

## *Upcoming Events*

### **The CCM Story: Canada Cycle & Motor**

Join us on Tuesday **April 10, 2012** at LAMP, 185 Fifth Street at 7:00 PM for an illustrated presentation on the Canada Cycle & Motor Company by John McKenty. Copies of his well researched book on this Canadian industrial enterprise will be available for a discounted price of \$25.

### **The Cartographic World Revealed!**

Join us on Tuesday **May 15, 2012** at LAMP, 185 Fifth Street at 7:00 PM. Our guest speaker will be Megan Webster, antiquarian map dealer. She will provide us with a richly illustrated presentation on antiquarian maps including tips on what to buy, and how to display your treasures. To view some of the maps she has for sale please have a look at her website:  
[www.webstermaps.com](http://www.webstermaps.com).

### **Mistake of 118 Years Ago Cast A Cloud Over Titles**

Romantic History of Property That is 18<sup>th</sup> Street and Kipling Avenue

### **Error is Corrected**

The story of the missing street that has recently been found is one of much interest. It is the

thoroughfare which runs from the Lake Shore Rd. in the Town of New Toronto and continues on the east side of the Long Branch race track up to Dundas Street in the township of Etobicoke, being known in New Toronto as 18<sup>th</sup> Street and in the township as Kipling Ave.

Up until two years ago practically every citizen in New Toronto and also in the township regarded this as a public thoroughfare, but a resident named Bradford eventually made an exchange of this house on Eighteenth St. with a man named Brown in Toronto. Brown's lawyer made an exhaustive search of the title, and finally informed Bradford that he would not pass the title, as there was no street in front of his house. Bradford carried the case to Mr. Justice McElroy, and the judge ruled that there was a street in existence and that Brown had to accept Bradford's house. From this decision Brown appealed to the appellate division of the supreme court, which decided in favour of Brown and ruled that there was no street.

### **Titles Were Clouded**

Immediately every title on so-called Eighteenth St. and also on Kipling Ave. was called into question. People who had

mortgages and intended to renew them found that they could not give a good title, and various appeals were made to the council in New Toronto in 1928 asking that something be done.

The matter came up for discussion shortly after the election of Deputy Reeve W. E. MacDonald and he undertook to clear up the difficulty. He called into conference with him Alfred Cook, Ontario land surveyor, and George D. Scott, the town's legal secretary, and they concluded the town had a remedy under provisions of the municipal surveys act, which enables a municipality to appeal to the minister of Crown lands of the Ontario government to cause a survey to be made on any disputed street and to finally define the limits of the same. From the minister's decision there is no appeal and the act states further that the registration of his decision, together with the field notes of the survey, in the registry office, shall definitely fix the limits of any street.

It was then necessary to secure the co-operation of the township of Etobicoke, as two or two and half miles of the street runs through the township, and title of that was also called into question.

Mr. MacDonald attended the Etobicoke council, and then agreed to join with New Toronto in a petition to the crown.

## Delved Into History

On going back into the history of the thing, Mr. MacDonald found the whole difficulty had been caused by a mistake made by surveyors in the seventeenth and eighteenth centuries. He had the privilege of reading the instruction given to the surveyors by the crown in this period, and they disclosed that in 1795 a surveyor named Iredell had been instructed to proceed to the Etobicoke River and lay off easterly the broken front in township roads. Iredell came to the point opposite the Ontario mental hospital, near O'Brien's Hotel. Here he put in a monument, but on account of the ground being covered by deep snow he decided to leave the rest of the work until a later date. His instructions were to leave a chain width for thoroughfares, and he intended when he came back in the spring to create a space of 66 feet in width to the east of the peg that he had put in by O'Brien's Hotel, and this space would eventually have become Eighteenth St.

For some obscure reason, perhaps owing to his death, Iredell never completed his work, but in 1811 – sixteen years afterwards - the crown sent a surveyor named Wilmot to complete the survey. Wilmot found the peg. He assumed that Iredell had left the road allowance of 66 feet to the west of the peg, whereas Iredell had intended to leave the road allowance to the east.

Wilmot started from the peg and surveyed east and laid out his first township lot, thus wiping out all the rights to the street, and the space originally intended by Iredell for a street was eventually granted by the crown to settlers.

Settlers living in the district had to get to the north, and as time ran on they broke through the woods at this particular point and established what is known as a "trespass road" of no definite location. As years ran on people built along this trespass road and municipalities made improvements on it, and it was generally thought that it was a 66-foot street.

The fact of it being a trespass road prevented it from being closed, but it did not enable the municipality to legally spend any money on it for improvements, or any landowner to prove it to be a 66-foot thoroughfare.

## Righting The Wrong

That was the position when Mr. MacDonald took charge of the work for New Toronto, and in co-operation with the town officials and town solicitor he was enabled to have a petition to the minister of crown lands granted, and the firm of Speight & Van Nostrand were appointed as government surveyors to locate a street in the most convenient place and to report fully ....(to be continued).

*Toronto Star* Nov 30, 1929