

**e-MUG**  
**ELECTRONIC REGISTRATION MUNICIPAL USERS' GROUP**

**PRACTICE CIRCULAR NO. 4**

**NOTICE OF AGREEMENT**  
**(Section 71, Land Titles Act)**

Many of the municipality's agreements with land owners are registered under Section 71 of the *Land Titles Act*.

Historically, the municipality would affix an original executed copy of its agreement to an application under Section 71 (Document General) and present it for registration. Typically the agreement contained the property owner's consent to the registration and the Document General was only signed by the municipality, as applicant.

The Electronic Registration Procedures Guide sets out a list of the types of documents that the Director of Land Titles has approved for registration under Section 71. Of special interest to municipalities this list includes notice of a number of agreements registered pursuant to the Planning Act.

**“Single Party” Registrations:** Provided that the agreement cites the specific statute and section under which it is registered and also indicates the property owner's consent to the registration of the agreement, certain municipal agreements are considered single party registrations. The electronic registration need only be signed by the applicant, typically, the municipality. Do not complete the section on “Party To” in the electronic document in a single party registration. Such registrations include site plan and zoning agreements and encroachment agreements. When registering these agreements through the Teraview software the municipality will typically complete the following statements:

- Statement 2909 This document is not authorized under Power of Attorney
- Statement 3742 This document is being authorized by a municipal corporation NAME OF AUTHORIZING PERSON
  
- Statement 3545 This notice may be deleted by the Land Registrar after YYYY/MM/DD; or Statement 3547 This notice is for an indeterminate period and/or Statement 3548 The Land Registrar is authorized to delete the notice on the consent of the following party(ies) NAMES
- Statement 61 Schedule 61: TEXT

Multi-party agreements can also be registered as single party registrations. However, in such cases it will be important to name all of the benefiting parties in Statement 3548.

When single party registrations are conducted in the manner as outlined above, the municipality's name is only abstracted on the parcel register under the column for "Parties From" and the column under "Parties To" is left blank. In order that the municipality's name be properly abstracted in the "Parties To" column, some municipalities have taken to inserting the municipality's name in both columns and electronically signing the document twice, once for the "Party To" and again for the "Party From".

**Notice of Subdivision Agreement:** A separate document format is provided in the Teraview software for subdivision agreements. It differs from other registrations under Section 71, in that it requires the signature of a "Party To". It also includes the following optional statement:

- Statement 3741 This document is being registered pursuant to Inhibiting Order INSTRUMENT NO.

As with other municipal registrations, it is preferred that the agreement be imported into Statement 61 in PDF format because of the added security that it affords. We should keep in mind that we are only registering *notice* of an agreement. Whether your municipality prefers to scan the agreement as executed by the parties or merely register the text of the agreement, with or without signatures inserted in quotes, it does not matter. Either is acceptable and either can readily be converted to PDF format before it is imported into Statement 61.