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No. 44.

HIGH COURT OF JUSTICE.

MIDDLETON, J.

JUNE 30TH, 1910.

RE PURSE AND FORBES.

Vendor and Purchaser—Title to Land—Registered Plan—Order Amending — Road Allowances — Title Vested in Abutting Owner—Surveys Act.

Motion by a vendor for an order under the Vendors and Purchasers Act declaring that he was able to make a good title to certain lands, and that the purchaser's objections were not valid

G. H. Gray, for the vendor.

J. Douglas, for the purchaser.

MIDDLETON, J.:—Kobe and Hisgo streets were laid out on plan 708, and the lands adjoining these streets were sold. Subsequently, the York Loan Company, having acquired title to the lands, desired to amend the plan and substitute another survey and subdivision of their estate, which involved the laying out of the lands covered by the streets as part of the new lots. The municipality had not assumed the streets for public use, and assented to an order made by the County Court Judge for an alteration of the plan in the manner proposed. The company being the owners of lands abutting upon the closed allowances for highways, the lands forming such allowances, by virtue of sec. 39 of the Surveys Act, amended by 63 Vict. ch. 17, sec. 22, belong to them (the company.)

The effect of the registration of the plan and the order for its amendment is to divest the title of the original owner to the road allowance and to vest it in the abutting owner.

The order will, therefore, declare that the objection taken by the purchaser is not a good and valid objection to the vendor's title to the lands in question. No costs.