

e-MUG
ELECTRONIC REGISTRATION MUNICIPAL USERS' GROUP

PRACTICE CIRCULAR NO. 2

PLANNING ACT CONSENTS

Consents are granted and certificates are given in accordance with section 53(42) of the Planning Act, RSO 1990, as amended.

Historically, a certificate of consent could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). The certificate of consent always formed part of the registered document. With the e-reg system, there is no paper document to stamp, therefore, the consents can only be given in certificate form. The certificate of consent may then be imported into the electronic document. It is important that the certificate of consent include the legal description of the parcel of land approved for severance.

Although the electronic registration of certificates of consent is accommodated by the Teraview software, the legal community has been encouraged to rely upon law statement 100.

- For Transfers or Transfers of Easement, one of the following statements must be completed:
 - Statement 100 A consent from NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE' [i.e. *Subsection 50(3) or (5), as the case may be of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent*]
 - Statement 101 The NAME has consented to this severance herein: IMPORT CONSENT
- The Charge document does not include either statement 100 or 101. The certificate of consent has to be imported into the electronic document as a schedule using statement 61.

Regardless of which statement is selected, it is important that the municipality continue to issue the traditional paper certificate of consent. A lawyer, who decides to make law statement 100, will want to have the actual signed certificate on file. This also provides the lawyer with the option of scanning the certificate and importing it into the electronic document as a TIF or PDF file.

In addition to the paper certificate, many participants of e-MUG also e-mail the lawyer (applicant) with an electronic copy of the certificate. Preference is given to the PDF format because of the added security that it affords. The original certificate can first be scanned, then converted to a PDF file or the WordPerfect/Word version of the certificate (including the name of the signing authority in quotations and the date) can be converted to a PDF file.

Many e-MUG participants felt that the use of law statement 100, may result in a substantial increase in requests for information. Dealing with these requests could prove costly to the municipality. Therefore, at a minimum, municipalities wanted to provide the lawyer (applicant) with the certificate of consent in a format that readily facilitated being included in the electronic registration.

There was also much discussion among e-MUG participants over the various practices of municipalities related to the traditional call for executed copies of the Transfers and copies of the Transfers as registered. However, any changes to these practices had little to do with the e-reg system and more to do with the level of policing the municipality was prepared to offer and have not been included in this practice circular. Basically, the municipality is not responsible for the correctness of the legal description in any registered documents to which a certificate of consent relates. This is why it is so important that certificates of consent include the legal description of the parcel of land approved for severance.