

M76302 Undersurface Rights

THE FOLLOWING INFORMATION IS INTENDED TO GIVE SOME GENERAL BACKGROUND AND IS NOT TO BE REGARDED AS EXHAUSTIVE OR CONCLUSIVE IN ANY WAY.

From time to time questions are raised about undersurface rights which are shown as a charge against title.

One of the more frequently encountered of these is an undersurface rights charge registered in favour of Her Majesty the Queen in Right of Canada under M76302.

The number M76302 was designated for use for system purposes related to the conversion of undersurface rights charges held by Her Majesty the Queen in Right of Canada onto electronic titles and allowed for conversion without the necessity of typing the name each time.

The undersurface rights which Her Majesty the Queen in Right of Canada reserved to themselves are contained in the original instrument of grant by which a particular parcel of land was conveyed or "granted" from Her Majesty the Queen in Right of Canada to a purchaser.

Each grant may vary and the substance and rights reserved therein may vary. In order to verify what rights were reserved one must review the document that reserved those rights.

In many instances the document or grant that contained the reservation of the undersurface rights is noted in the "remarks" field for that charge on the title. For example, there may be a reference such as "DD9056". Any document shown in the "remarks" for M76302 on a particular title should be reviewed to see if the reservation is contained in that document.

In other instances there may be no document reference and a historical search back to the original grant may be required.

We strongly recommend that a legal or other expert opinion be obtained if you have questions regarding the reservation of undersurface rights. It is outside the authority of the Land Title Office to provide an opinion on such issues.