

MUNICIPALITE DU CANTON DE TINY
MUNICIPALITY OF THE TOWNSHIP OF TINY
www.tiny.ca

130 BALM BEACH ROAD WEST
TINY, ONTARIO L0L 2J0
(705) 526-4204/526-3706 1-866-939-8469
FAX (705) 526-2372

July 15, 2013

To: All Property Owners on the west side of Tiny Beaches Road South
from 420 Tiny Beaches Road South to 616 Tiny Beaches Road South

Dear Sir/Madam:

As a result of a recent application made pursuant to the *Boundaries Act*, the Township of Tiny is in the process of addressing certain title issues relating to a reserve in the original crown grant along the entirety of the length of the beach area involving the above noted properties.

The purpose of this investigation is to confirm and define the location of this crown reserve and to clarify the title to this area in that regard.

In order to conduct this investigation, the Township has retained Land Surveyors to attend the area in question and to conduct an appropriate survey. It is expected that this will commence on or about July 22, 2013. We would not expect that in conducting the survey that the Land Surveyors will interfere with your use of your property to any significant extent if at all.

Upon completion of the survey, it is anticipated that the Township will be commencing an application in the Ontario Superior Court of Justice to address, determine or otherwise clarify the various title issues that may be identified.

For your information, we enclose herewith a copy of the above noted *Boundaries Act* Application, along with the Township's Notice of Objection.

Should you have any further inquiries please contact the Township offices at 705-526-4204.

Yours truly,

THE CORPORATION OF THE TOWNSHIP OF TINY

Doug Luker,
Chief Administrative Officer

/aw

Enclosures

Ministry of
Government Services
ServiceOntario

Policy and Regulatory Services
Branch

20 Dundas Street West
Toronto ON M5G 2C2

Telephone: 416 314-4873
Facsimile: 416 314-4878

Ministère des
Services gouvernementaux
ServiceOntario

Direction des politiques et de la
réglementation

20 Dundas Street West
Toronto ON M5G 2C2

Telephone: 416 314-4882
Facsimile: 416 314-4878



The Boundaries Act

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

NOTICE OF APPLICATION

TAKE NOTICE that an application has been made by Patricia Ann Edwards, the registered owner of the lands designated as PINs 58394-0052(LT) and 58394-0051(LT) dated February 21st, 2013, for the purpose of confirming, under the *Boundaries Act*, the true location on the ground of the limits of the lands designated as PIN 58394-0052(LT), being Lots 42, 43, and 44, Registered Plan 779, and PIN 58394-0051(LT) being Lot 45, Registered Plan 779, Township of Tiny, County of Simcoe, as shown on the proposed plan of Survey by R. J. Stewart, OLS, CLS, dated January 31, 2013.

AND FURTHER TAKE NOTICE that a copy of the draft plan prepared by Ronald J. Stewart, OLS of MMM Geomatics Ontario Limited is enclosed herewith.

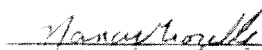
AND FURTHER TAKE NOTICE that any person desiring to object to the confirmation of the boundary as shown on the draft plan, is required to deliver to me by registered mail, or by personal service, on or before the June 28, 2013, a written statement setting forth the nature and grounds of the objection. Copies of all plans, field notes and documents upon which the objector relies must support the statement of objections.

AND FURTHER TAKE NOTICE that any person desiring to be considered as a party to these proceedings and further receive copies of the objections filed with this office is required to deliver to me by registered mail, or by personal service, on or before the 28th day of June, 2013, a written statement setting forth the nature and grounds of their request.

AND FURTHER TAKE NOTICE that the procedures under the *Boundaries Act* are followed in order to confirm the location of the boundary/boundaries under application. Claims of title such as interests in land that others may have by virtue of a pre-existing length of possession or use of the property or claims of access or use of the property are outside the jurisdiction of the *Boundaries Act*. Claim of such nature would be appropriately dealt with under the *Land Titles Act* applications.

AND FURTHER TAKE NOTICE that if no objections are received, I may confirm and certify the location of the boundaries, as shown on the draft plan of survey and supported by the survey report, without convening a hearing, and without providing any further notice.

DATED at my office in the
Policy and Regulatory Services Branch,
ServiceOntario,
Ministry of Government Services,
20 Dundas Street, 4th Floor,
Toronto, Ontario, M5G 2C2
This 23rd day of May 2013


Nancy Grozelle, O.L.S.
Deputy Director of Titles

File: B-1232 - For any enquiries contact:
Nancy Grozelle, Assistant Examiner of Surveys,
Phone: (416) 314-4873, Email: nancy.grozelle@ontario.ca

PLAN

PLAN OF SURVEY OF
LOTS 42, 43, 44 AND 45
REGISTERED PLAN 779
EDWARDSHIP OF TENY
COUNTY OF SIMCOE

CERTIFICATE OF CONFIRMATION

SCALE: 1:500
DATE: 2011-07-28
BY: [Signature]

NOTES:
1. THIS PLAN IS A CONFIRMATION OF THE SURVEY OF THE PROPERTY DESCRIBED IN THE REGISTERED PLAN 779.
2. THE SURVEY WAS CONDUCTED BY THE SURVEYOR ON THE DATE INDICATED ABOVE.
3. THE SURVEYOR HAS REVIEWED THE SURVEY AND IS SATISFIED THAT THE SURVEY IS CORRECT AND ACCURATE.
4. THE SURVEYOR HAS REVIEWED THE SURVEY AND IS SATISFIED THAT THE SURVEY IS CORRECT AND ACCURATE.

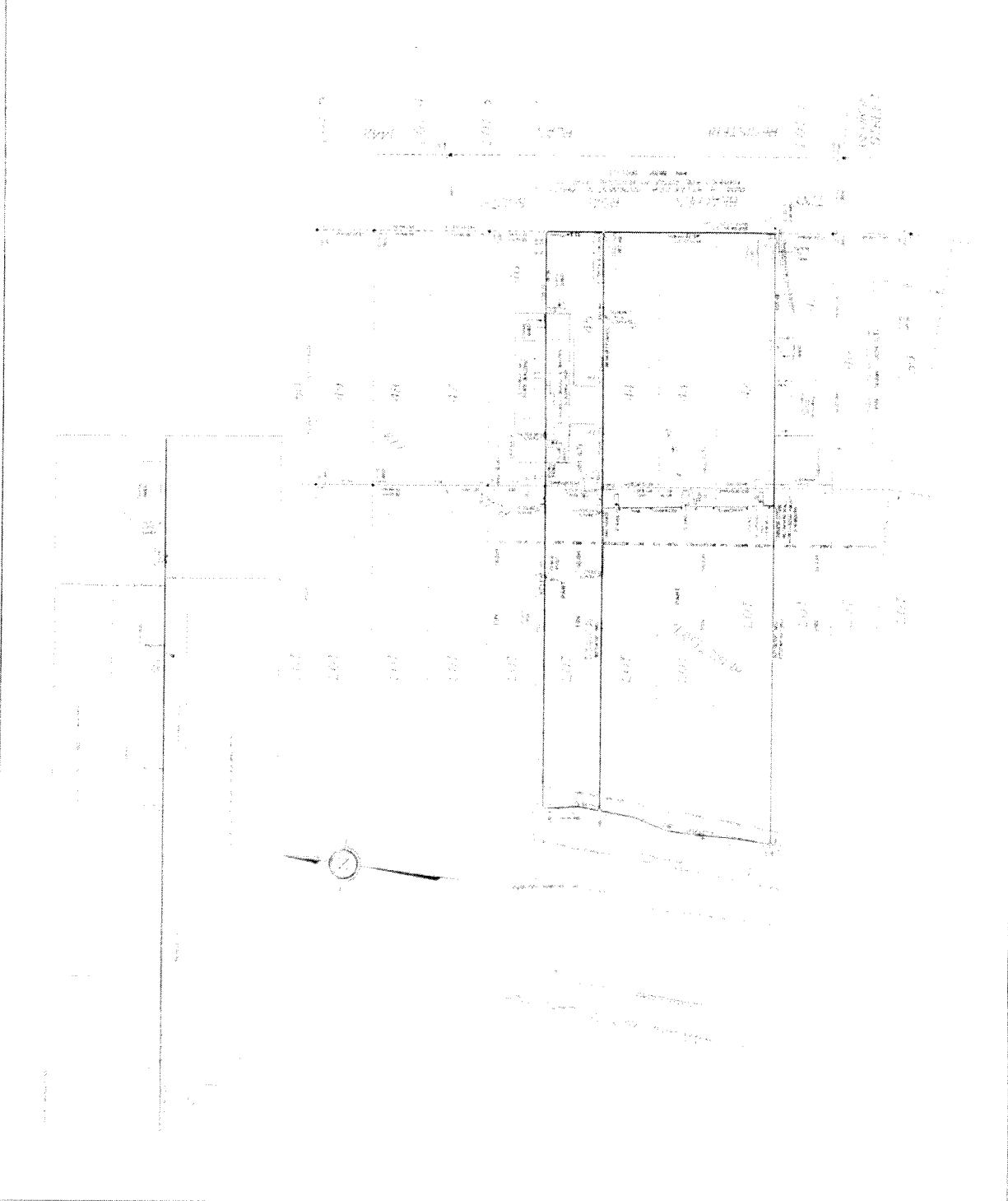
LEGEND:
1. BOUNDARY LINE
2. PROPERTY LINE
3. EASEMENT
4. ETC.

TABLE OF COORDINATES
FOR THE PROPERTY DESCRIBED IN THIS PLAN

Table with 2 columns: Station, Coordinates (Easting, Northing). It lists several stations and their corresponding coordinate values.

DATE: 2011-07-28
BY: [Signature]

Professional seal and signature of the surveyor, including the name 'S.M. [Name]' and the registration number '2112-004-000'.



The Boundaries Act
(R.S.O. 1990, Chapter B.10)

IN THE MATTER OF an application
by Patricia Ann Edwards for Boundary Confirmation dated December 23, 2013

NOTICE OF OBJECTION

To: Nancy Grozelle, O.L.S.
Deputy Director of Titles
Policy and Regulatory Services Branch,
ServiceOntario
Ministry of Government Services
20 Dundas Street, 4th Floor
Toronto, Ontario, M5G 2C2

1. The Corporation of the Township of Tiny (Tiny) through its solicitor, John Barzo, Barrister & Solicitor, ***on a without prejudice basis***, hereby objects to the confirmation of the boundary as shown on the applicant's draft plan.
2. Tiny files the within objection solely for the purposes of preserving its rights pending an anticipated application to the Ontario Superior Court of Justice pursuant to Rule 14 of the *Rules of Civil Procedure*).
3. Tiny submits that the application of the applicant raises issues relating to the actual and proper location of the reserve for a road extending beyond the proximate location of the applicants' property and in particular raises issues as to the location of the said reserve for a road fronting the entirety of Broken Lot 18. As such, Tiny submits that the application raises broader issues beyond what can be determined in the applicant's application.
4. Tiny submits that the issues raised in the within application, raises issues beyond the specific PIN in question.
5. Tiny is hereby reserving its right to request/seek a stay/adjournment of the within application pending the determination of Tiny's anticipated court application, on consent of the parties or by Order of the Director, or by Order of the Ontario Superior Court of Justice, if necessary.

6. Further and/or in the alternative, Tiny respectfully requests an extension of time in order to properly respond to the within application, given the complexity of the issues raised. As a result of the broader issues raised by the within application, the location of the road reserve across the entirety of Plan 779 will be surveyed. This, along with other research and survey work required to properly respond, will require approximately an additional three months' time.
7. Further, and without prejudice to any of the foregoing, Tiny objects to the confirmation of the boundary as shown on the applicants' draft plan for including, but not limited to the following reasons:
 - a. The proposed boundary does not reflect the actual boundary of the applicants' property;
 - b. The reserve noted in the draft plan does not accurately place same on the ground;
 - c. The reserve noted in the draft plan is incorrectly identified and in fact the said reserve is property of the Crown;
 - d. Further and/or in the alternative, the reserve noted in the draft plan is incorrectly identified and in fact the said reserve is a public highway dedicated to and accepted by Tiny;
 - e. The application does not take into account all of the property rights that may be affected;
 - f. The westerly extents of the lots on the registered plan are not properly shown;
 - g. Title to the quit claimed portions are in question;
 - h. The land between the west limit of the lots on the registered plan and the east limit of the reserve is incorrectly designated (ie: should be lot and concession);
 - i. The title to that portion is not properly shown, and in particular the block map and PINS are incorrect.
 - j. The reserve is not given a proper designation on the draft plan and does not reflect the actual wording of the Crown Patent by omitting reference to the fact that the reserve is for a road and is therefore misleading.

8. The address for service of Tiny of any notices or other documents is c/o John Barzo, Barrister & Solicitor, 205-60 Collier Street, Barrie, Ontario L4M 1G8, attention John I. Barzo, Direct Phone: 1-705-733-6245; Fax: 1-705-730-0009; Email: jbarzo@barzolaw.com

Dated at Barrie this 5th day of June, 2013.

John Barzo
Barrister & Solicitor
205-60 Collier Street
Barrie, Ontario
L4M 1G8

Lawyer for The Corporation of the Township of Tiny