

Ministry of Natural Resources and Forestry

Land Tenure Data Maintenance Guide

Mapping and Information Resources Branch

07 April 2016

Disclaimer

This technical documentation has been prepared by Her Majesty the Queen in right of Ontario as represented by the (the “Ministry”). No warranties or representations, express or implied, statutory or otherwise shall apply or are being made by the Ministry with respect to the documentation, its accuracy or its completeness. In no event will the Ministry be liable or responsible for any lost profits, loss of revenue or earnings, claims by third parties or for any economic, indirect, special, incidental, consequential or exemplary damage resulting from any errors, inaccuracies or omissions in this documentation; and in no event will the Ministry’s liability for any such errors, inaccuracies or omissions on any particular claim, proceeding or action, exceed the actual consideration paid by the claimant involved to the Ministry for the materials to which this instructional documentation relates. Save and except for the liability expressly provided for above, the Ministry shall have no obligation, duty or liability whatsoever in contract, tort or otherwise, including any liability or negligence. The limitations, exclusions and disclaimers expressed above shall apply irrespective of the nature of any cause of action, demand or action, including but not limited to breach of contract, negligence, strict liability, tort or any other legal theory, and shall survive any fundamental breach or breaches. For more information about this Land Tenure Data Maintenance Guide, e-mail lio@ontario.ca, or phone 705-755-1878.

Table of Contents

1	Purpose	4
2	Land Tenure Overview	4
2.1	Crown Land – MNRF Unpatented Land.....	5
2.2	Crown Land – MNRF Acquisitions	5
2.3	Crown Land – MNRF Non-Freehold Dispositions	5
2.4	Patent Land.....	6
2.5	Tenure Pending	6
3	Data Custodianship	7
4	Maintenance Process	7
4.1	Crown Land – MNRF Non-Freehold Dispositions	8
4.1.1	Land Use Permits (LUP).....	8
4.1.2	Leases, Licences of Occupation, Easements	9
4.1.3	Cancellation of Leases, Licenses of Occupation and Easements	9
4.2	Crown Land – MNRF Aquisitions	9
4.2.1	New Acquisitions	9
4.2.2	Permanent Disposition of Acquired Land.....	10
4.2.3	Acquisitions Through Partner Data Agreements.....	10
4.3	Crown land – MNRF Unpatented	10
4.3.1	Permanent Disposition of Unpatented Land	10
4.3.2	Depatented Parcels	11
4.3.3	Forfeitures	11
4.4	Patent Land.....	11
5	Error Reporting	11
6	Glossary	12
	Appendix A	14
	Appendix B	15
	Appendix C	16
	Appendix D	17

Land Tenure Data Maintenance Guide

1 Purpose

This maintenance guide provides information about the series of Crown Land Tenure data classes and is intended for MNRF staff that will be providing parcel related information or editing the Land Tenure data classes in the LIO Editor.

2 Land Tenure Overview

As a result of the Land Tenure Information Integration Initiative (LT3), a series of improved land tenure data classes covering all of Ontario are now available and being maintained within the Ministry of Natural Resources and Forestry' (MNRF) LIO editing system. The LT3 was a ministry wide project designed to improve the MNRF's land tenure information. The project integrated tenure data sets from various sources, validating the information and making it accessible to all who require it for lands related MNRF business.

The series of Land Tenure data classes include:

- Crown Land – MNRF Unpatented Land
- Crown Land – MNRF Acquisitions
- Crown Land – MNRF Non-Freehold Dispositions
- Patent Land
- Tenure Pending

These data sets, which contain Assessment Roll Numbers (ARN's), Property Identification Numbers (PIN's) and secured tables, are considered restricted to MNRF staff for their internal business purposes. For clients and other users, an external or public version is available through the Land Information Ontario (LIO) Warehouse.

The public data sets correspond to each of the above internal data classes, but do not contain ARN's, PINs or any secured tables. As well, the Patent Land External layer has been dissolved based on Geographic Township, Title Holder Type and certain forestry related reservations.

The public version of the Land Tenure data classes include:

- Crown Land – MNRF Unpatented Land Public
- Crown Land – MNRF Acquisitions Public
- Crown Land – MNRF Non-Freehold Dispositions Public
- Patent Land External

As a result of the improved tenure data sets, the following layers have been replaced and are or will be retired:

- Agricultural Land
- Crown Leased Land
- Crown Parcel Pending
- Land Ownership

2.1 Crown Land – MNRF Unpatented Land

The definition of this data class is: unpatented lands under Crown control managed by the Ministry of Natural Resources and Forestry (MNRF). These are parcels of land, and land under water, that have not been granted or sold by the Crown to people or organizations for private use. Patented properties that are forfeited (forfeitures) back to the Crown are also considered unpatented land. Patented parcels that have been depatented are also included in this class.

2.2 Crown Land – MNRF Acquisitions

MNRF achieves its organizational goals on privately owned land through a variety of tools or approaches, collectively known as ‘land securement’. For the purposes of this data class, securement includes activities such as acquisitions of title rights through fee simple purchase, leasehold, conservation easements, land donations, bequeaths and land exchanges.

This dataset contains historical acquisition records. Some properties have since been declared surplus and sold, or depatented. These parcels will have the Surplus or Depatented flag checked. Surplus properties should also be in the Patent Land layer. Depatented properties should be in the Crown Land – MNRF Unpatented Land layer.

Acquisitions may also be completed by developing partnership agreements to secure lands through purchase, donation or dedication.

Note: this data class only includes secured land that is managed by the MNRF. Other provincial government land that is NOT managed by MNRF will be included in the Patent Land data class, where discovered, with a Title Holder Type of “Other Provincial Government Agency”.

Lands secured through partner agreements that are managed by the partners will be included in the Secure Conservation Lands data class.

2.3 Crown Land – MNRF Non-Freehold Dispositions

The definition of Crown Dispositions is the transfer of rights to use Crown land from the Crown to private individuals, businesses, other ministries or the federal government.

The information included in this data class, however, is limited to dispositions that have a term, therefore any disposition other than a patent. These include:

- Leases
- Licences of Occupations
- Easements
- Beach Management Agreements
- Land Use Permits (LUP)

At the end of the term of the occupation, the land reverts back to the Crown if the occupation agreement is not renewed or the terms of the agreement are not met. Dispositions should only occur on lands which are included in either the “Crown Land – MNRF Unpatented” or “Crown Land – MNRF Acquisitions” data classes. NOTE: Only LUP’s that are recurring or that have a term greater than one year will be included in the Dispositions data class.

2.4 Patent Land

A patent is a permanent disposition that does not revert to unpatented land unless it is forfeited to the Crown or it is acquired by the Crown and then depatented. Therefore, patented land is managed in a separate data class (Patent Land). Patent Land holds the spatial representation of properties that are patented, without internal boundaries, except where there are individual parcels that are of interest to the Crown. These include:

- Patented land that is owned by a Crown agency other than MNRF and that is not managed by MNRF
- A reservation to the Crown (e.g. timber rights, mining rights)
- An easement to the Crown’s benefit (e.g. access road)
- Crown pecuniary interest (e.g. Government grant for conservation purposes)

2.5 Tenure Pending

The Tenure Pending data class is to be used for all changes to the land tenure layers. Any change to land tenure information is submitted for maintenance to the Ontario Parcel database. For more information on the Ontario Parcel maintenance, refer to section [4.0 Maintenance Process](#). This will ensure that all tenure data class geometry aligns with the Ontario Parcel geometry.

The Tenure Pending data class is a temporary holding place for the data until transactions have been finalized and/or the Ontario Parcel data has been updated to reflect changes. The quality of the information in this class may vary, depending on the information source the editor(s) have at the time. This class is important to the maintenance of all Land Tenure data classes to ensure collaboration between all areas of MNRF staff.

3 Data Custodianship

An information owner is responsible for defining the structure, access and upkeep of their business areas information assets. The Crown Land – MNRF Unpatented Land, Crown Land – MNRF Non-Freehold Dispositions and Tenure Pending data classes are jointly owned and managed by the Program Services Section (PSS), Integration Branch (IB) and Office of the Surveyor General (OSG), Mapping and Information Resources Branch (MIRB). The MNRF Acquisitions data class is owned by IB, and the Patent Land data class is owned by MIRB, but both data classes are managed by each of the branches. Much of the attribute information derived from land title documents, Land Use Permit documents and/or the acquisition of parcels is managed by PSS, while the geometry of the parcel is managed by OSG through the Ontario Parcel maintenance.

4 Maintenance Process

The Land Tenure data sets (MNRF Unpatented Land, MNRF Acquisitions, MNRF Non-Freehold Dispositions, Patent Land and Tenure Pending) are structured data classes, maintained through the LIO Editor in accordance with policies and procedures from PSS and OSG. This document identifies the information management process for the land tenure data sets based on current business practices. More information on current business practices can be found on the PSS webpage and can be accessed by following:

<http://www.giscoeapp.lrc.gov.on.ca/web/MNR/Integration/LT3/Viewer/Viewer.html>

The Land Tenure data classes are managed in coordination with the Ontario Parcel maintenance which occurs through land related business processes already in place.

For more information on the Ontario Parcel Maintenance process visit:

<http://www.ontarioparcel.ca/english/index.htm> (click on technical information, then maintenance process).

The Parcel maintenance will be facilitated through the following:

1. Notification to OSG staff by the Crown Land Registry when disposition (freehold or non freehold) documents are sent to the Land Registry Offices (LRO) for registration;
2. Notification to OSG staff from PSS staff when an acquisition has taken place;
3. Notification to OSG staff from the District/Area/Parks Offices when a new unmapped LUP has been issued.
4. Notification to OSG staff from the District/Area/Parks Offices when a LUP has been cancelled and the site will no longer be used by anyone
5. Notification from any internal staff via the Error Reporting Form available through the Program Services Intranet Site and the [Ontario Land Tenure Atlas](#) IMF (Internet Mapping Framework).

(Refer to Appendix C for maintenance flow diagrams for LUP's and Crown Land Dispositions.)

All District and Ontario Parks GIS staff have editing and check-in privileges on the Tenure Pending class in the LIO Editor. This class will allow staff to create a polygon and populate the attributes in the LIO Editor as an “unofficial” representation of a parcel to show that there is activity in an area while waiting for parcels to be transferred through the Registry Office and/or be processed through OP maintenance. Once the document has been received by the Land Registry Office (LRO), it can take approximately 4 to 6 months for the parcel to be updated in the Ontario Parcel and Land Tenure datasets. The Tenure Pending class will also include polygons that are created based on survey plan submissions or digital plan submissions to OSG.

4.1 Crown Land – MNRF Non-Freehold Dispositions

4.1.1 Land Use Permits (LUP)

When the District/Parks Office issues a LUP, a document is created through the Land Use Permit System. The issuing Office creates a sketch map or digital file identifying the location and dimensions of the LUP. There are some records in the LUPS database where Offices have not been able to provide a sketch map or diagram of the LUP location, so a 20mX20m square parcel was created based on coordinates provided by the issuing Office. This does not support good data management practices and creates ambiguity in the data. On a day forward basis, a sketch map, diagram or digital file **MUST** be provided so that the dimensions of the actual LUP area can be created in the disposition class. It is expected that as the LUPs are renewed over time, many of the 20m x 20m square parcels will be replaced with better geometry.

The sketch or diagram should be sent to PSS with supporting documentation. Digital files should be put into the Tenure Pending layer with sufficient attributes to identify it properly (e.g. Permit number). Once the parcel is received by PSS, the sketch is forwarded to OSG to update the Ontario Parcel geometry and Crown Land – Non Freehold Disposition data class.

When a LUP is entered into the Land Use Permit System a system generated LUP ID is automatically created. This is used as a unique identifier which can be used to cross-reference between this system and the Crown Land - MNRF Non Freehold Dispositions data class in the LIO Editor. The other unique identifier is the Crown Parcel ID. This ID is assigned by OSG when the geometry is first submitted for OP maintenance. It is also entered into the LUP system by OSG at the same time. This ID is consistent with the geometry – if the permit number changes through renewal, the Crown Parcel ID should remain unchanged.

4.1.2 Leases, Licences of Occupation, Easements

Legal surveys are required for Leases, Licences of Occupation and Easements. When the legal survey is approved by the Office of the Surveyor General (OSG) and registered, it is sent to OSG so that the geometry can be added to the Tenure Pending class until the transfer has been finalized. Digital survey submission will reduce the amount of time required to update spatial layers.

In the case of a mining lease, the Ministry of Northern Development and Mines (MNDM) approaches OSG for instructions to survey and the PSS is responsible for completing the title document. All other processes remain the same.

Once the tenure document has been finalized and is ready to be sent to the LRO, PSS notifies OSG. The data is updated through the OP maintenance and OSG removes the geometry from the Tenure Pending class and adds it to the Crown Land – MNRF Non Freehold Disposition data class along with attribute information found in the Land Index System (LIS).

4.1.3 Cancellation of Leases, Licenses of Occupation and Easements

The cancellation of a termed disposition can occur for several reasons. Some examples include: non- payment of rent to the Crown; lease or licence of occupation expiration; or lease or licence of occupation is formally cancelled. Only when the cancellation is finalized should the data be updated.

PSS or District offices can cancel a lease or a licence of occupation. Crown Land Registry notifies OSG when a cancellation has taken place.

When a mining lease or a mining licence of occupation is cancelled, a document is processed by the MNDM and then sent to the Crown Land Registry office. Crown Land Registry then forwards information to OSG and the LRO to process the removal of the lease.

The spatial data and attribute data will be removed from the Dispositions data class in the LIO Editor by OSG staff. The Ontario Parcel data will also be updated through the maintenance process.

4.2 Crown Land – MNRF Aquisitions

4.2.1 New Acquisitions

New acquisition records are added to the Crown Land – MNRF Acquisition layer by the PSS when LRO transfer documents are received. Copies of the documents are forwarded to the OSG for inclusion in the OP Maintenance process as well as removal of the parcel from the Patent Land data class.

4.2.2 Permanent Disposition of Acquired Land

Acquired properties that MNRF holds title to must be depatented prior to sale. See section on Depatented Parcels. The property that will be sold can be identified by the District, Zone or PSS. At this time the parcel will be flagged in the acquisition class as depatented and the parcel geometry added to the Tenure Pending data class. The data remains in the acquisition data class so that the original purchase information is maintained for reporting purposes. No parcels will ever be removed from the Acquisitions data class so that a historical sales record can be maintained. Once the sale is finalized, the data is updated through the OP maintenance process and OSG moves the geometry to the Patent Land data class and removes it from the Tenure Pending data class. PSS is responsible for the collecting of all of the attribute information related to an acquisition.

4.2.3 Acquisitions Through Partner Data Agreements

Partner acquisitions are lands secured through one of the Ministry's Land Securement Program's partnership initiatives (e.g. Ontario Parks, Greenlands, etc.) where a partner organization has taken title or holds an easement on title to lands for conservation purposes. In general, MNRF has provided funds to these partners to secure lands that meet key mutual goals and objectives. Acquisitions that are through the partner program follow a process outlined in the Data Management Model for the Secured Conservation Lands data class and are not included in the Crown Land – MNRF Acquisitions data class. Once the acquisition has been finalized, the parcel will be added to the Secured Conservation Lands data class, as the title will be held by the partner, not the MNRF

4.3 Crown land – MNRF Unpatented

4.3.1 Permanent Disposition of Unpatented Land

All patent transfers are communicated from PSS to OSG in the same way other dispositions are managed. When an unpatented parcel is sold, a notification is sent to OSG from the Crown Land Registry indicating that a transfer will occur. OSG then adds the parcel geometry and attributes to the Tenure Pending class in the LIO Editor until the sale is finalized. Once the sale has been finalized, the parcel goes through the OP maintenance process and is subsequently removed from the Tenure Pending class as well as from the unpatented class by OSG and added to the Patent Land data class.

The sale of public land that has been leased or under land use permit would require PSS to identify the type of agreement in place. If the lease or permit is still active, PSS would terminate the agreement following business policy and procedures. At this point the data will be removed from the disposition data class and be treated the same as a sale of an unpatented parcel.

4.3.2 Depatented Parcels

A parcel of land can only be depatented if it is an acquired parcel. Once a parcel has been depatented, the data goes through the Ontario Parcel process and is subsequently added to the Unpatented data class but also remains in the Crown land – MNRF Acquisitions data. The parcel remains in this data class so that the sales history can be maintained. In order to identify the parcel as unpatented in the Acquisition data class it is flagged as a depatented by PSS. A process is in place for depatenting - MNRF would go through this process at the request of the District Manager/Zone Manager or in the event that the MNRF wishes to sell an acquired parcel. The LRO is informed and requested to close out the parcel.

4.3.3 Forfeitures

Forfeitures may occur for the non-payment of land taxes (e.g. Provincial Land Tax). In unorganized territory these lands return to the Crown as unpatented lands under the management authority of MNRF.

MNRF is notified periodically of forfeited parcels. Once MNRF receives notification, PSS staff updates LIS and then informs OSG of the forfeiture. Some of the forfeitures are patents and some are leases (mining patents & leases). If the parcel is a forfeited patent, OSG removes the parcel from the Patent Land data and adds it to the Crown Land - MNRF Unpatented Land data class. If the parcel is a forfeited lease, OSG will remove the parcel from the Crown Land – MNRF Non Freehold Dispositions data class. The OP will also be updated through the maintenance process.

4.4 Patent Land

When Crown Land Registry has sent the transfer documents to the corresponding LRO, a copy of the letter is sent to OSG. The information is then sent to Teranet through the OP Maintenance Process. When the OP maintenance has been completed by Teranet, OSG then adds the parcel to the Patent Land layer and removes the geometry from the Crown Land – MNRF Unpatented Land layer.

5 Error Reporting

All data user's have a responsibility to be a part of the maintenance process by reporting and editing errors and omissions in the land tenure datasets described in Appendix A. This error reporting form should be used in situations where the existing data is clearly incorrect, and the MNRF staff would like to notify main office staff of the error. In the case of geometry or location errors, or new tenure changes, the MNRF staff should use the Tenure Pending data class to improve spatial information. OSG staff are automatically notified when changes to Tenure Pending are made.

Errors in PIN information or Ontario Parcel ownership geometry must be reported through the local LRO. Teranet maintains this information on behalf of the LROs and will only change the information at the request of the Land Registrar.

6 Glossary

Depatenting: A process pursuant to Section 38 of the Public Lands Act that enables the MNRF to restore land acquired by and or for the use of the MNRF to the status of unpatented land. A certificate stating that the lands are deemed to be public land is registered by the land registrar who closes the parcel, meaning that the Land Titles Act or the Registry Act ceases to apply to the land.

Easement: A property right, in which one property gains a benefit from another property (e.g. a right of way).

Land Index System (LIS):

An MNRF database used to record information about interests in Crown lands including Crown patents (original grants), leases, licenses of occupation, easements and surveys. Also contains assignments of leases and licenses of occupation.

Land Registry Office:

Operated by the Ministry of Government Services for the registration and filing of documents in the Registry Division under the Registry Act and, in the Land Titles Division for documents registered under the Land Titles Act.

Lease: A conveyance or grant of possession of land that permits occupation of public land for a specific term for a set length of time.

Legal Description:

A description of land in a freehold or leasehold letters patent, license of occupation, or easement which is suitable for registration in a Land Registry Office.

License of Occupation:

A license issued under section 20 of the Public Lands Act which conveys a personal right to occupy public lands and includes a statutory right to maintain action against trespass.

Survey:

The determination, measurement and establishment of boundaries of land performed by an Ontario Land Surveyor who is licensed to practice cadastral surveying.

Transfer: (a) A document that changes ownership of a leasehold estate registered under the Land Titles Act.
(b) The act of conveying a property interest to another party.

Appendix A

Error reporting process

Types of Errors and How to Resolve Them

MNRF staff will be able to report errors to the main office using the Land Tenure Atlas and the Error Reporting Form (Appendix B) to notify the Land Tenure Maintenance team that an update to a layer is needed.

6. Errors with incorrect attribute information (document numbers, file numbers, title holder, etc.) E-mail to lt3mail@ontario.ca, attaching documentation or forwarding through mail or by fax. Staff will make the changes in the appropriate database & in the Land Tenure layers.
7. Parcel is shown in the Crown land – MNRF Acquisition layer, but is not managed by MNRF Use the Land Tenure Atlas to label parcel (see user guide) and/or e-mail to lt3mail@ontario.ca with details on error. Further documentation can be sent by mail or fax.
8. Parcel is managed by MNRF, but not shown in Crown land – MNRF Acquisition layer. Use the Land Tenure Atlas to label the parcel (use pushpin feature) and line tool to further highlight parcel and/or e-mail to lt3mail@ontario.ca. Mail or fax documentation such as copies of non-Crown survey plans, metes and bounds descriptions.
9. Parcel in a Land Tenure layer has incorrect geometry Use the Land Tenure Atlas to label parcel (use pushpin feature) and line tool to further highlight parcel and/or e-mail to lt3mail@ontario.ca. Mail or fax documentation such as copies of non-Crown survey plans, metes and bounds descriptions to allow for accurate parcel limits to be created.

[Land Tenure Atlas](#)

Appendix B

Land Tenure Error Reporting Form

Use this form to report errors or omissions in the Land Tenure layers

Polygon Location:

Please include as much information as possible...

District/Zone:

Geographic Township:

Concession:

Lot:

Unique Parcel ID:

Assessment Roll Number:

Description of Error:

Sketch attached? Y/N

Documents attached? Y/N

Hardcopy documents to follow? Y/N

Contact Information:

Please provide contact information if main office has a question or needs clarification...

Name:

E-mail:

Phone:

Appendix C

Maintenance Flow Diagrams



