) require the payment of fees under this Act and specify the amounts of the fees;

(b) specify administrative procedures for the purposes of this Act;

(c) specify the procedures for land registrars to follow with respect to matters under this Act. 1998, c. 18, Sched. E, s. 18.

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. E, s. 18 - 18/12/1998

[2012, c. 8, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S12008" \l "sched3s3) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Regulations

**21** (1)  The Minister responsible for the administration of this Act may make regulations,

(a) governing standards and procedures for surveys and plans made for the purposes of this Act;

(b) prescribing the manner of making an application for confirmation of the location of boundaries and the material to be submitted with the application;

(c) requiring any information in connection with any application, evidence or procedure to be verified by affidavit or declaration;

(c.1) prescribing the circumstances in which the Director may treat an application for confirmation of the location of boundaries as abandoned or withdrawn;

(d) Repealed: 1998, c. 18, Sched. E, s. 19 (2).

(e) prescribing one or more methods by which notice of a hearing under this Act may be given;

(f) Repealed: 1998, c. 18, Sched. E, s. 19 (2).

(g) prescribing the manner of making an objection to the location of the boundary or boundaries as shown on the plan of survey and the material to be submitted with the objection;

(h) Repealed: 1998, c. 18, Sched. E, s. 19 (2).

(i) governing the manner of recording oral evidence and the manner of providing copies thereof;

(j) Repealed: 1998, c. 18, Sched. E, s. 19 (2).

(k) respecting costs and the assessment thereof;

(l) governing the correction of plans under section 18. R.S.O. 1990, c. B.10, s. 21; 1998, c. 18, Sched. E, s. 19 (1, 2); 2000, c. 26, Sched. B, s. 2 (2).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under clause 21 (1) (a), (b), (c), (e), (g), (i), (k) or (l), as those clauses read immediately before December 18, 1998, if the Minister makes a regulation under subsection 21 (1), as amended by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 19, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 19 (4).

Note: Regulations made under clause 21 (1) (d), (h) or (j), as those clauses read immediately before December 18, 1998, continue until the Minister makes an order under section 20.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 18, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 19 (5).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under clause 21 (1) (d), (h) or (j), as those clauses read immediately before December 18, 1998, if the Minister makes an order under section 20.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 18, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 19 (6).

Note: Despite subsection 19 (2) of Schedule E of the Statutes of Ontario, 1998, chapter 18, the Lieutenant Governor in Council may by regulation revoke regulations made under clause 21 (1) (f) of the Act, as that clause read immediately before December 18, 1998, if,

(a) the Director of Land Registration makes a regulation under subsection 21 (2) of the Act, as enacted by subsection 19 (3) of Schedule E of the Red Tape Reduction Act, 1998, that is inconsistent with those regulations; or

(b) the Director makes a regulation under subsection 21 (2) of the Act, as re-enacted by subsection 2 (3) of Schedule B of the Red Tape Reduction Act, 2000, that is inconsistent with those regulations. See: 2000, c. 26, Sched. B, s. 2 (4).

Forms

(2)  The Director may make regulations prescribing forms and providing for their use. 2000, c. 26, Sched. B, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. E, s. 19 (1-7) - 18/12/1998

[2000, c. 26, Sched. B, s. 2 (2-4)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs2s2) - 06/12/2000

Transition

**22** (1)  Where, prior to the 29th day of December, 1980, notice of an application has been given pursuant to subsection 9 (1) of The Boundaries Act, being chapter 48 of the Revised Statutes of Ontario, 1970, the application shall be continued as if that Act had not been repealed. R.S.O. 1990, c. B.10, s. 22 (1).

Idem

(2)  Where, prior to the 29th day of December, 1980, the Director received an application under section 4 of The Boundaries Act being chapter 48 of the Revised Statutes of Ontario, 1970, but no notice of the application has been given under subsection 9 (1) of that Act, the application shall be taken up and continued in conformity with this Act. R.S.O. 1990, c. B.10, s. 22 (2).

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[Back to top](#Top)