

eMUG  
ELECTRONIC REGISTRATION MUNICIPAL USERS' GROUP

PRACTICE CIRCULAR NO. 3

REGISTRATION OF MUNICIPAL GOVERNMENT ORDERS

Municipal Orders issued pursuant to municipal and/or governmental legislation require registration in the appropriate land registry office to be effective. Historically, a paper copy of the Order, either a duplicate original or a copy certified by the municipal clerk under seal, was registered on title.

The electronic registration of a municipal Order is accommodated by the Teraview software as follows:

Create a new form by selecting **By-laws and Government Orders** from the Teraview drop down menu and from the submenu, select:

- **Application to Register Government Order**

The following statements must be completed under the *Applicant* section:

- **Statement 3742** This document is being authorized by a municipal corporation  
(*Insert the municipality's signing authority*)
- **Statement 2909** This document is not authorized under Power of Attorney by this party.

The following statements must be completed under the *Statements* section:

- **Statement 3535** This application is based on a government/authority order no.  
(*Insert Municipality's Order Number and date*). The order is still in full force and effect.
- **Statement 61** Schedule: TEXT (*Import copy of Order*)

Statement **3535** is a law statement, therefore the electronic completeness signature must be signed by a Province of Ontario lawyer in good standing.

For those municipalities without in-house counsel, the Ministry has addressed this situation by permitting those municipalities to register Orders under Section 71 of the *Land Titles Act*.

Municipalities using this method would create a new form by selecting **Notices** from the Teraview drop down menu and from the submenu, select:

- **Notice under Section 71 of the Land Titles Act**

The following statements must be completed under the *Applicant* section:

- **Statement 3742** This document is being authorized by a municipal corporation  
(*Insert the municipality's signing authority*)
- **Statement 2909** This document is not authorized under Power of Attorney by this party.

The following statements must be completed under the *Statements* section:

- **Statement 61** Schedule: TEXT (*Import copy of Order*)

The following statements may be completed as determined by the Municipality:

- **Statement 92** This document is supported by evidence which is indexed at the Land Registry Office as index number number.
- **Statement 3545** This notice may be deleted by the Land Registrar after YYYYMMDD.
- **Statement 3546** This notice may be deleted by the Land Registrar when the registered instrument, number to which the notice relates is deleted.
- **Statement 3547** This notice is for an indeterminate period.
- **Statement 3548** The Land Registrar is authorized to delete the notice on the consent of the following party Name of.

Although the Teraview software accommodates having the Order imported into the electronic document in one of three formats, preference is given to the PDF format for the following reasons:

- Unlike TXT (text) files, PDF files are an exact image of the original document. There is no opportunity for the formatting codes imbedded in WordPerfect/Word documents to become scrambled.
- Unlike TIF scanned files, PDF files are distilled and use less memory. The maximum size document that may currently be imported into an electronic document is 2 MG.
- TIF files prepared using OCR were found to contain transcribing errors and the legibility of the scanned document is often less than desirable with the cost of acquiring high quality scanning equipment out of the financial reach of many municipalities.

- PDF files are more secure and less likely to be accidentally altered. Both TXT and TIF documents are easily converted to PDF and the cost of purchasing the required Adobe Acrobat Writer software is relatively low.

Many municipalities have taken the position that Section 40 (4) of Ontario Regulation 19/99 (*Land Registration Reform Act*) may be relied upon to get around the requirement in Provincial legislation for registering certified copies of Orders:

*A document prepared by a person on behalf of a party or a document transcribed under Section 25 of the Act shall be deemed to have been made by the party.*

In this case, the WordPerfect/Word version of the Order, indicating the Order Number, date and name of the authorizing officer typed in quotations, is converted to PDF and then imported into Statement 61 of the electronic By-law.

Many municipalities are uncomfortable relying upon Regulation 19/99 (*Land Registration Reform Act*) and prefer to register Orders that actually reflect that the Order is a certified true copy of the original. In this instance, a true copy of the Order is first scanned and then converted to PDF or alternatively, the WordPerfect/Word version of the Order showing an electronic stamp indicating that the original was certified is converted directly to PDF without the need for scanning.

No specific document has been created in the Teraview software to remove registered Orders from title. The electronic registration of a release of a registered municipal Order is accommodated by the Teraview software as follows:

Create a new form by selecting **Discharge of Charge or Other Interest** from the Teraview drop down menu. From the submenu, select:

- **Application (General)**

The following statements must be completed under the *Applicant* section:

- **Statement 3742** This document is being authorized by a municipality corporation  
(*Insert the municipality's name and the name of the Clerk and position held*)
- **Statement 2909** This document is not authorized under Power of Attorney by this party.

The following statements must be completed under the *Statements* section:

- **Statement 3730** This document relates to registration no.(s) (*Insert registration number of Order*)
- **Statement 61** Schedule: TEXT (*Import copy of Affidavit or Declaration*)

The importation of the Affidavit or Declaration will follow the same format as set out above for the importation of the Order into the Teraview software.

**CURRENCY: 2003/04/15**