



Ministry of Government Services
ServiceOntario
Policy and Regulatory Services
Branch

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Land Titles Act

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**Improvements to
Electronic Documents
and Procedures**

**TO: ALL LAND REGISTRARS
AND
USERS OF THE ELECTRONIC
LAND REGISTRATION SYSTEM**

This bulletin is to advise you of improvements being made to procedures and new statements being added to the electronic document types set out below. These improvements will be introduced in Teraview on Saturday June 7, 2014.

The electronic document types affected by these improvements are:

1. Application for Leasehold Parcel
2. Postponement
3. Application General
4. Notice of Security Interest
5. Survivorship Application

1. Application for Leasehold Parcel

Currently an Application for Leasehold Parcel requires the registrant to select statement 2605 and import the entire lease. To be consistent with other Lease type documents statement 2604 will now be available for this document type and when it is selected statement 2605 will not be required as the lease will not need to be imported into the application.

2604 The applicant is prepared to produce the document for inspection within fourteen (14) days of the request and the applicant consents to the cancellation of the document on presentation of proof satisfactory to the Land Registrar that the document was not produced upon request

2605 The following is the complete lease *Import terms of lease*

2. Postponement of Interest

Currently an Application General document type is used when the interest being postponed cannot be sourced in the postponement document. The Postponement of Interest document also currently requires both the party postponing their interest as well as the party to whom the interest is being postponed to sign the document.

A review of the signing requirements and the allowed sourced document types was done and, as a result, two new improvements are being introduced to the Postponement of Interest document.

Firstly, as only the party or parties that are postponing their interest are required to sign a postponement document, only the signature of the 'Party From' will be required. Secondly, additional document types will be allowed in the sourced by field which should reduce the occurrences where an Application General is required to postpone an interest. See Appendix A for a list of the allowable source document types.

3. Application General

Teraview provides for specific document types that contain fields and statements appropriate for the registration of the document. If the document type to be registered is not available, an Application General may be used.

The Application General has minimal statements and the application to amend is manually entered into statement 61. To provide consistency and reduce the amount of manual entry of standard wording, two new non-law statements have been added to the Application General.

3602 I name registered owner(s) of the lands hereby apply under section number of the Land Titles Act to have the register for the said PIN amended by: specify nature of amendment.

3603 I name having a legal interest in the lands hereby apply under section number of the Land Titles to have the register for the said PIN amended by: specify nature of amendment.

Depending on the circumstance, select one of the statements and complete the required information. These two new statements are optional. Statement 61 will still be available to enter the pertinent information in support of the document being registered, if required.

4. Notice of Security Interest

Section 54 of the *Personal Property Security Act* provides for the registration of a Notice of Security Interest to protect an interest in:

(a) Collateral that is or includes fixtures or goods that may become fixtures or crops, or minerals or hydrocarbons to be extracted, or timber to be cut; or

(b) A security interest in a right to payment under a lease, mortgage or charge of real property to which the Act applies

Currently the Notice of Security Interest document requires statement 3705 to be selected. This statement has wording similar to Form 5 under the *Personal Property Security Act* and is only applicable when the notice of security agreement is registered to protect an interest in collateral as described in (a) above.

3705 Under a notice of security agreement made between *name(s) of debtor* the debtor and the applicant, the secured party, a security interest has been created in *brief description of collateral*. The collateral is located or affixed or is to be affixed to the selected PIN.

When a Notice of Security Interest is registered to protect the right to payment under a mortgage, charge or lease of real property, wording similar to Form 6 under the *Personal Property Security Act* is manually entered into statement 61 and an override is required. To alleviate this situation, the following non-law statement has been added to the Notice of Security Interest and will replicate Form 6 under the *Personal Property Security Act*.

3604 Notice is hereby given that by a security agreement made between *name* as debtor and *name* as secured party a security interest in the right to payment under *instrument number* has been created.

Depending on the interests being protected, this statement can be selected on its own or along with statement 3705.

Pursuant to Section 54(2) of the *Personal Property Security Act* an expiration date must be set out where a notice or an extension notice is registered for collateral as described in (a) above. The expiry date shall not be later than the fifth anniversary of the date of registration of the notice or the extension notice.

Select the statement below and enter the expiry date if applicable.

61 Schedule: *Text*

5. **Survivorship Application by Power of Attorney**

A Survivorship Application requires the surviving joint tenant to make a statement that the land, with respect to the deceased, is not subject to any spousal rights under the *Family Law Act*. Statements 603, 604 and 605 are available for selection. When a survivorship application is signed by a Power of Attorney for the surviving joint tenant a covenant to indemnify the Land Titles Assurance Fund is required as the *Family Law Act* statement should be based on the survivors' personal knowledge.

The requirement for the covenant has been reviewed and a covenant will not be required if, in addition to selecting statement 603, 604 or 605 (see statements below), a law statement regarding the spousal rights of the deceased joint is also provided in statement 61, e.g. *I (name) solicitor, confirm that the deceased and (name), a/the surviving joint tenant, were spouses of each other when the deceased died.*

- 603 The deceased and *name*, a/the surviving joint tenant, were spouses of each other when the deceased died.
- 604 The deceased was not a spouse at the time of death.
- 605 The property was not a matrimonial home within the meaning of the *Family Law Act* of the deceased at the time of death.

6. **Caution under the Estates Administration Act**

Previously, the Electronic Registration Procedures Guide gave instructions to use an Application General to delete a Caution under the *Estates Administration Act*. These

instructions have been updated and a Withdrawal of Caution should be used. Statement 3521 or 3523 should be selected and completed Forms 2 and 3 of the *Estates Administration Act* must be imported into Statement 61. The estate trustees or the name of estate does not need to be set out and an override will not be required.

The Electronic Registration Procedural Guide has been updated with these changes. To access this guide go to 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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Deputy Director of Titles

APPENDIX A

The following document types will be allowed to be entered into the source instrument field for a Postponement of Interest

AGREEMENT
AGREEMENT AMENDING CHARGE (CHARGE)
AGREEMENT AMENDING LEASE
AGREEMENT ASSUMPTION
AGREEMENT EXTENDING CHARGE (MORTGAGE)
AGREEMENT RE EASEMENT
AGREEMENT RE ENCROACHMENT
AGREEMENT RE RIGHT OF WAY
AGREEMENT SUBDIVISION
AGREEMENT TO LEASE
ANNEX RESTRICTIVE COVENANTS S.118-CHARGE
APPLICATION (GENERAL)
APPLICATION FOR INHIBITING ORDER-CHARGE
APPLICATION FOR INHIBITING ORDER-LAND
APPLICATION FOR RESTRICTIONS BASED ON COURT ORDER
APPLICATION TO AMEND BASED ON COURT ORDER
APPLICATION TO ANNEX RESTRICTIVE COVENANTS S.118
APPLICATION TO ANNEX RESTRICTIVE COVENANTS S.119
APPLICATION TO REGISTER COURT ORDER
APPLICATION TRUSTEE IN BANKRUPTCY-INSTRUMENT
APPLICATION TRUSTEE IN BANKRUPTCY-OWNER
ASSIGNMENT-GENERAL
ASSIGNMENT FOR GENERAL BENEFIT OF CREDITORS
ASSIGNMENT OF LEASE
BOND MORTGAGE
CAUTION-CHARGE
CAUTION-CHARGE (BANKRUPTCY & INSOLVENCY ACT)
CAUTION-LAND
CAUTION-LAND (BANKRUPTCY & INSOLVENCY ACT)
CAUTION-LAND (ESTATES ADMINISTRATION ACT)
CAUTION OF AGREEMENT OF PURCHASE AND SALE
CERTIFICATE
CERTIFICATE OF LIEN-HOUSING DEVELOPMENT ACT
CERTIFICATE TAX ARREARS
CERTIFICATE TAX ARREARS CANCELLATION
CHARGE/MORTGAGE
CHARGE BY PARTNERSHIP
CHARGE BY RELIGIOUS ORGANIZATION
CHARGE OF LEASE (MORTGAGE)
CHARGE POSTPONEMENT (MORTGAGE)
CHARGE POSTPONEMENT EASEMENTS (MORTGAGE)
CONDOMINIUM LIEN (CONDOMINIUM ACT 1998)
CONSTRUCTION LIEN
COURT ORDER
DEBENTURE
DECLARATION SECTION 22
DEED OF TRUST AND MORTGAGE
DEPOSIT
DESIGNATION MATRIMONIAL HOME
LEASE

LEASE POSTPONEMENT
LODGEMENT OF TITLE
NOTICE
NOTICE LIEN MUNICIPAL & SCHOOL TAX CREDIT ACT
NOTICE OF AGREEMENT
NOTICE OF AGREEMENT AMENDING CHARGE
NOTICE OF AGREEMENT EXTENDING CHARGE
NOTICE OF AGREEMENT OF PURCHASE AND SALE
NOTICE OF ASSIGNMENT OF LESSEE INTEREST IN LEASE
NOTICE OF ASSIGNMENT OF LESSOR INTEREST IN LEASE
NOTICE OF ASSIGNMENT OF RENTS-GENERAL
NOTICE OF ASSIGNMENT OF RENTS-SPECIFIC
NOTICE OF CHARGE OF LEASE
NOTICE OF OIL AND GAS LEASES
NOTICE OF OPTION TO LEASE
NOTICE OF OPTION TO PURCHASE
NOTICE OF SECURITY INTEREST
NOTICE OF SUBDIVISION AGREEMENT
NOTICE OF SUBLEASE
NOTICE OF VENDORS LIEN
NOTICE RENEWAL OF AGREEMENT OF PURCHASE AND SALE
ORDER
ORDER IN COUNCIL
OPTION TO PURCHASE
RENEW-CAUTION
RESTRICTIVE COVENANTS APPLICATION TO ANNEX
SEIZURE OF CHARGE (MORTGAGE)
TRANSFER OF CHARGE
TRANSFER EASEMENT