



**Ministry of Government and  
Consumer Services**

**Bulletin No. 2015- 05**

***Land Titles Act***

***Land Registration  
Reform Act***

**ServiceOntario**

**Regulatory Services Branch**

**DATE: December 18,  
2015**

**Teraview Changes**

## **Teraview Changes Introduction**

On January 11, 2016 changes to the electronic land registration system (ELRS) will be introduced. These changes will not require a new version of Teraview® to be downloaded and installed. Where necessary, Amendments to Ontario Regulation 19/99 have been made to facilitate the changes.

The changes, as described in this Bulletin are:

1. New Writs of Execution Statements
2. Transmission Application – LTCQ first dealing since conversion
3. Transfer Release and Abandonment of Easement
4. Estate Documents
5. Notice of Option to Purchase
6. Plan Document
7. New Generic Law Statement
8. Caution-Notice
9. Covenants
10. Application to Delete Restrictions
11. Transfer of ownership to co-owner
12. Application for Inhibiting Order
13. Application to Delete Construction
14. Notice of Lease
15. Orders and By-Laws

### **1. New Writs of Execution Statements**

There are certain instances when an interest in property is being transferred, released, or disposed of that require a search for outstanding writs of execution to be performed against the name of the party transferring, releasing or disposing of their interest. An automatic writ search is performed when specific documents are submitted for registration.

However, sometimes the system does not perform an automatic writ search as it cannot determine the party name to search, e.g. the deceased's name is not a party in a Transfer by Personal Representative. In these situations, a search of executions against

the applicable name(s) is completed manually by the registrant using the ‘WritSearch’ product or ‘Retrieve Writs’ function, and if a writ is found the applicable writ statement must be selected. Prior to certifying the document, land registry office staff also performs a search of executions to confirm all outstanding writs, if any, were dealt with in the document. If there were outstanding writs that were not dealt with, the document was returned to the registrant so they could provide the applicable writ statement for the outstanding writ(s).

Since the responsibility to search executions and ensure all outstanding writs have been addressed are those of the registrant, two new writ statements have been added to the documents listed below. They are law statements and, when selected, will require the document to be signed for completeness by a solicitor. The name of the person confirming that the appropriate parties were searched must be the solicitor’s name who is signing the document. Each statement can only be selected once, therefore if multiple writ certificates were produced and/or multiple names were searched all the certificate numbers and all the names searched will need to be entered into the applicable statement. Both statements may be selected in the same document, if required.

Additionally, the following new writ clearing law statement is available for selection on all documents to address a situation where there is a writ but it will not bind the property once the document (e.g. Power of Sale) is registered.

**3641** This writ does not bind the property as it is cut out by the registration of this document and the applicable legislation.

## 1.1 Affected Document Types

The new writ statements will be available on the following document types:

- **Transmission By Personal Representative-Land** – When it is a situation where it is a combined survivorship/transmission, a manual search of executions is required to be completed against the first deceased. The following writ statements are optional and are located on the “Other Statements” tab on the “Applicant” branch. If a writ is found, the writ information will also need to be entered, and the applicable writ statement selected on the “Writs” tab which is located on the “Deceased” branch.

**3631** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor’s name confirm the appropriate party(ies) were searched.

**3632** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable

statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

There will be no impact to work in progress (WIP) documents.

- **Transmission Devisee/Heir at Law – Land** - A manual search of executions is required to be completed against any beneficiaries consenting or releasing his/her interest. The following writ statements are optional and are located on the “Other Statements” tab on the “Applicant” branch. If a writ is found, the writ information will also need to be entered, and the applicable writ statement selected on the “Writs” tab which is located on the “Deceased” branch.

**3631** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor's name confirm the appropriate party(ies) were searched..

**3632** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

There will be no impact to WIP documents.

- **Transfer By Personal Representative** - A manual search of executions is required to be completed against the deceased and any beneficiary consenting or releasing his/her interest. It is mandatory to select at least one of the following new writ statements which are located on the “Other Statements” tab on the “Transferor” branch. If a writ is found the writ information will also need to be entered, and the applicable writ statement selected on the “Writ” tab which is also located on the “Transferor” branch.

**3629** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor's name confirm the appropriate party(ies) were searched.

**3630** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

If a Transfer by Personal Representative is a WIP document on January 11, 2016 at least one of the new writ statements will need to be selected before the document can be registered. If the user attempts to sign or register the WIP without selecting one of the writ statements, an error message will be displayed.

- **Application (General)** - An Application (General) is available to register documents for which there is no corresponding document type in the system. A manual search of executions is required to be completed whenever a registration using an Application (General) results in an owner disposing or losing their interest. For example, a manual search of executions will need to be completed against a prior deceased owner on an application to delete debts, or the releasing party name(s) on a release and abandonment of easement. The following writ statements are optional and are located on the “Other Statements” tab on the “Applicant” branch. If a writ is found, the writ information will also need to be entered, and the applicable writ statement selected on the “Writs” tab which is also located on the “Applicant” branch.

**3629** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor’s name confirm the appropriate party(ies) were searched.

**3630** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I solicitor’s name confirm the appropriate party(ies) were searched.

There will be no impact to WIP documents.

- **Application to Change Name Owners** - An automatic writ search is performed against the name in the “Party From” field when an Application to Change Name Owners is submitted for registration. However, there are situations where a manual search of executions is required on a party name that is not identified in the “Party From” field. In the following two scenarios, registrants are required to manually search executions and select one of the writ statements below:
  1. If ownership of the land is held by two different companies and the companies amalgamate to form a new company, the system will not accept both companies as the “Party From”. Enter one of the companies as the “Party From” and select the applicable statements. In statement 61, identify the other company as the other “Party From” and insert the applicable statements. A manual search of executions must be completed against the company name set out in statement 61.

2. If an owner has changed their name more than once since they took ownership of a property, the system will populate the current name on title into the "Party From" field. The new name would be entered into the "Applicant" field and the details of any previous change of names would be entered into statement 61. An automatic writ search would be done on the name that is in the "Party From" field and a manual search of executions must be completed against the additional name(s) set out in statement 61.

The following new writ statements are optional and are located on the "Other Statements" tab on the "Applicant" branch. If a writ is found, the writ information will also need to be entered, and the applicable writ statement selected on the "Writs" tab which is located on the "Party From" branch.

**3631** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor's name confirm the appropriate party(ies) were searched.

**3632** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

There will be no impact to WIP documents.

- **Transfer by Trustee in Bankruptcy** – When a Transfer by a Trustee in Bankruptcy includes a non-bankrupt owner as a transferor a manual search of executions is required to be completed against the non-bankrupt owner. The following new writ statements are optional and are located on the "Other Statements" tab on the "Transferor" branch. If a writ is found, the writ information for the non-bankrupt will also need to be entered and the applicable writ statement selected on the "Writs" tab which is also located on the "Transferor" branch.

**3629** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor's name confirm the appropriate party(ies) were searched.

**3630** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable

statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

There will be no impact to WIP documents.

- **Transfer by Partnership** - A search for executions is required for both the partners and the firm name of partnership property and the general partners and firm name of a limited partnership. If a partnership is not named on title, but a general statement such as "partnership property" is included, a statement identifying the partnership name is required to be entered into statement 61. A manual search for writs of executions must be performed against the partnership name. The following new writ statements are optional and are located on the "Other Statements" tab on the "Transferor" branch. If a writ is found, the writ information will also need to be entered, and the applicable writ statement selected on the writ tab which is also located on the "Transferor" branch.

**3629** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor's name confirm the appropriate party(ies) were searched.

**3630** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

There will be no impact to WIP documents.

- **Survivorship Application** - An execution search is automatically performed against the name of the deceased, however in the situation where the name on the proof of death does not match the name on title a manual search of executions is required to be completed against the name on the proof of death. if it does not match the name on title. The following new writ statements are optional and are located on the "Other Statements" tab on the "Applicant" branch. If a writ is found, the writ information will also need to be entered and the applicable writ statement selected on the "Writs" tab which is located on the "Deceased" branch.

**3631** This transaction is not subject to any writs of execution. Execution search(s) completed on date – must be same date as registration. Clear execution No(s) certificate(s) to be listed by number(s) and name(s) of party(ies) searched. I solicitor's name confirm the appropriate party(ies) were searched.

**3632** An execution search was completed on date – must be same date as registration for list name(s) of party(ies) searched. Execution search No insert certificate number(s) produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I solicitor's name confirm the appropriate party(ies) were searched.

There will be no impact to WIP documents.

The above situations for selecting one of the new writ statements are not exhaustive. Registrants will continue to manually search for writs of executions against a party name transferring or releasing their interest in land whenever an automatic writ search is not performed.

## **1.2 Transfer: Power of Sale**

If there are writs of execution that were filed subsequent to a charge and are to be deleted from the parcel register as a result of a transfer under power of sale, a law statement is required to request the writs to be deleted.

Previously a law statement with the writ information was manually entered into statement 61. The following new law statement has been added to the Transfer: Power of Sale document to enter the name(s) and writ number(s) to be deleted.

**3633** I, solicitor's name, state the following writs of execution are to be deleted: writs of execution listed by name and writ number.

## **2. Transmission Application by Personal Representative**

### **2.1 First dealing since Ministry conversion to LTCQ**

Transmission applications on Land Titles Conversion Qualified (LTCQ) properties do not generally require a certificate of appointment of estate trustee if it is the first dealing with the lands since the Ministry conversion. However, certain evidence is required to be included in the transmission by way of supporting documents from the applicant, or by way of statements from a solicitor.

Previously, the required information was manually entered into statement 61. To provide consistency and reduce the need to manually enter the required information the following three new law statements have been added to the Transmission by Personal Representative-Land document type.

**3634** No application was made for a certificate of appointment of an Estate Trustee, as this transaction is the first dealing after the property was converted from Registry to Land Titles by the Ministry. The value of the estate is enter value of estate.

**3635** The will is the last will and was properly executed and witnessed and that a certificate of appointment of estate trustee was not applied for. The testator was of the age of majority at the time of the execution of the will, and that the will has not been revoked by the marriage of the testator or otherwise.

**3636** The will is the last will and evidence as to the execution and/or witnessing of the will has been obtained and a certificate of appointment of estate trustee was not applied for. The testator was of the age of majority at the time of the execution of the will, and the will has not been revoked by the marriage of the testator or otherwise.

When a transmission application meets the first dealings requirements statement 3634 must be selected. If the will has been properly executed statement 3635 will be selected. If the will has not been properly executed, statement 3636 will be selected instead.

**Registrants should continue to confirm with land registration staff that the transmission application is in fact the first dealing with the property since conversion before the registration of this document.**

## **2.2 Covenant to Indemnify the Land Titles Assurance Fund**

A covenant to indemnify the Land Titles Assurance Fund must be provided whenever a certificate of appointment of estate trustee is not applied for. A new non law statement numbered 3640 is now available and will be required whenever statement 3634 above is selected.

3640 Covenant to Indemnify the Land Titles Assurance Fund *import PDF covenant.*

If a Transmission by Personal Representative-Land is a WIP document on January 11, 2016 and statement 3634 is selected, statement 3640 will also need to be selected and the document re-signed before the document can be registered. If the user attempts to sign or register the WIP without selecting statement 3640, an error message will be displayed.

## **3. Transfer Release and Abandonment of Easement**

When an easement is released, consents of all parties who have acquired an interest in the dominant lands subsequent to the registration of the easement must be included in the document.

The Transfer Release and Abandonment of Easement document includes the following two statements 19 and 29 for consents. As they are not law statements, when they are selected the consents were required to be indexed using statement 92 or confirmed by a law statement manually entered into statement 61.

- 19 All the parties having an interest have consented to this release of easement.
- 29 There are no parties with an interest required to consent to this release of easement.

Two new law statements have been added to this document type. They have the same wording as 19 and 29 however by selecting them it will eliminate the need for indexing the consents and/or manually entering law statements into statement 61.

**3637** I solicitor's name confirm that all the parties having an interest have consented to this release of easement.

**3638** I solicitor's name confirm that there are no parties with an interest required to consent to this release of easement.

Statements 19 and 29 will still be available but it is preferable that one of the new law statements is selected. If statement 19 is selected it will be mandatory to import the consents of all parties having an interest into statement 61.

If a Transfer Release and Abandonment of Easement is a WIP document on January 11, 2016 and statements 19 or 29 were selected the registration can proceed without having to re-sign the document. Statements 3736 or 3638 may be selected in lieu of statements 19 or 29 however the document will need to be re-signed before it can be registered.

## **4. Estate Documents**

Pursuant to Section 40, Ontario Regulation 19/99, as amended, no person (other than a person who is entitled to practise law in Ontario as a solicitor) shall make statements that the applicant, as an estate trustee, executor, administrator, devisee or heir at law, as the case may be, is entitled to the interest affected by the transmission application. The statements in the following documents are now law statements. Additionally the wording has been updated in some of the statements.

### **4.1 Transmission by Personal Representative – Land**

**620** The applicant is entitled to be the owner by law, as Estate Trustee of the estate of the deceased owner.

If Transmission by Personal Representative-Land is a WIP document on January 11, 2016 and statement 620 was selected, it will need to be selected again and the document re-signed by a solicitor before the document can be registered.

## 4.2 Transmission by Personal Representative – Charge

**621** The applicant is entitled to be the owner by law, as Estate Trustee of the estate of the deceased owner.

If a Transmission by Personal Representative-Charge is a WIP document on January 11, 2016 and statement 621 was selected, it will need to be selected again and the document re-signed by a solicitor before the document can be registered.

## 4.3 Transmission Devisee/Heir at Law

**613** The interest is now vested in all the beneficiaries of the estate of the deceased owner under the provisions of the *Estates Administration Act*, the *Succession Law Reform Act* and the *Family Law Act*.

If a Transmission Devisee/Heir at Law is a WIP document on January 11, 2016 and statement 613 was selected, it will need to be selected again and the document re-signed by a solicitor before the document can be registered.

## 5. Notice of Option to Purchase

A notice of option to purchase must contain an expiry date. Previously, statement 3713 only allowed for a specific expiry date to be entered. Where the expiry was based on an occurrence of certain events instead of a specific date, the expiry information was manually entered into statement 61 and a system override was required to allow the document to be registered. To eliminate the need for an override the expiry date field in statement 3713 has been amended to allow free text to be entered.

**3713** The agreement is dated yyyy/mm/dd and the option expires text.

The Notice of Option to Purchase must also include the authority for the Land Registrar to delete the notice after a specified date, unless the notice is extended upon further application. Statement 3545 has been added to this document and must be selected.

**3545** This notice may be deleted by the Land Registrar after yyyy/mm/dd.

The date in statement 3545 must be a specific date and should agree with the expiry date entered in statement 3713 provided it is a fixed expiry date.

If a Notice of Option to Purchase is a WIP document on January 11, 2016 and statement 3713 was selected, it will need to be selected again and the document re-signed before the document can be registered.

## 6. Plan Document

The following changes have been made to the Plan Document.

### 6.1 Chargee Consents

Pursuant to section 151 of the *Land Titles Act* when streets are being laid out on a plan of subdivision, consents of all Chargees are required. If there are no charge(s) registered against the land, a law statement must be included stating there are no registered charges and therefore no consent(s) are required.

Previously the Chargees consents were imported into statement 61. If no consents were required, a law statement to this effect was entered into statement 61 and system override was required to allow the document to be registered.

Statement 2702 which is selected when consents have been obtained has been amended to allow for the consents to be imported directly into it instead of importing them separately into statement 61.

2702 All the Charge(s) consents required have been obtained *Import Consent*.

A new law statement number 3627 has been added and will be selected when no consents are required, i.e. there are no charges registered against the lands being developed.

**3627** There is/are no charge(s) registered against the land and no consent(s) of the Charge(s) is/are required.

When registering a plan document it is mandatory to select either statement 2702 or statement 3627.

If a Plan Document is a WIP document on January 11, 2016 and statement 2702 was selected, it will need to be selected again, the consents imported into the statement and the document re-signed.

### 6.2 Writ Search

When a Plan Document is registered a writ of execution search must be performed against the registered owner if the plan dedicates lands to a municipality.

Previously, the writ search functionality was not available for the Plan Document. The registrant would perform the writ search prior to registering a Plan Document and if a writ(s) was found the applicable writ information was entered into statement 61. Prior to certifying the document, land registry office staff also performed a writ search against the registered owner(s) to confirm all outstanding writs, if any, were dealt with.

The writ search functionality has been added to the Plan Document and the system will now automatically search the registered owner(s) name when a Plan Document is registered. The writ clearing statements are also available to select where required.

Additionally, a new optional statement 3628 has been added.

3628 I confirm that this plan of subdivision does not contain dedicated lands.

### 6.3 Signing Authority Statements

The following signing authority statements for Religious Organizations and Estate Trustees have been added to the Plan document.

- 26 The signing trustees are all the trustees of the religious organization or are sufficient in number to bind the said religious organization and all relevant provisions of the *Religious Organizations' Land Act* have been complied with.
- 27 The signing trustees are all the trustees of the religious organization or are sufficient in number to bind the said religious organization and all relevant provisions of the relevant Act have been complied with.
- 30 The signing persons are sufficient to bind the said religious organization and all relevant provisions of the relevant Act have been complied with.
- 47 This dealing by the estate trustee is consistent with the terms of the will or is permitted by legislation.

### 7. New Generic Law Statement

In some situations a document requires a statement to be made that requires an interpretation of law and there is no applicable prescribed law statement available. Previously, a “free form” law statement was manually entered, usually in statement 61. The solicitor was identified in the “free form” law statement and that same solicitor was required to sign the document for completeness. As the system does not recognize when a “free form” law statement is entered it may not enforce the document to be signed by the solicitor.

To alleviate this situation, the Ministry has added several new law statements as described throughout this Bulletin and provided for a new generic law statement numbered 62 which is available for selection on all electronic document types. Statement 62 is to be used where a statement of law is required but there is not a law statement available for selection. When statement 62 is selected the system will check to ensure that a solicitor is signing the document for completeness. The name entered into statement 62 must be one of the signing solicitors.

62 I name solicitor make the following law statement insert details.

## 8. Caution-Notice

There is a new “Caution-Notice” document available for electronic registration. This document is to be used to protect interests in registered land under section 71 of the *Land Titles Act*, other than an interest under an Agreement of Purchase and Sale, e.g. a claim by a creditor that the property has been conveyed with the intention to defeat creditors or a claim by the registered owner that the power of sale proceedings are improper because the owner has redeemed the charge prior to a sale of the property being made. (See Bulletin 2000-2 for more information on Cautions). When this document is used, the No Dealings Indicator (NDI) will **not** be enabled on the PIN(s).

The information below sets out what statements are available or are required in the “Caution-Notice” document.

### Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the application affects more than one PIN, enter each PIN.

### Cautioner

Enter the name(s) of the cautioner(s).

### Statements

Complete the following statements:

3649 The applicant is entitled to register a caution against the interest of name of party pursuant to S. 71 of the *Land Titles Act*. The nature of the interest is: describe nature of the interest.

3745 The land registrar is authorized to delete this caution 60 days from the date of registration

### Additional Statements

The following statements are optional.

61 Schedule: text.

62 I name solicitor make the following law statement insert details.

3730 This document relates to registration number number(s).

3640 Covenant to Indemnify the Land Titles Assurance Fund import PDF covenant

### Land Transfer Tax

Land transfer tax statements are optional, however if consideration is \$200.00 or more the registrant must deal directly with the Ministry of Finance.

## 9. Covenants to Indemnify the Land Titles Assurance Fund

Bulletin 2015-04 requires that Covenants to Indemnify the Land Titles Assurance Fund be imported into the document being registered.

The following new non law statement has been added to all electronic document types:

3640 Covenant to Indemnify the Land Titles Assurance Fund import PDF covenant

The statement will be optional and when selected the document imported into the statement blank must be in PDF format.

## 10. Application to Delete Restrictions

### 10.1 Restrictions under Section 118

Restrictions under Section 118 may at any time be withdrawn or modified by the owner of the land with the consent of the party or parties named in the restriction. Previously a solicitor was required to make a statement in statement 61 confirming that all the required parties have consented to the deletion.

The following new law statement has been added to the Application to Delete Restrictions to be selected when restrictions under section 118 are being deleted.

**3642** I confirm that of all of the required party(ies) have consented to the deletion of this restriction.

### 10.2 Restrictions under Section 119

Restrictive covenants under Section 119 may be deleted whenever they have expired either according to the instrument creating them or the *Land Titles Act* or as a result of a court order. Additionally, the registered owner can apply to delete an entry of a restrictive covenant with the consent of every person entitled to the benefit of the restriction.

The following new law statement has been added to the Application to Delete Restrictions to be selected when the registered owner applies to delete restrictions under section 119 with the consent of all benefiting parties.

**3643** I confirm that of all of the party(ies) entitled to the benefit of the restriction/covenant have consented to the deletion of the restriction/covenant.

There will be no impact to WIP documents.

## 11. Transfer of ownership to co-owner

When an owner(s) of a property transfers all or part of their interest to a co-owner(s) a statement is required confirming that the Transferee is the co-owner. Otherwise the co-owners' name may be entered twice in the ownership field of the PIN. Previously this statement was entered into statement 61. Two new statements have been added to the Transfer document to be used in lieu of entering this information into statement 61.

The following statement is available to select when the transferor is transferring all of their interest to their co- owner.

3646 All my interest to co-owner(s).

The following statement is available to select when the transferor is transferring part of their interest to a co-owner. The interest being transferred must be entered into the statement blank.

3647 A % or fraction of property portion of my total interest to co-owner(s).

Statement 12 will still be available to select where a part of one's interest is being transferred to someone other than a co-owner.

12 This transaction deals with % or fraction of property interest in the property

There will be no impact to WIP documents.

## 12. Application for Inhibiting Order

A municipality may register an inhibiting order on the land to ensure that a developer complies with all the provisions of a Subdivision Agreement. Generally, an inhibiting order prevents the owner from any dealings with the Subdivision Plan until certain requirements of the municipality have been met, e.g. specific lands must be conveyed for parks, schools, easements, etc.

Previously, the Application for Inhibiting Order document contained the mandatory statement 2002.

**2002** The Municipality/applicant applies for an entry inhibiting any dealing with the property until the following: enter conditions(s). The registered owner of the land has agreed not to deal with the land until the specified conditions(s) has been complied with.

This statement has been amended to remove the second sentence as it implies consent on behalf of the owner which is not always the case. Statement 2002 is now as follows:

**2002** The Municipality/applicant applies for an entry inhibiting any dealing with the property until the following: enter conditions(s).

If an Application for Inhibiting Order is a WIP on January 11 , 2016 and statement 2002 was selected, it will need to be selected again and the document re-signed before the document can be registered.

### 13. Application to Delete Construction Lien

Previously, the “Discharge of Construction Lien” document type was available to select when a construction lien was to be deleted from a property. The name of this document type was misleading to some if the construction lien was being released or vacated instead of being discharged.

A new document type “Application to Delete Construction Lien” is now available in Teraview. When this document is registered it will advise that a construction lien was deleted from the property. The document will have to be reviewed to determine the reason it was deleted, e.g. discharged, vacated, released, etc.

Other than noted below, the statements and requirements will remain the same as in the “Discharge of Construction Lien” document. The “Discharge of Construction Lien” is no longer available.

The label “Discharging Party” has been changed to “Applicant”.

Previously statements 702 and 708 only required the File No. and date of the Court Order that discharged, released, or vacated the lien.

**702** The application is based on a court order File no. number of court, dated yyyymmdd, discharging/releasing/vacating the lien. The court order is still in full force and effect.

**708** The application is based on a court order File no. number of court, dated yyyymmdd, discharging/releasing/vacating the certificate of action. The court order is still in full force and effect.

As the Court Order may need to be reviewed by someone searching a property title, these two statements have been amended and the order must be imported into the statement.

**702** The application is based on a court order import order, discharging/releasing/vacating the lien. The court order is still in full force and effect.

**708** The application is based on a court order import order, discharging/releasing/vacating the certificate of action. The court order is still in full force and effect.

If a Discharge of Construction Lien is a WIP on January 11, 2016 it will have to be deleted and the new Application to Delete Construction Lien will need to be created before it can be registered.

## **14. Notice of Lease**

A lessee in a lease or in an agreement for a lease of registered land may apply to register a notice of the lease or agreement for a lease. If the registered owner is not a party to the lease or agreement for a lease, registration may still occur against the owner's title, with the owner's consent.

Previously, when the registered owner was not a party to the lease or agreement for a lease statement 2606 was selected and the registration was allowed.

**2606** The registered owner(s) hereby consents to the registration of the Notice of Lease

However, if the registered owner was a party to the lease or agreement for a lease but was not the applicant, the registrant would need to contact the Land Registry Office and request a system override to allow the document to be registered electronically.

The previous version of statement 2606 has been retired and replaced with the statement as set out below. This revised statement will allow registrants to register most Notices of Lease without the need of a system override. The statement number will remain the same.

**2606** The registered owner(s) is a party to the Notice of Lease or consents to the registration of the Notice of Lease.

If a Notice of Lease is a WIP on January 11, 2016 and statement 2606 was selected, it will need to be selected again and the document re-signed before the document can be registered.

## **15. Orders and By-laws**

Previously, most registrations based on direction from a Court Order, Government Order or By-Law included statements that only required the Order File No. and the date. As these orders and by-laws are usually required by someone reviewing a property title, the following statements have been amended and now require the order or by-law to be imported into the statement.

### 15.1 Application Foreclosure Order:

Previously statement 901 displayed as follows:

- 901** Final Order of Foreclosure - File No. court file number for the selected charge was issued by court name on yyyymmdd and is still in full force and effect.

Statement 901 has been amended and now displays as follows:

- 901** Final Order of Foreclosure for the selected charge import order is still in full force and effect.

### 15.2 Certain Court Orders:

For an Application to Amend Based on Court Order and Application for Vesting Order:

Previously statement 501 displayed as follows:

- 501** The applicant who is authorized by court order file no. number dated yyyymmdd, which is still in full force and effect, applies to have the register amended as follows: insert proposed amendment for the application court order

Statement 501 has been amended and now displays as follows:

- 501** The applicant who is authorized by court order import order which is still in full force and effect, applies to have the register amended as follows: insert proposed amendment for the application court order

### 15.3 Application to Register Government Order:

Previously statement 3535 displayed as follows:

- 3535** This application is based on a government/authority order no. number dated yyyymmdd. The order is still in full force and effect.

Statement 3535 has been amended and now displays as follows:

- 3535** This application is based on a government/authority order import order. The order is still in full force and effect.

### 15.4 Bylaws:

For the following document types: Application Bylaw Deeming Plan Not A Plan, Application Bylaw To Establish Public Highways and Application To Register Bylaw.

Previously statement 3536 displayed as follows:

3536 This application is based on the Municipality By-law No. number dated yyyymmdd.

Statement 3536 has been amended and now displays as follows:

3536 This application is based on the Municipality By-law import by-law.

### **15.5 Certain Bankruptcy Documents:**

For the following document types: Application Trustee In Bankruptcy – Instrument, Application Trustee In Bankruptcy-Owner, Caution-Charge (*Bankruptcy & Insolvency Act*) and Caution-Land (*Bankruptcy & Insolvency Act*).

Previously statement 1302 displayed as follows:

1302 A Receiving Order File no. number, appointing me, was made by court name on yyyymmdd.

Statement 1302 has been amended and now displays as follows:

1302 A Receiving Order import order appointing me, was made by a Court.

### **15.6 Transfer By Personal Representative:**

Previously statement 3561 displayed as follows:

**3561** This transfer is authorized by Court name of court, under file no. number, dated yyyymmdd and is still in full force and effect.

Statement 3561 has been amended and now displays as follows:

**3561** This transfer is authorized by Court Order import order and is still in full force and effect.

### **15.7 Age and Spousal Statement No. 35:**

Statement 35 is available on the following document types: Application (General), Application For Leasehold Parcel, Survivorship Application-Land, Charge, Application Foreclosure Order, Notice of Charge of Lease, Transfer, Transfer Easement, Transfer By Personal Representative, Transfer Power Of Sale and Transfer Release & Abandonment.

Previously statement 35 displayed as follows:

**35** This matter has been proven to the satisfaction of a judge of the name of court that the instrument was duly executed by name of party and at the time of execution, name of party was of at least 18 years of age and was not a spouse within the meaning of the *Family Law Act*.

Statement 35 has been amended and now displays as follows:

- 35** This matter has been proven to the satisfaction of a judge *import order*, that the instrument was duly executed by *name of party* and at the time of execution, *name of party* was of at least 18 years of age and was not a spouse within the meaning of the *Family Law Act*. The Court Order is still in full force and effect.

If any of the above document types are a WIP document on January 11, 2016 and any of the above statements selected, they will need to be selected again and the document re-signed before the document can be registered.

The Electronic Registration Procedural Guide has been updated with these changes.

To access this guide go to [www.teranetexpress.ca](http://www.teranetexpress.ca), select “Teraview Users”, “Already a Teraview Customer”, “Resources”, “Additional Manuals” and select the appropriate guide.

***(Original signed by)***

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Jeffrey W. Lem  
Director of Titles