

eMUG
ELECTRONIC REGISTRATION MUNICIPAL USERS' GROUP

PRACTICE CIRCULAR NO. 1

REGISTRATION OF MUNICIPAL BY-LAWS

A number of municipal by-laws, passed pursuant to a variety of provincial legislation (the *Municipal Act, Planning Act, Building Code Act, Ontario Heritage Act, etc.*) require registration in the appropriate land registry office to be effective. Historically, a paper copy of an enacted by-law, either a duplicate original or a copy certified by the municipal clerk under seal, has been the mainstay for such registrations. One of the challenges of transition to the e-reg system has been with the provisions in current legislation for the registration of enacted by-laws, certified under the hand of the municipal clerk and the seal of the municipality.

The electronic registration of municipal by-laws 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. Select one of the three optional forms for registering municipal by-laws:

- Application By-law Deeming Not a Plan
- Application By-law to Establish Public Highway
- Application to Register By-law

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 name, optional and the names and titles of the municipality's authorized signing officers)
- **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 3536** This application is based on the Municipality By-law No. XXXX dated YYYY/MM/DD.
(Insert Municipality's By-law Number and date Council enacted By-law)

- **Statement 61** Schedule: TEXT (Import copy of enacted By-law)

Although the Teraview software accommodates having the by-law 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 by-laws:

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 by-law, indicating the By-law Number, date of passage and names of the signing officials 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 by-laws that actually reflect that the by-law is a certified true copy of the original. In this instance, a true copy of the by-law is first scanned and then converted to PDF or alternatively, the WordPerfect/Word version of the by-law showing an electronic stamp indicating that the original was certified is converted directly to PDF without the need for scanning.