

Instructions for Registering Mitigation Measures Agreements and Merger Agreements at Peterborough RO:

The general rule is that in the electronic system one can only register documents which affect title to land such as Deeds and Mortgages. Agreements between parties which are not title related, as a general rule, are not accepted for registration and are rejected.

However, there are exceptions to the rule. The exception that would be applicable in this case is any section of the Planning Act which authorizes the entering into of an agreement between an applicant and a municipality followed by registration on title.

The registration manual from the RO's office, acknowledges that notice of an agreement will be accepted for registration in the electronic system if it arises from section 53(12) of the Planning Act.

Agreements imposed as a condition of severance, in Peterborough County, find their authority in section 53(12) of the Planning Act. Accordingly, to register an Agreement such as an Environmental Impact Mitigation Measures Agreement, **the solicitor, in the notice pursuant to section 71 of the Land Titles Act, would make a solicitor statement in the Schedule that registration of the Agreement is authorized by Section 53(12) of the Planning Act.** The document will then be accepted for registration by the registrar.

Excerpts from the Planning Act, R.S.O. 1990, CHAPTER P.13

Agreements

Sec. 50.1 [\(26\)](#) A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1994, c. 23, s. 30.

Powers

Sec. 53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.