

referred to is the road allowance between the Third and Fourth Concession (it could be between the Second and the Third Concession, depending on where local folks started counting). Concessions are the patented lands between the public road allowances. The road allowances are not part of the land in the concession.

The word “concession” is an Ontario term; it was taken from the French word *concedere* which means to give a grant.¹⁴

2.9 “Road Allowances” vs. “Roadways”

A distinction is made between an *original* road allowance and a *roadway*. While original road allowances are those laid out on the original survey by Crown surveyors, a “roadway” as defined in the *Public Transportation and Highway Improvement Act*,¹⁵ is “that part of a highway designed or intended for use by vehicular traffic”.

In the case of *Lucas v. Ontario* (1991)¹⁶ it was held that a “roadway” included the entire shoulder.

¹⁴ *The Settlement of Upper Canada*, by Wm. Canniff, M.D., M.R.C.S.E., (the Mike Publishing Company, Belleville, Ontario. 1971) p. 37.

¹⁵ *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P.50, s. 1.

¹⁶ (1991), 1991 CarswellOnt 2448 (Ont. Gen. Div.).